

LICENSING COMMITTEE

WEDNESDAY 30 MAY 2012 AT 2.50PM

PRESENT: Councillor Bell (Chairman), Councillors Allison, Bowman C (as substitute for Councillor Layden), Cape, Craig, Ms Franklin, Morton, Mrs Parsons, Scarborough, Mrs Stevenson, Mrs Vasey and Mrs Warwick.

LC.07/12 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Layden.

LC.08/12 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

LC.09/12 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 14 March 2012 be agreed as a correct record of the meetings and signed by the Chairman.

LC.10/12 MINUTES OF LICENSING SUB COMMITTEES

RESOLVED – That the Minutes of the meetings of Licensing Sub-Committee 1 held on 13 March 2012, attached as Appendix A to these Minutes, be noted.

LC.11/12 UPDATE ON LICENSING ACT 2003

The Licensing Manager presented report GD.27/12 giving Members an update on the applications under the Licensing Act 2003.

The Licensing Manager reported on the licence figures as at 21 May 2012.

The Licensing Manager added that the Carlisle and Eden Best Bar None Awards 2012 had been launched in January 2012 and the award ceremony had been held on 22 May 2012 at the Crown and Mitre Hotel. The winners for the Carlisle area were:

- Carlisle Best Pub –Turf Tavern
- Carlisle Best Bar – Lloyds No.1
- Carlisle Best Club – Walkabout
- Carlisle Rural Best Premises – Graham Arms Hotel, Longtown
- CFM Radio People's Choice Carlisle – Club Rock

The overall winner was Walkabout.

The Panel congratulated the Licensing Manager and his team for the continuing success of the Best Bar None Scheme and acknowledged the hard work involved in organising the event.

RESOLVED – That Report GD.27/12 be noted.

LC.12/12 GAMBLING ACT 2005 –UPDATE

The Licensing Manager presented report GD.28/12 giving Members an update on applications made under the Gambling Act 2005.

The Licensing Manager highlighted the licence figures as at 21 May 2012.

In accordance with the Gambling Act 2005, licensing authorities were required to publish a statement of the principles which they proposed to apply when exercising their functions. The Statement must be published every three years. The last statement had been published in January 2010 and a reviewed policy must be published by January 2013.

He reminded the Committee that a small working group consisting of the Chairman of the Licensing Committee, two Councillors, the Legal Adviser and the Licensing Manager had been established in 2009 to prepare the Statement and it was suggested that a similar approach be used this time.

RESOLVED – 1) That Report GD.28/11 be noted.

2) That Councillor Bell, as Chairman of the Licensing Committee, and Councillors Mrs Vasey and Mrs Warwick be appointed to the Gambling Policy Working Group.

LC.13/12 POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The Licensing Manager submitted report GD.32/12 which provided and update on the changes made to the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011.

The Licensing Manager informed the Committee that the Police and Social Responsibility Act 2011 had been passed by Parliament and received Royal Assent in September 2011. Part 2 of the Act made changes to the Licensing Act 2003 and the first of the changes came into effect on 25 April 2012.

The Licensing Manager outlined the changes highlighting the 'evidential burden' on Licensing Sub-Committees, changes to Temporary Event Notices, the fine for persistently selling alcohol to children, suspension of premises licence for failure to pay the annual fee and the statement of Licensing Policy.

He drew particular attention to the changes made to responsible authorities. The Licensing Authority for the area in which a premises was situate (or partly situate) and the Primary Care Trust/Local Health Board would become responsible authorities with the power to:

- make representations against applications for new licence and variations, and
- make review applications

He added that there were no changes to the 4 licensing objectives and public health did not become a licensing objective.

The Licensing Manager explained that the term 'interested party' and its definitions had been deleted throughout the Act and replaced by either 'other person' or 'any other person'. This meant that any person (resident, business, Councillor, MP, etc) could make representations or apply for a review, regardless of where they resided as there was no longer a 'vicinity' requirement.

As a result of the Licensing Authority becoming a Responsible Authority, as well as being the determining authority for all applications it was recommended that the Director of Governance be given delegated authority to act as the Responsible Authority. If this change was agreed the Constitution would need to be amended to reflect the change and this would require approval by full Council.

The Chairman asked that consideration also be given to changing the Council's Constitution to allow for the Chairman and Vice Chairman of the Regulatory Panel to be appointed by full Council alongside the Licensing Committee. The Legal Services Manager agreed to discuss this further with the Director of Governance.

RESOLVED – 1) That the update on the Police Reform and Social responsibility Act 2011 be noted:

2) That the City Council be recommended to amend the Constitution as follows:

- Table at Section 2A, Schedule 1 - Licensing Committee delegation of functions.

Making of a representation as a Responsible Authority in relation to an application, delegated to the Director of Governance.

- Section 2B, Delegation of Council functions to the Council's Officers.
New Paragraph 4.1 - Powers delegated to the Director of Governance
- To make representations as a Responsible Authority, where appropriate, in response to applications.

LC.14/12 APPOINTMENT TO LICENSING SUB COMMITTEES

Consideration was given to the amendment of the appointment of Members to serve on the four Licensing Sub-Committees. A copy of the schedule showing the group amendments to those four sub-committees had been circulated. It was moved, seconded and

RESOLVED – That the schedules setting out the appointment of Members to serve on the four Licensing Sub-Committees for Municipal Year 2012/13, as set out below, be approved.

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 1 (3)	1 Morton Sub: Layden	1 Bell Sub: Cape Sub: Franklin	1 Allison	
Licensing Sub-Committee 2 (3)	1 Layden 2 Vasey Sub: Morton Sub: Craig	1 Franklin Sub: Warwick		
Licensing Sub-Committee 3 (3)	1 Parsons	1 Cape 2 Stevenson Sub: Vasey	LIBERAL DEMOCRAT Sub: Allison	INDEPENDENT GROUP
Licensing Sub-Committee 4 (3)	1 Craig Sub: Parsons	1 Scarborough 2 Warwick Sub: Bell Sub: Stevenson	LIBERAL DEMOCRAT	INDEPENDENT GROUP

(The meeting ended at 3.00pm)