

# AGENDA

## Licensing Committee

**Wednesday, 20 January 2021 AT 16:01**

**This meeting will be a virtual meeting and therefore will not take place in a physical location.**

### **Virtual Meeting - Link to View**

This meeting will be a virtual meeting using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

### **Register of Attendance and Declarations of Interest**

A roll call of persons in attendance will be taken and Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **Minutes of Previous Meetings**

To note that Council, at its meeting on 5 January 2020, received and adopted the minutes of the meeting held on 18 November 2020. The Chair will sign the minutes at the first practicable opportunity. [Copy Minutes Minute Book 47(4)]

**To be considered when the Public and Press are present**

**5 - 8**

## A.2 GAMBLING ACT 2005 UPDATE

**9 - 12**

### A.3 LICENSING SUB COMMITTEE 4 MINUTES

13 -  
16

To confirm the minutes of the meeting of the Licensing Sub Committee 4 which was held on 9 November 2020.  
(Copy minutes herewith)

**To be considered when the Public and Press are excluded from the meeting**

- NII -

## Members of the Licensing Committee

**Labour** – Ms Ellis-Williams (Chair), Miss Sherriff, Dr Tickner, Patrick, Miss Whalen, Birks (sub) McNulty (sub),

**Independent** - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

Rachel Plant, Democratic Services Officer - [rachel.plant@carlisle.gov.uk](mailto:rachel.plant@carlisle.gov.uk)



# Report to Licensing

Agenda  
Item:

Committee  
**CARLISLE**  
CITY COUNCIL

**A.1**



Meeting Date: 20  
Portfolio: [www.carlisle.gov.uk](http://www.carlisle.gov.uk) and Resources  
Key Decision: No  
Within Policy and  
Budget Framework NO  
Public / Private Public

Title: LICENSING ACT 2003 - UPDATE  
Report of: Director of Governance and Regulatory Services  
Report Number: GD.08/21

## Purpose / Summary:

This report gives an update on the Council's current position regarding applications under the Licensing Act 2003.

## Recommendations:

Members are requested to note the information.

## Tracking

Executive:	
Scrutiny:	
Council:	

## 1. BACKGROUND

- 1.1 The Licensing Act 2003 took effect on 24<sup>th</sup> November 2005, from which date this Council administered all licences issued.
- 1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

## 2 Licence figures – as at 22<sup>nd</sup> December 2020

	Personal Licence	Premises Licence with Alcohol	Premises Licence without Alcohol	Club Premises Certificate
Previous Report	1967	431	64	20
Current Report	1971	431	64	20
Surrendered/Revoked in reporting period	0	2	0	0

### New Premise Licences Issued within reporting period

- Fenney Street Distillery Ltd, Newby Cross, Carlisle (off sales only)
- Oliver Chester Ltd, Townfoot Industrial Estate, Brampton (off sales only)

### Temporary Event Notices

Year	Received	Refused	Year	Received	Refused
2008	267	2	2015	220	0
2009	203	12	2016	211	0
2010	243	5	2017	209	1*
2011	276	6	2018	182	0
2012	247	4	2019	184	0
2013	200	3	2020	63	0
2014	200	2			

## 4 RECOMMENDATIONS

Members are requested to note this report.

**Contact Officer:** Nicola Edwards

**Ext:** 7025

**Appendices attached to report:** None

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

**CORPORATE IMPLICATIONS:**

**LEGAL - None**

**FINANCE – None**

**EQUALITY – None**

**INFORMATION GOVERNANCE – None**





# Report to Licensing Committee

Agenda  
Item:

**A.2**

Meeting Date: 20<sup>th</sup> January 2021  
Portfolio: Finance, Governance and Resources  
Key Decision: No  
Within Policy and Budget Framework: No  
Public / Private: Public

Title: GAMBLING ACT 2005 - UPDATE  
Report of: Director of Governance and Regulatory Services  
Report Number: GD.09/21

## Purpose / Summary:

Local Authorities assumed responsibility for issuing premises licences under the Gambling Act 2005 on 1<sup>st</sup> September 2007. This report gives an update on the current position regarding licences, permits and applications made under this legislation.

## Recommendations:

1. Members are requested to note the information.

## Tracking

Executive:	NA
Scrutiny:	NA
Council:	NA

## 1.0 BACKGROUND

- 1.1 The Gambling Act 2005 took effect on 1<sup>st</sup> September 2007, from which date this Council assumed responsibility for administering premises licences.
- 1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

## 2 LICENCE FIGURES - as at 22<sup>nd</sup> December 2020

### 2.1 Premises

	Adult Gaming Centres	Betting Premises (non-track)	Betting Premises (Track)	Bingo Premises	Unlicensed Family Entertainment Centre
Previous Report	0	15	1	2	2
Current Report	0	14	1	2	2
Surrendered/Revoked in reporting period	-	1	-	-	-

### 2.2 Gaming Machines

	Club Gaming Permit	Club Machine Permit	Notification of Gaming Machines	Licensed Premises Gaming Machine Permits
Previous Report	5	5	77	18
Current Report	5	5	77	18
Surrendered/Revoked in reporting period	-	-	-	-

#### Club Gaming Permit

These are granted to member's clubs to permit specifically the playing of chemin de fer (the original version of the card game baccarat) and pontoon (not blackjack) and to charge higher participation fees. The permit also allows the use of a variety of gaming machines including category B3.

### **Club Machine Permit**

Granted to Member's clubs to permit the use of gaming machines including category B3.

### **Alcohol Premises - Gaming Machine Permits/Notifications**

These are granted to alcohol licensed premises. Under the Gambling Act premises must give a notification of 2 machines or less, or a Licensed Premises Gaming Machine Permit for 3 or more machines, both of which last indefinitely (with certain conditions).

## **2.3 Small Society Lottery Registrations**

Small society lotteries do not require a licence but must be registered with the local authority in the area where the principal office of the society is located. Society lotteries are promoted for the benefit of a non-commercial society.

Current Registrations                      193

## **3 Recommendations**

Members are requested to note the information.

**Contact Officer:**                      [Nicola.edwards@carlisle.gov.uk](mailto:Nicola.edwards@carlisle.gov.uk)

**Appendices attached to report:**                      **None**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

### **CORPORATE IMPLICATIONS:**

**LEGAL - None**

**FINANCE – None**

**EQUALITY – None**

**INFORMATION GOVERNANCE – None**



**LICENSING SUB COMMITTEE 4****MONDAY 9 NOVEMBER 2020 AT 10.00AM**

PRESENT: Councillors Bainbridge, Meller and Sherriff.

ALSO PRESENT: Councillor Ms Patrick

OFFICERS: Assistant Solicitor  
Licensing Manager  
Licensing Officer  
Regulatory Compliance Officer (Apprentice)

There were no objections to the three Members of the Licensing Sub Committee, Councillor Ms Patrick remained for the duration of the meeting..

**LSC.04.01/20 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED – That Councillor Bainbridge be appointed as Chair for Licensing Sub Committee 4 for this meeting. Councillor Bainbridge thereupon took the Chair.

**LSC.04.02/20 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Dr Tickner.

**LSC.04.03/20 DECLARATIONS OF INTEREST**

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

**LSC.04.04/20 PUBLIC AND PRESS**

The Chair requested that the matter be considered in private due to the nature of the personal and business information contained within the report. The request was seconded and it was RESOLVED – That the consideration of suspension or revocation of a Personal Licence following conviction of a relevant offence – Licensing Act 2003 (GD.51/20) be moved into part B of the agenda to be considered when the public and press were excluded from the meeting in accordance with Section 100A(4) of the Local Government Act 1972. The decision was taken on the grounds that it involved the likely disclosure of exempt information as defined in paragraph number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

**LSC.04.05/20 CONSIDERATION OF SUSPENSION OR REVOCATION OF A PERSONAL LICENCE FOLLOWING CONVICTION OF A RELEVANT OFFENCE – LICENSING ACT 2003**

(Public and Press excluded by virtue of Paragraph 1)

The Licensing Manager submitted report GD.51/20 regarding a Personal Licence Holder who had been convicted of offences contrary to The Food Safety Act 1990. The Offences were relevant under the Licensing Act 2003.

In addition to the Council's Licensing Manager, Licensing Officer, Assistant Solicitor and Democratic Services Officer, the following people attended the meeting to take part in proceedings:

Personal Licence Holder  
Personal Licence Holder's Witness  
Trading Standards Representative

The Assistant Solicitor outlined the procedure for the meeting. All parties confirmed that they had received and read the Licensing Officer's report and that they were happy to represent themselves.

The Licensing Officer set out the Personal Licence Holder's background, the circumstances leading to the conviction, the subsequent charges and fines.

The Licensing Officer reported that the Personal Licence Holder had been informed that he had to notify the Licensing Office of the conviction of three offences contrary to Food Safety Act 1990 Sections 15(1)(a), 35(2), 33(1)(b) and 35(1), to return his Personal Licence for endorsement and of any intention to appeal. The appeal period passed, the Personal Licence Holder was given a deadline, via letter, to return his Personal Licence for endorsement.

The Personal Licence Holder did not return his Personal Licence which was an offence contrary to Section 134(5) of The Licensing Act 2003. The Personal Licence Holder was then given notification that the Licensing Authority was to consider suspension or revocation of his Personal Licence and he had 28 days to forward representations.

The Trading Standards Officer responded to a Member's question and clarified some of the background to the reason for the conviction.

The Personal Licence Holder addressed the Sub Committee. He apologised to the Sub Committee, he explained his personal circumstances and the situation which led to the conviction. He detailed the impact the conviction had on his personal life and his business and gave reasons for the delay in providing his Personal Licence to the Licensing Office.

The Personal Licence Holder's Witness informed the Sub Committee of his relationship with the Personal Licence Holder and outlined his professional background. He detailed his involvement in the circumstances which led to the conviction adding that he had acted on good faith and had been very shocked by the conviction. He reiterated the Personal Licence Holder's circumstances and the impact the conviction had on him and his business.

In response to questions the Personal Licence Holder's Witness clarified some of the details within the conviction, where licensed premises could purchase alcohol from and what agreements may be in place between licensed premises and their landlords.

The Licensing Manager reported that there was an Alcohol Wholesaler Registration Scheme which approved producers and wholesalers for the sale of alcohol. Licensed premises were only able to purchase alcohol through the approved wholesalers.

The Licensing Officer outlined the relevant Legislation and the options open to the Sub Committee.

The Personal Licence Holder summed up by asking the Sub Committee for leniency and apologising for the situation.

At 10.48am Sub Committee Members, Assistant Solicitor and the Democratic Services Officer withdrew from the meeting to give detailed consideration to the matter.

The Sub Committee returned at 11.05am to present their decision.

The Sub Committee's decision was:

### **CONSIDERATION OF SUSPENSION OR REVOCATION OF A PERSONAL LICENCE FOLLOWING CONVICTION OF A RELEVANT OFFENCE – LICENSING ACT 2003**

The matter concerned a Personal Licence Holder who had been convicted of three offences contrary to The Food Safety Act 1990. The offences were relevant under the Licensing Act 2003.

The Sub Committee had considered report GD.51/20 and the representations made at the meeting and had taken into account the evidence before it. In particular, it had listened to the submission made by:

Licensing Authority  
Personal Licence Holder  
Personal Licence Holder's Witness

And the written submission made by:

Trading Standards

The matter was determined in accordance with S132A of the Licensing Act 2003, the Statement of Licensing Policy and para 4 of the S182 guidance issued by the Secretary of State.

In reaching the decision the Sub Committee had regard to the 4 Licensing Objectives and the Licensing Policy as well as the legislation and s182 guidance.

The Sub Committee considered the options available namely:

- To take no action
- To suspend the Personal Licence for a period not exceeding 6 months
- To revoke the Personal Licence

After careful consideration the sub Committee had unanimously decided to revoke the Personal Licence.

The reasons for the decision were:

1. The Personal Licence Holder had not met the licensing objective of public safety by selling a drink, unknown to the public, under another label
2. The Personal Licence Holder had cheated his customers selling a cheaper drink under a more expensive brand label
3. The Personal Licence Holder was convicted of criminal offences contrary to 3 sections of the Food Safety Act 1990
4. The Personal Licence Holder displayed obstructive behaviour to Trading Standards
5. The Personal Licence Holder did not purchase alcohol from an approved wholesaler
6. The Personal Licence Holder had a duty to report the convictions to the Licensing Authority under s132 of the Licensing Act 2003 and failed to do so
7. The Personal Licence Holder failed to return his Personal Licence to the Licensing Authority contrary to s134(5) of the Licensing Act 2003

The Personal Licence Holder had the right of appeal to the Magistrates Court. The decision would be confirmed in writing.

(The meeting ended at 11.11am)