

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in Meeting Room One, Council Offices, Priory Road, Spalding on Tuesday 21 November 2006.

PRESENT

Councillors:

S F Williams Chairman
M R Taylor Vice-Chairman

J M Atkin
F Biggadike

G K Dark
P A Espin

S Keeble

The Head of Legal and Member Services, the Food Safety and Licensing Team Leader and the Licensing Officer.

In attendance: The Press.

Apologies for absence were received from Councillor M Bamber, Councillor T Bray and Councillor A Parker.

223a. **MINUTES**

The minutes of the meeting held on 29 June 2006 was signed by the Chairman as a correct record.

223b. **GAMBLING ACT 2005**

Consideration was given to the report of the Head of Community and Neighbourhood Services which sought approval for the Final Statement of Principles in respect of the Gambling Act 2005.

The Gambling Act 2005 placed a duty on the Licensing Authority to publish a Statement of Principles, following a consultation period with responsible bodies and those with an interest. The Licensing Team had conducted a consultation with those identified either statutorily as 'responsible bodies' or those with an interest.

The Team Leader for Food Safety and Licensing advised that five representations had been received. In order to assist the Committee, officers had reviewed the representations and, where it was felt appropriate to do so, the draft Statement of Principles had been amended to reflect those representations.

The Council had a legal duty to produce and publish a Statement of Principles under the Gambling Act 2005.

The Committee discussed the draft Statement of Principles. The Team Leader for Food Safety and Licensing advised that on 30 April 2007 the Council would start to receive applications.

DECISION: That the draft Statement of Principles be approved without amendment; and referred to full Council for approval.

223c. **LICENSING ACT 2003 AND ASSOCIATED LEGISLATION**

Consideration was given to the report of the Head of Community and Neighbourhood Services which sought approval for an enforcement protocol in respect of the Licensing Act 2003.

The Licensing Act 2003 placed a number of duties and responsibilities on the Licensing Authority. Once a licence was issued, it would normally contain a number of conditions which the licence holder must comply with. A breach of the conditions would be an offence under the Licensing Act.

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223c. LICENSING ACT 2003 AND ASSOCIATED LEGISLATION (Continued)

When incidents occurred it could be complicated as to who was the correct enforcing authority and what legislation should be used for enforcement purposes. There was confusion as to who was the most appropriate 'responsible body' to deal with the matter on some occasions. It was felt that in order to provide guidance to officers and 'responsible bodies' a formal enforcement protocol should be agreed.

The proposed enforcement protocol was based on that drafted by the Lincolnshire Licensing Group. It was felt that the guidelines should be consistent throughout Lincolnshire and should reflect the consensus of opinion of Senior Licensing Officers in Lincolnshire. Some liaison had been undertaken by the group with 'responsible bodies'.

The report stated that there were no staffing implications and no legal or financial implications if the recommendations were accepted. However, the Committee was concerned about the Licensing Teams capacity and capability to carry out the enforcement work in accordance with the protocol.

- DECISION:
- (a) That the Enforcement Protocol be approved;
 - (b) That a report be submitted to the next meeting of the Committee of the Licensing Authority regarding their capacity and capability to carry out enforcement now and in the future; and
 - (c) That a partnership be set up between the Committee of the Licensing Authority and 'Responsible Bodies', to improve and enhance working arrangements, enforcement issues and any other matters in relation to the Licensing Act 2003 and ensuring the Licensing objectives are met. The initial meeting would ask attendees if they would like this to be scheduled on a regular basis (e.g. quarterly).

223d. PROTOCOL ON GOOD PRACTICE IN LICENSING

Consideration was given to the report of the Head of Legal and Member Services regarding the outcome of consideration of this matter by full Council on 15 November 2006.

The Council had approved a protocol on Good Practice in Licensing except for the provision relating to site visits. It was decided to delegate authority to the Licensing Committee to consider the provision of guidance in respect of:

- Reasons why site visits might be required so that there are clear criteria for justifying any visit which can be documented;
- How visits are conducted; and
- Who can require site visits.

The Committee was requested to give consideration to the provision of guidance in respect of the above. The Committee was also advised that it should have regard to the issues raised in the report submitted to Council relating to bias and predetermination.

The Head of Legal and Member Services made suggestions in respect of the guidance requested. The Committee discussed the suggestions.

- DECISION:
- (a) That the draft guidance notes be approved for consultation purposes, as detailed below:

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223d. **PROTOCOL ON GOOD PRACTICE IN LICENSING** (Continued)

Reasons for site visits

- When a site visit would assist the Licensing Panel to assess the impact that the premises might have on premises of interested parties and the submitted plans are not capable of doing this;
- When a site visit would enable the Panel to assess the internal layout of premises and the submitted plans are not capable of doing this; and
- Any other exceptional circumstances that the Licensing Officer considers appropriate.

How site visits are conducted

- The Licensing Officer will, where necessary, make arrangements for the inspection of the premises with the applicant;
- The site visit will be “chaired” by the Panel Chairman, but it will not be a formal meeting;
- Licensing officers will attend to advise and answer questions;
- At arrival at the site members will receive an introductory briefing from the Licensing Officer about the site, the proposal and the reason for the visit;
- Members will view the application site and the submitted plans;
- On site discussions will relate solely to the purpose of the inspection. Formal consideration of all the issues relevant to the application takes place at the Panel hearing;
- No communication will take place between members and those other parties. There will be no discussion on the merits or otherwise of the application; and
- Members who have not been able to attend the site visit will be able to participate in the Panel hearing.

Who can require a site visit

- On the request of a Panel member the Licensing Officer will decide whether or not to hold a site visit after consultation with the other two Panel members; and
- The member requesting the site visit to state, in writing, the reasons for the site visit.

(Meeting ended at 7.55 p.m.)

(End of minutes.)