

AGENDA



- Committee - **COMMITTEE OF THE LICENSING AUTHORITY**
- Date & Time - Tuesday, 28 October 2014 at 6.35 pm or immediately following the conclusion of the Licensing Committee whichever is the later.
- Venue - Meeting Room 1, Council Offices, Priory Road, Spalding

Membership of the Committee of the Licensing Authority:

Councillors: F Biggadike (Vice-Chairman), A Casson, M G Chandler (Chairman), P E Coupland, G K Dark, C J Lawton, D J Wilkinson, R M Rudkin, R Perkins and A Harrison

Persons attending the meeting are requested to turn mobile telephones to silent mode

Member Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Date: 20 October 2014

Please ask for Shelley French: Telephone 01775 764451
e-mail: sfrench@sholland.gov.uk

AGENDA

1. Apologies for absence.

2. Declaration of interests:

(Members are no longer required to declare personal or prejudicial interests but are to declare any new Disclosable Pecuniary Interests that are not currently included in their Register of Interests.

Members are reminded that under the Code of Conduct they are not to participate in the whole of an agenda item to which they have a Disclosable Pecuniary Interest. In the interests of transparency, members may also wish to declare any other interests that they have, in relation to an agenda item, that supports the Nolan principles detailed within the Code of Conduct.)

3. Minutes - To consider the minutes of the meetings held on:

a) Committee of the Licensing Authority - 22 April 2014 (Pages 1 - 4)

b) Special meeting of the Committee of the Licensing Authority - 14 May 2014 (Pages 5 - 6)

4. Amendments to the Licensing Act 2003: (Pages 7 - 10)

To advise on proposed changes to the Licensing Act 2003 made by the Deregulation Bill (Report of the Assistant Director Community enclosed).

5. Licensing Act 2003 - new Mandatory Conditions: (Pages 11 - 16)

To advise on changes to the provisions of Licensing Act 2003 via new Mandatory Conditions (Report of the Assistant Director Community enclosed).

6. Any other items which the Chairman decides are urgent:

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 22 April 2014 at 6.35 pm.

PRESENT

M G Chandler (Chairman)
F Biggadike (Vice-Chairman)

A Casson
P E Coupland
G K Dark

D J Wilkinson
R J H Creese
R M Rudkin

R Perkins

In attendance: The Licensing Manager, Nr D Naghen (Maples Solicitors) and the Member Services Support Officer

Apologies for absence were received from Councillor C J Lawton

7. **DECLARATION OF INTERESTS**

There were none.

8. **MINUTES**

The minutes of the meeting held on 19 November 2013 were signed by the Chairman as a correct record.

9. **A CONSULTATION ON FEES UNDER THE LICENSING ACT 2003**

Consideration was given to the report of the Assistant Director of Commissioning on the Consultation on fees under The Licensing Act 2003.

The Government was committed to cutting red tape within the licensing regime for responsible businesses. They had recently reduced regulation on live music and had also brought forward additional proposals for further deregulation of entertainment and removal of burdens on late night refreshment providers as well as reduction of the burden on the personal licence holder.

As part of the Government's proposal to rebalance the Act, they recognised that some Licensing Authorities faced significant deficits in carrying out the licensing function, as the fee levels had remained unchanged since the implementation of the Act in 2005.

The Government introduced provisions within the Police and Social Responsibility Act 2011 to enable local fees to be based on cost recovery, a cap on fees had however been introduced. A consultation on the proposed cap on fees ran between February 2014 and 10 April 2014. The Licensing Team had sent a response to the consultation to the Home Office supplying answers to the 29 questions included, a

**COMMITTEE OF THE LICENSING
AUTHORITY - 22 April 2014**

copy of which, had been appended to the report. The Licensing Manager advised members that a response to the consultation was anticipated by the end of 2014.

DECISION:

That the formal response sent to the Home Office providing answers to the questions posed within the consultation be noted.

**10. THE INTRODUCTION OF A CODE OF PRACTICE FOR OFF LICENCES IN
SOUTH HOLLAND**

Consideration was given to the report of the Assistant Director of Commissioning on the introduction of a Code of Practice for Off Licences within South Holland.

The proposed introduction of a Code of Practice for off licences arose as a result of discussions into the introduction of a Cumulative Impact area within Spalding, which for varying reasons did not proceed.

The Safer Spalding Project was a partnership between South Holland District Council – Licensing and Community Safety, Lincolnshire Police Community, Lincolnshire County Council Licensing Team, Lincolnshire Trading Standards and the Spalding Branch of the Lincolnshire Chamber of Commerce. The group was formulated to assist with issues around street drinking and underage sales, initially within Spalding Town Centre.

The proposed initial plan was to introduce a document as a voluntary code of good practice for all off licences within the current DPPO (Designated Public Place Order), which covers Spalding Town Centre. It was hoped that should the voluntary code prove a valuable tool to support the licensing objectives it may be expanded to cover all off licences within South Holland District.

A number of aspects within the proposed code were currently being used effectively in other authorities and should it be accepted within the DPPO it would be a valuable guide should any off licence fall foul of the principles. Relevant parts of the code may be added as conditions to offending premises' licence as a minor variation or following a review of a premises licence.

The Chairman advised members of the committee that should the Code of Practice be approved by the Committee of the Licensing Authority, Lincolnshire Trading Standards would publish it for distribution to all licensed premises within the DPPO. Once launched it was hoped that it would be well publicised within local papers, radio and speaking to individual retailers.

Members agreed that the document was very comprehensive and hoped would prove valuable to retailers, and give confirmation to those responsible retailers that they were adhering to good practice.

**COMMITTEE OF THE LICENSING
AUTHORITY - 22 April 2014**

Concerns were raised by members on signage to shop frontages and off licences within Town Centres and requested that suggestions be made to individual premises with regard to the design and style. It was noted some members of the committee that this issue had been raised at Spalding Town Forum and the Policy Development Panel, advice was that there was little within Planning Policy that meant anything could be enforced.

DECISION:

That the Committee of the Licensing Authority give full approval of the Code of Practice for Off Licensed Retailers.

11. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

There were none.

(The meeting ended at 7.34 pm)

(End of minutes)

This page is intentionally left blank

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 14 May 2014 at 7.04 pm.

PRESENT

M G Chandler (Chairman)
F Biggadike (Vice-Chairman)

A Casson
P E Coupland
G K Dark

C J Lawton
D J Wilkinson
R M Rudkin

R Perkins

1. **APPOINTMENT OF SUB-COMMITTEES**

Members were asked to appoint a selection of Sub-Committees to discharge duties under the Licensing Act 2003.

It was noted that the Constitution required that the Licensing Committee of the Authority should appoint such number of sub-committees as it considered necessary to discharge any of the duties under the Licensing Act 2003 that were delegated to a sub-committee by the Licensing Committee. The Constitution also required that each sub-committee should have a named membership which comprised two ordinary members of the Licensing Committee and either the Chairman or Vice-Chairman of the Licensing Committee. However, in exceptional circumstances where both the Chairman and Vice-Chairman are unable to sit on a Panel, the Licensing Panel comprise three ordinary members of the Licensing Committee, with the Chairman being elected at the beginning of the hearing for the duration of the hearing only with the said person being fully trained in chairing and licensing issues (min 337/09).

In previous years members had approved a schedule of sub-committees which included every possible combination of members within this Constitutional requirement. As there were 10 members of the Committee this made a total of 56 sub-committees. A schedule of sub-committees could not be prepared prior to the meeting as the Chairman and Vice-Chairman of the Licensing Committee were not appointed at the date of despatch of the agenda. It was therefore recommended that the method of appointing the sub-committees used in previous years be used again for the forthcoming municipal year, and that details of the sub-committees be circulated within the minutes of this meeting.

DECISION:

- (a) That the method of appointment of sub-committees for the purpose of discharging duties under the Licensing Act 2003, as used in previous years, be used again for the forthcoming municipal year, in accordance with the details shown at Appendix A; and
- (b) That in exceptional circumstances where both the Chairman and Vice-Chairman are unable to sit on a Panel, the Licensing Panel comprise three ordinary

**COMMITTEE OF THE LICENSING
AUTHORITY - 14 May 2014**

members of the Licensing Committee, with the Chairman being elected at the beginning of the hearing for the duration of the hearing only with the said person being fully trained in chairing and licensing issues.

(The meeting ended at 7.06 pm)

(End of minutes)

SOUTH HOLLAND COUNCIL

Report of: Assistant Director Community – Rob Walker

To: Committee of the Licensing Authority - 28 October 2014

Author: Fiona Inston – Licensing and Business Support Manager

Subject: Amendments to the Licensing Act 2003

Purpose: To advise on proposed changes to the Licensing Act 2003 made by the Deregulation Bill.

Recommendation:

That members note the proposed legislative changes to the Licensing Act 2003 made by the Deregulation Bill.

1.0 BACKGROUND

- 1.1 The Deregulation Bill is with the House of Lords for consideration having completed all stages of readings and committees in the House of Commons. A commencement date is not yet known. The Bill can be viewed by following the link in the Background Papers section of this report. The Deregulation Bill contains 7 clauses which would amend the Licensing Act 2003.
- 1.2 Clause 52 introduces CANs (Community & Ancillary Sellers Notices) which are 36 month permissions for alcohol sales only, for consumption on the premises only provided the sales are ancillary to a community event or business. This would only be for up to 300 people between 7am and 11pm and a fee will be payable. Regulations would be made to provide more detail on these proposals.
- 1.3 Clause 53 of the Deregulation Bill proposes an increase on the annual limit of Temporary Event Notices (TENs) per premises from 12 to 15.
- 1.4 Clause 54 of the Bill abolishes the requirement to renew personal licences issued under the Licensing Act 2003. Currently personal licences are issued for a period of 10 years with the first South Holland licences due for renewal in March 2015. However there have been hints that the regulations for this abolishment would not be available until April 2015.
- 1.5 Clause 55 proposes to allow the sale of liqueur confectionary to under 16's which is currently an offence.
- 1.6 Clause 56 proposes introducing a local discretion to exempt areas or types of business from requiring a licence for late night refreshment (the provision of hot food or drink between the hours of 11pm and 5am). Regulations will provide more details.
- 1.7 Clause 57 removes the requirement to report lost or stolen licences to the police.
- 1.8 Clause 58 proposes to remove community film shows from within the current definition of regulated entertainment. This would mean that not for profit film shows to fewer than 500

people between the hours of 8am and 11pm would not require a licence. Regulations will again provide more details on this.

2.0 **OPTIONS**

2.1 That members note the proposed amendments to the Licensing Act 2003 by the Deregulation Bill.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 Legislative changes will apply within the South Holland Council district.

4.0 **EXPECTED BENEFITS**

4.1 N/A

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 It is the opinion of the Report Author that there are no implications.

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Risk Management**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Staffing**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Stakeholders / Consultation / Timescales**

5.10.1 It is the opinion of the Report Author that there are no implications.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

Background papers:-

Deregulation Bill: <http://www.publications.parliament.uk/pa/bills/lbill/2014-2015/0033/15033.pdf>

Lead Contact Officer

Name and Post: Fiona Inston – Licensing and Business Support Manager

Telephone Number: 01362 656893

Email: fiona.inston@breckland-sholland.gov.uk

Key Decision: No

Exempt Decision: No

This page is intentionally left blank

SOUTH HOLLAND COUNCIL

Report of: Assistant Director Community – Rob Walker

To: Committee of the Licensing Authority – 28 October 2014

Author: Fiona Inston – Licensing and Business Support Manager

Subject: Licensing Act 2003 – new Mandatory Conditions

Purpose: To advise on changes to the provisions of Licensing Act 2003 via new Mandatory Conditions.

Recommendation:

That members note the proposed legislative changes to the Mandatory Conditions under the Licensing Act 2003.

1.0 BACKGROUND

- 1.1 A draft amendment order, the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014, has been published that will bring into effect amendments to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. The 2010 order introduced a number of mandatory licence conditions, applicable to premises licences and club certificates, that banned certain drinks games and promotions, required premises to make free tap water available to customers, made age verification policies mandatory and introduced the requirement to make alcohol available in smaller measures.
- 1.2 The new Mandatory Conditions are scheduled to come into force on 1 October 2014. The proposed conditions can be viewed by following the link in the Background Papers section of this report. A summary of the changes is attached at Appendix A to this report.
- 1.3 These new Mandatory Conditions are in addition to the original conditions still in force from the Licensing Act 2003 and the Mandatory Condition relating to “permitted price” (the level of alcohol duty plus VAT below which alcohol cannot be sold or supplied) which came into force on 28 May 2014.

2.0 OPTIONS

- 2.1 That members note the proposed amendments to the Mandatory Conditions under the Licensing Act 2003.

3.0 REASONS FOR RECOMMENDATION

- 3.1 Legislative changes will apply to premises and clubs within the South Holland Council district.

4.0 EXPECTED BENEFITS

- 4.1 N/A

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 It is the opinion of the Report Author that there are no implications.

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Risk Management**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Staffing**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Stakeholders / Consultation / Timescales**

5.10.1 It is the opinion of the Report Author that there are no implications.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

Background papers:-

Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014:

<http://www.legislation.gov.uk/uksi/2014/1252/introduction/made>

Lead Contact Officer

Name and Post: Fiona Inston – Licensing and Business Support Manager
Telephone Number: 01362 656 893
Email: fiona.inston@breckland-sholland.gov.uk

Key Decision: No

Exempt Decision: No

Appendices:

Appendix A – Summary of changes to Mandatory Conditions under the Licensing Act 2003

2014 Draft Order (amendments proposed highlighted)

Schedule 1(1) "The responsible person **must** ensure (as opposed to shall take all reasonable steps) that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises."

Schedule 1(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises ~~in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-~~

Schedule 1(2)(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic **in a manner which carries a significant risk of undermining a licensing objective (words added);**

Schedule 1(2)(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less **in a manner which carries a significant risk of undermining a licensing objective (words added);**

Schedule 1(2) The responsible person **must** ensure that **free potable water** is provided on request to customers where it is reasonably available.

Schedule 1(3) -

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.(New words added)

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and **either-**

(a) a holographic mark, or

(b) an ultraviolet feature.

Schedule 1(4) The responsible person **must** ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available." These new words replace the previous "customers are made aware of the availability of these measures).

This page is intentionally left blank