

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Wednesday, 10 February 2016 at 6.35 pm.

PRESENT

A Harrison (Chairman)

F Biggadike
T A Carter
A Casson
M G Chandler

G K Dark
H Drury
J L King
C J Lawton

A M Newton
M J Pullen
E J Sneath
J Tyrrell

In Attendance: Shelley French (Democratic Services Support Officer) and (Executive Manager Public Protection)

Apologies for absence were received from or on behalf of Councillors M D Booth, R Clark and Donna Hall (Licensing and Business Support Manager)

11. DECLARATION OF INTERESTS

There were none.

12. MINUTES

The minutes of the meeting held on 26 November 2015 were agreed as a correct record.

13. LICENSING PROTOCOL

The Portfolio Holder for Strategy, Governance and Public Protection and member of the Committee of the Licensing Authority, Councillor M Chandler drew members attention to the Licensing Protocol for members and officers, which was attached at agenda item 4.

The Protocol had been agreed by the full Council and adopted as part of the Council's Constitution. Members were reminded that on 20 January 2016 full Council had agreed a new Constitution which the protocol no longer formed part of the Constitution. The Protocol was being further reviewed by the Executive Manager Governance and once completed and agreed would be appended to the Constitution.

The Portfolio Holder stressed to documents importance and asked that members be guided by the Protocol when making decisions.

Action By

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Due to the need for additional Chairmen of Panels, it was confirmed that training for members of the Committee was to be provided in April 2016, which would be in the form of a mock panel hearing, so members had further assurances participating in a Panel.

14. LICENSING AUTHORITY UPDATE

The Executive Manager Public Protection was in attendance to provide an update to the Committee on matters relating to the Licensing Authority.

The Licensing Team had been working hard undertaking Premises Licence compliance checks on premises throughout the District. Where non-compliance was found the Team were working with premises to address the issue to ensure all conditions of their licences were met. This was in the form of intervention work, which had been used successfully within South Holland's Food Safety Team, to assist premises to be compliant.

Several Panel's of the Committee of the Licensing Authority had met to consider objections to Temporary Event Notices and applications to review premises licences. The Police had been working throughout Lincolnshire and undertaken various test purchases for illicit tobacco merchandise, where illicit tobacco merchandise had been bought in a premises this then had led to a 'raid' of the premises by multi-agencies. With the assistance of a tobacco detection dog, the Police had also worked alongside Lincolnshire Trading Standards. In premises where quantities of illicit tobacco had been found the Police and Trading Standards had applied to the Licensing Authority to review the Premises Licence under the Licensing Objectives of 'Prevention of Crime and Disorder' and 'Public Safety'.

Members were updated members with the current number of inspections that had taken place over the last few months:

- November 16 inspection carried out.
- December 39 inspections carried out.
- January 25 inspections carried out.

The Executive Manager Public Protection asked members of the Committee if they wished to receive a written report at future meetings on matters determined by the Panel of the Committee of the Licensing Authority and the work of the Licensing Team.

Members agreed that this information would be very useful and would keep them informed of what work was being undertaken.

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Those members who had recently sat on Panels agreed that they would welcome any updates on the outcomes of decisions that had been taken.

AGREED:

- 1) That the Licensing and Business Support Manager provide a written report to the Committee at future meetings updating members on matters considered by Panels and work of the Licensing Team.
- 2) The report would take the form of:
 - Number of Panels of the Committee of the Licensing Authority in last period and their outcome;
 - Any further action relating to Panels and their outcomes; and.
 - Number of inspections carried out by the Licensing Team, and any subsequent interventions.

15. REVISED STATEMENT OF PRINCIPLES (GAMBLING ACT 2005)

Members gave consideration to the report of the Executive Manager Public Protection on the Revised Statement of Principles (Gambling Act 2005).

The Gambling Act 2005 came into effect on 1 September 2007 which created a new system of licensing and regulation for commercial gambling. Local Authorities had regulatory responsibilities for licensing certain gambling activities. The Act also created an independent non-departmental public body; the Gambling Commission, which was sponsored by the Department for Culture, Media and Sport.

Under Section 349 of the Gambling Act 2005 a Licensing Authority was required to publish a 'Statement of Principles' that it proposed to apply in exercising its functions under the Act, before each successive period of three years. South Holland's current Statement of Principles was published and effective from April 2013.

To assist local authorities the Act required the Gambling Commission to issue statutory guidance to Licensing Authorities on the manner in which they were to exercise their functions under the Act and the principles which were to be applied by them in exercising those functions. The statutory guidance was designed to ensure the spread of best practice and consistent

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approach in decision making by local authorities, whilst not preventing them from properly exercising the discretion they had to take account of appropriate and relevant local issues.

A review of the current Statement of Principles had been completed and a revised draft had been prepared. The draft prepared had been based on the 5th edition guidance issued to licensing authorities, published by the Gambling Commission. A copy of the revised principles was attached at Appendix 2 to the report and it highlighted changes made.

The draft revised Statement of Principles was under consultation from 21 December 2015 to 17 January 2016, which was carried out in accordance with the guidance issued by the Gambling Commission.

Under Section 349(3) Gambling Act 2005 the licensing authority was required to consult with; The Chief Police Officer, person(s) who appeared to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and , person(s) who appeared to the authority to represent the interests of persons likely to be affected by the exercise of the authority's functions under the Act.

When determining the Statement of Principles the Licensing Authority was required to give appropriate weight to the views of those who had been consulted. When deciding what weight to be given to the factors to be taken in to account included:

- who was making the representations, the nature of their interest and their expertise;
- relevance of the factors to the licensing objectives;
- how many other people have expressed the same or similar views; and
- how far the representations relate to matters that the licensing authority should be including in its policy statement.

Two responses were received, a copy of the responses were attached at Appendix 4 to the report.

The Council's Constitution stated that the Statement of Principles under the Gambling Act 2005 was to be agreed and adopted by full Council. Members of the Committee were asked to consider the recommendations to the report and refer to full Council for adoption. Should full Council give approval the Statement of

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Principles would be published and then come into affect after a period of 31 days.

Members were supportive of the Statement of Principles and agreed that it should be recommended to full Council for adoption.

AGREED:

- 1) The Committee noted the responses received following consultation.
- 2) That the Committee gave approval to the revised Statement of Principles
- 3) That the Committee recommend to full Council for adoption the revised Statement of Principles in order for South Holland District Council to act as the licensing authority and discharge its statutory duties under the Gambling Act 2005.

16. PANEL ARRANGEMENTS

The Chairman asked members of the Committee to consider how they wished future Panel's of the Committee of the Licensing Authority to be planned.

The Democratic Services Support Officers explained the options available to members; dates could be pre-planned and form part of the annual schedule of meetings or they could be booked and planned on an as and when required basis.

There were legal timescales that the Licensing Team had to adhere to when preparing for a Panel and this dictated as to when a Panel could be held.

Previously during the period between July 2013 and May 2015 there were 28 pre-planned dates that Panel's could have taken place, but due to timescales involved only 6 of those were used.

Recently a number of Panels had taken place, often on consecutive days. This had meant a large amount of work having to be completed by the Licensing Team and Democratic Services in order for the Panels to take place in line with legal timescales.

The Chairman asked for members to discuss the options and make proposals for the new municipal year 2016/2017.

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Some members of the Committee raised concerns about allocating time within their diaries when it may be possible that the time not be used. In addition to this, as this had been trialled previously only 21% of pre-planned dates had been used, which it was felt was not encouraging. It was also noted that the Committee had increased from 10 to 15 as from 20 January 2016 full Council and this was with the intention to help provide more options for composition of Panels.

Councillors Chandler and Newton agreed that having pre-planned dates would be very useful, as it enabled committee members to plan their dairies more efficiently and be mindful that they may be called upon. It was noted that responsible authorities could be made aware of the dates and they could take the dates into account when planning their work.

The Democratic Services Support Officer raised concerns on the impact corporately pre booking meetings may have on the availability of meeting room space. Currently two meeting rooms were booked; the Council Chamber where the business was considered and any other meeting room where the Panel held its deliberations when determining their decision.

Members suggested that only the Council Chamber be booked, and that pre-planned dates be scheduled on a Thursday, every 21 days.

The Chairman asked members wished to take a vote; putting forward the recommendations of; pre-planned dates every 21 days and on Thursdays or that dates be planned on an as and when required basis.

The Chairman noted that she did not wish to take part in the vote and asked that the decision be made by the members of the committee.

AGREED:

That the Council Chamber be booked, and that pre-planned dates be scheduled on a Thursday, every 21 days from Annual Council 2016.

17. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.

There were none.

(The meeting ended at 7.49 pm) (End of minutes)