

AGENDA



- Committee - **COMMITTEE OF THE LICENSING AUTHORITY**
- Date & Time - Thursday, 14 July 2016 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: G R Aley, M D Booth, T A Carter (Vice-Chairman), A Casson, M G Chandler, R Clark, G K Dark, H Drury, A Harrison (Chairman), J L King, C J Lawton, A M Newton, M J Pullen, E J Sneath and J Tyrrell

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

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

Date: 5 July 2016

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

AGENDA

1. Apologies for absence.

2. Declaration of interests:

Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.

3. Minutes: (Pages 1 - 6)

To sign as a correct record the minutes of the meeting held on 19 April 2016. (copy enclosed)

4. Appointment of Sub-Committees: (Pages 7 - 8)

To agree that a selection of Sub-Committees for the purpose of discharging duties under the Licensing Act 2003 be appointed using the schedule (which includes every possible combination of members of the Committee of the Licensing Authority) (copy enclosed).

(The Constitution requires that the Committee of the Licensing Authority shall appoint such number of sub-committees as it considers necessary to discharge any of the duties under the Licensing Act 2003 that are delegated to a sub-committee by the Licensing Committee. The Constitution also requires that each sub-committee shall have a named membership comprising 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 would 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.

5. Licensing Authority Quarterly Performance Report: (Pages 9 - 12)

To provide an update on activities relating to the work of the Licensing Authority (Report of the Executive Manager Public Protection is enclosed).

6. Licensing Act 2003 Review:

To advise Members that the House of Lords has formed a Select Committee to review the Licensing Act 2003 and are calling for evidence into the effectiveness of the act, and to consider how the Committee may wish to participate.

7. 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, 19 April 2016 at 6.35 pm.

PRESENT

A Harrison (Chairman)

F Biggadike
T A Carter
A Casson
M G Chandler

G K Dark
C J Lawton
J Tyrrell
M D Booth

H Drury
M J Pullen
E J Sneath

In Attendance: Shelley French (Democratic Services Support Officer) and Donna Hall (Licensing and Business Support Manager).

Apologies for absence were received from or on behalf of Councillors R Clark, J L King and A M Newton.

18. DECLARATION OF INTERESTS

There were none.

19. MINUTES

The minutes of the meeting held on 10 February 2016, were agreed as a correct record.

20. LICENSING AUTHORITY UPDATE

The Licensing and Business Support Manager provided the Committee with an update on the work undertaken, by the Licensing Team, in relation to the Licensing Authority and the functions that sat beneath it.

A document was circulated to members that provided details of the work undertaken by the team during the period 1 January 2016 – 31 March 2016 (Quarter 4): (detailed below)

Licence Type	Activity	Number in Q4
Licensing Act 2003		
Premises Licence	Annual Fee Applications	26
	New Applications	1
	Minor Variations	1
	Variation Applications	2
	Vary DPS	10
	Transfer/Vary DPS	3
	Transfer Applications	2
	Replacement licence	8
	Suspension Applications	19
	Suspension lifted	15

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Club Premises Certificate	Annual Fee Applications	4
	Suspension Applications	3
	Suspension Lifted	1
Personal Alcohol Licence	New Applications	11
	Change name/address	10
	Lost/Stolen	3
TEN – With Alcohol	TEN Applications	30
TEN – No Alcohol	TEN Applications	2
Late TEN – With Alcohol	TEN Applications	4
Gambling Act 2005		
Betting Premises Licence	Annual Fee Applications	1
Licensed Premises Gaming Machine Permit	Annual Fee Application	1
Club Machine Permit	Annual Fee Application	1
Small Society Lotteries	Annual Fee Applications	16
	Change of Promoter	5
	New Applications	3
	Returns Received	13

Inspection or Intervention	Number in Q4
Licensing Act 2003 premises	26 (of which 16 compliant) (of which 25 without notice)
Panel Hearings	Outcome
Jan - Objection to a TEN (Loaded)	Counter notice issued
Jan – Objection to a TEN (Loaded)	Conditions attached
Jan – Variation of a premises licence (Loaded)	Adjourned
Jan – transfer premises licence and vary DPS (Winsover Off licence)	Granted
Jan – review of premises licence (Nasza Biedronka)	Revocation
Feb – Review of premises licence (Gosberton Market)	Revocation
Feb – review of premises licence (Winsover Off - Licence)	Revocation

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Feb – Review of premises licence (Baltic)	Revocation
Appeals Lodged	Scheduled Appeal Date
Nasza Biedronka	13 June 2016 Full hearing
Baltic	11 May 2016 Directions hearing
Winsover Off-Licence	11 May 2016 Directions hearing
Other Work	
New Gambling Act Statement of Principles	
New Licensing Act Statement of Principles	
Member Training – General and Panel Hearings	
Complaints and advice	

The document showed the volume of work the Team undertaken, which included a large number of Temporary Event Notices that needed to be processed and ensuring annual fees were paid. Inspections that officers had recently been done showed that several premises were not complaint with their licences, however, none of the breaches were significant and officers worked with premises licence holders and designated premises supervisors to ensure compliance. To help with the volume of inspections that were needed, an officer from the Environmental Health Team had been trained to assist, further ways of increasing inspections were being investigated.

The Committee noted that the Licensing Team achieved a large volume of work during Quarter 4, especially as it was a small Team within the Authority.

Members requested that future reports include; details of the number of licenced premises within South Holland, and what complaints had been received regarding licenced premises.

21. FEEDBACK FROM CUMULATIVE IMPACT MEETING

The Portfolio Holder for Strategy, Governance and Public Protection and member of the Committee of the Licensing Authority, Councillor M Chandler provided information regarding a meeting which had taken place regarding a Cumulative Impact Policy for Spalding. A briefing note regarding the meeting was attached at agenda item 5, for information.

Councillor Chandler advised that the position of Lincolnshire Police was likely to be less supportive of a Cumulative Impact Policy as it had been in the past, due to a likely reduction in reported incidents. The Licensing and Business Support Manager was undertaking some work on this area and it was hoped that there would be report available in October 2016.

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The Licensing Act 2003 was now over 10 years old and it was in the opinion of Councillor Chandler that it was important for the Government to review the Act as it stood, it was felt that it did not fit today's requirements.

It was noted that the Policy Development Panel had wanted to form a Task Group to look at a way forward for a policy on limiting the number of off-licences within South Holland. Councillor Chandler advised that he was attending that meeting to advise the Panel of the current law surrounding the issue of licences and any policy that the authority wished to make.

22. PUBLIC SPACE PROTECTION ORDER

The Licensing and Business Support Manager was in attendance to update members on the ongoing work surrounding Public Space Protection Order (PSPO) for Spalding.

The Committee were reminded that Spalding currently had a Designated Public Place Order (DPPO) in place. This was due to expire in October 2017 and work had commenced to look at replacing the DPPO with a PSPO.

The PSPO would deal with public nuisance (falling under specific criteria) and problem areas that cause disruption to those who reside, work or use an area.

Under the Legislation it meant that not only Police officers could issue fixed penalty notices for members of the public found creating nuisance within the PSPO criteria, but authorised local authority officers were also able to.

Members were advised that a consultation was underway, which was due to finish on 20 May 2016, the Communities Manager was leading on this consultation. Those ward members whose wards were affected by the proposed area should have been contacted.

A plan of the proposed area was circulated to members, after some consideration it was agreed that the proposed area was needed to be extended. The Chairman agreed to meet with those members who wished to feed into the consultation on the proposed area for the PSPO and feed back to the Communities Team.

AGREED:

That the Chairman meet with those members who wished to feed into the consultation, and the proposed area for the PSPO, and this be fed back to the Communities Team.

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23. PROFESSIONAL LICENSING PRACTITIONERS QUALIFICATION

The Chairman, Councillor Angela Harrison and Donna Hall, Licensing and Business Support Manager, had recently undertaken the Professional Licensing Practitioners Qualification at the Institute of Licensing, which they had both passed.

The Chairman highlighted the areas which formed part of their work; Licensing Act 2003, Gambling Act 2005, Taxis, Sex Establishments and Scrap Metal Dealers Act 2013. Sessions were led by industry experts, who provided a wealth of knowledge.

It was noted that one of the outcomes from the training was that they were confident in the practices and procedures at South Holland.

The Committee congratulated both the Chairman and Donna Hall on their success.

**24. PANEL OF THE COMMITTEE OF THE LICENSING AUTHORITY
TRAINING**

The Chairman advised that the feedback from the training held for the Committee on 19 April 2016, had been collated and the results were very positive.

Those members who attended the training felt that it had been an extremely informative and worthwhile day, especially the mock panel, which gave members a taste of how a panel worked. Members were particularly impressed with Daven Naghen (Maples Solicitors, Spalding), who facilitated the training, they felt his knowledge and approach was exceptional.

The Committee agreed that it would be useful to have a second day, which would cover the taxi licensing aspect, again with a mock panel, as the one already held was in relation to a premises under the Licensing Act 2003.

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

There were none.

(The meeting ended at 8.10 pm)
(End of minutes)

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Committee of the Licensing Authority – appointment of Licensing Sub-Committees

1	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison
Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Clark	Clark	Clark	Clark	Clark	Clark
Clark	Aley	Lawton	Tyrrell	Casson	Drury	Sneath	Pullen	Booth	Dark	King	Newton	Aley	Lawton	Tyrrell	Casson	Drury	Sneath

20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison
Clark	Clark	Clark	Clark	Clark	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Lawton	Lawton	Lawton
Pullen	Booth	Dark	King	Newton	Lawton	Tyrrell	Casson	Drury	Sneath	Pullen	Booth	Dark	King	Newton	Tyrrell	Casson	Drury

38	39	40	41	42	43	44	45	46	48	49	50	51	52	53	54	55	56
Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison
Lawton	Lawton	Lawton	Lawton	Lawton	Lawton	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Casson	Casson	Casson
Sneath	Pullen	Booth	Dark	King	Newton	Casson	Drury	Sneath	Pullen	Booth	Dark	King	Newton	Drury	Sneath	Pullen	Booth

57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74
Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison	Harrison
Casson	Casson	Casson	Drury	Drury	Drury	Drury	Drury	Drury	Sneath	Sneath	Sneath	Sneath	Sneath	Pullen	Pullen	Pullen	Pullen
Dark	King	Newton	Sneath	Pullen	Booth	Dark	King	Newton	Pullen	Booth	Dark	King	Newton	Booth	Dark	King	Newton

75	76	77	78	79	80
Harrison	Harrison	Harrison	Harrison	Harrison	Harrison
Booth	Booth	Booth	Dark	Dark	King
Dark	King	Newton	King	Newton	Newton

81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98
Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter
Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Clark	Clark	Clark	Clark	Clark	Clark
Clark	Aley	Lawton	Tyrrell	Casson	Drury	Sneath	Pullen	Booth	Dark	King	Newton	Aley	Lawton	Tyrrell	Casson	Drury	Sneath

99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116
Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter
Clark	Clark	Clark	Clark	Clark	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Aley	Lawton	Lawton	Lawton
Pullen	Booth	Dark	King	Newton	Lawton	Tyrrell	Casson	Drury	Sneath	Pullen	Booth	Dark	King	Newton	Tyrrell	Casson	Drury

117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134
Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter
Lawton	Lawton	Lawton	Lawton	Lawton	Lawton	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Tyrrell	Casson	Casson	Casson
Sneath	Pullen	Booth	Dark	King	Newton	Casson	Drury	Sneath	Pullen	Booth	Dark	King	Newton	Drury	Sneath	Pullen	Booth

135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152
Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter	Carter
Casson	Casson	Casson	Drury	Drury	Drury	Drury	Drury	Drury	Sneath	Sneath	Sneath	Sneath	Sneath	Pullen	Pullen	Pullen	Pullen
Dark	King	Newton	Sneath	Pullen	Booth	Dark	King	Newton	Pullen	Booth	Dark	King	Newton	Booth	Dark	King	Newton

153	154	155	156	157	158
Carter	Carter	Carter	Carter	Carter	Carter
Booth	Booth	Booth	Dark	Dark	King
Dark	King	Newton	King	Newton	Newton

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager Public Protection

To: Committee of the Licensing Authority – 14 July 2016

(Author: Donna Hall – Licensing and Business Support Manager)

Subject: Quarterly Performance Report

Purpose: To provide an update on activities relating to the work of the Licensing Authority

Recommendation:

- 1) That the report be noted.

1.0 BACKGROUND

1.1 The Licensing Team are responsible for administering the statutory licensing framework, which govern businesses and regulated activities in South Holland.

1.2 The Team carry out a wide range of interventions in order to ensure that licences and registrations are issues correctly and in accordance with legal provisions. Officers are also involved in monitoring activity, which includes; carrying out inspections, providing advice and carrying out investigations.

1.3 Quarter 1: 1 April 2016 – 30 June 2016

1.3.1 The below table provides an update on the work undertaken by the Licensing Team in relation to the Licensing Authority:

Licence Type	Activity	Number in Q1
Licensing Act 2003		
Premises Licence	Annual Fee Applications	17
	New Applications	6
	Minor Variations	1
	Vary DPS	10
	Transfer/Vary DPS	2
	Transfer Applications	2
	Change name and address holder	2
	holder	1
	Change premises name	2
	Revocation applications	2
	Update conditions	8
Suspension Applications	8	
	Suspension lifted	
Club Premises Certificate	Annual Fee Applications	2
Personal Alcohol Licence	New Applications	20
	Change name/address	16
	Lost/Stolen	1

TEN – With Alcohol	TEN Applications	44
Late TEN – With Alcohol	TEN Applications	6
Gambling Act 2005		
Licensed Premises Gaming Machine Permit	Annual Fee Application	2
Club Machine Permit	Cancellation	1
Club Gaming Permit	Annual Fee Application	1
Small Society Lotteries	Annual Fee Applications	11
	Change of Promoter	2
	New Applications	2
	Returns Received	7

Inspection or Intervention	Number in Q1
Licensing Act 2003 premises	25
Licensing Act revisits	4
Panel Hearings	Outcome
20 Winsover Road – 21 April 2016 Application for grant of a premises licence 2016	Application rejected
Global Foods – 20 May 2016 Application for grant of a premises licence 2016	Application rejected
Appeals Ongoing	Scheduled Appeal Date
Baltic following revocation of premises licence in February 2016	5 August 2016, Lincoln
Winsover Off Licence following revocation of premises licence in Feb 2016	17 August 2016, Lincoln
Appeals Withdrawn	Outcome
Nasza Biedronka	Appeal withdrawn with effect from 13 June and agreement to pay costs.
Other Work	
Freedom of Information Act Requests (public notices)	1
Safety Advisory Group and events advice	
Member Training –Panel Hearings 14/4/16	
Meeting regarding Pubwatch	
Meeting regarding Community Alcohol Partnership (CAP)	
Public Space Protection Order planning meeting	
Cumulative Impact Policy information gathering	
Investigation of complaints including SIA door staff and small society lottery	
Ongoing development of website and online applications facility for Licensing Act 2003 applications. Expected to go live in September when payment portal and applications procedures have been fully tested.	

2.0 OPTIONS

2.1 This report is for information only.

3.0 **IMPLICATIONS**

3.1 **Constitution & Legal**

3.1.1 The report details activities undertaken by the Licensing Team in accordance with legal requirements. As this report is for information only there will be no legal implications arising as a result of this report.

3.2 **Crime and Disorder**

3.2.1 The Licensing Framework is an important tool that South Holland District Council has in relation to the prevention of crime and disorder, there are no implications arising from this report.

3.3 **Equality and Diversity / Human Rights**

3.3.1 All Licensing activities are carried out in accordance with all Equality and Human Right Legislation, there are no implications arising from this report.

3.4 **Safeguarding**

3.4.1 Safeguarding is an integral consideration within the Licensing Framework, in particular Premises Licences (Licensing Act 2003) and Gambling (Gambling Act 2005).

4.0 **WARDS/COMMUNITIES AFFECTED**

4.1 The activities undertaken by the Licensing Team on behalf of the Licensing Authority covers the entire District of South Holland.

Background papers: - None

Lead Contact Officer

Name and Post: Donna Hall – Licensing and Business Support Manager
Telephone Number: 01775 764661
Email: donna.hall@breckland-sholland.gov.uk

Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

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