

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Thursday, 14 July 2016 at 6.35 pm.

PRESENT

A Harrison (Chairman)
T A Carter (Vice-Chairman)

G R Aley
M D Booth
A Casson
M G Chandler

R Clark
G K Dark
C J Lawton
M J Pullen

E J Sneath
J Tyrrell

In Attendance: Licensing and Business Support Manager and Democratic Services Officer.

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

1. DECLARATION OF INTERESTS

There were none.

2. MINUTES

The minutes of the meeting held on 19 April 2016, were agreed as a correct record subject to an amendment being made to the third paragraph under the heading 'Licensing Authority Update' with the replacement of the word 'complaint' with 'compliant'.

Councillor M G Chandler requested an update in respect of the Public Space Protection Officer (PSPO) and ongoing works. The Licensing and Business Support Manager reported that she would be meeting with the Communities Manager in due course to discuss the consultation responses and feedback from the Police. They would then be meeting with the Deputy Leader (Councillor Chandler) and the Portfolio Holder for Community Development (Councillor G J Taylor), and a consultant, Christine Taylor. The Licensing and Business Support Manager added that the Communities Manager had also been liaising with Boston Borough Council who had introduced a PSPO recently.

3. 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

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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 15 members of the Committee this made a total of 158 sub-committees. A schedule of sub-committees was prepared prior to the meeting and was attached at agenda item 4 of the pack.

DECISION:

- (a) That schedule of sub-committees for the purpose of discharging duties under the Licensing Act 2003 be approved; 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 members of the Licensing Committee with the Chairman be appointed once a sub-committee has been called, and that the said person be fully trained in chairing and licensing issues.

4. LICENSING AUTHORITY QUARTERLY PERFORMANCE REPORT

The Licensing and Business Support Manager was in attendance to provide the Committee of the Licensing Authority with an update on the work which fell under the remit of the Licensing Authority. The update covered the period of Quarter 1, 1 April 2016 – 30 June 2016.

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

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

The Committee of the Licensing Authority was provided with the following update:

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Quarter 1: 1 April 2016 – 30 June 2016

| 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 |
| | | 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 | 5 August 2016, Lincoln |

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|---|---|
| in February 2016 | |
| 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. | |

The Committee considered the report and the following questions were asked:

Annual Fee Applications

- This referred to renewal applications and not actual new application.
- Would Winsover Road and Baltic be classed as new applications.

Clarification would be sought and confirmed following the meeting.

TENS Applications

- Did the Council supply TENS applications without alcohol?

Yes. Every matter was dealt with on a case by case basis.

The Licensing and Business Support Manager reported that she would provide a further breakdown with the Performance Report in respect of high, medium and low priorities.

Members noted that an one of the Environmental Health Officers, with capacity, was being trained to carry out inspections to support the Licensing Team. The Licensing and Business Support Manager advised

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that she would also be meeting with the Team Leader for Food, Health and Safety to discuss the potential for the team being trained to carry out licensing checks whilst doing their own food, health and safety inspections so that any issues could be picked up as part of their visits. She was confident that overall performance would be increased, in terms of inspections, as part of those implemented changes.

That Chairman emphasised the importance of councillors and officers reporting any issues that they were made aware of to the Licensing Team. The Licensing and Business Support Manager added that she had recently set up a formalised way of sharing intelligence with the Police and Trading Standards. In terms of public protection more flexible working approaches were being investigated. The Licensing and Business Support Manager advised that she would be meeting with Human Resources to progress this.

Members noted that new mobile devices were being supplied to officers to enable access to the licensing database when working away from the Council Offices. In addition, security devices were being obtained for team members.

Councillor E Sneath requested that premises addresses be added to future performance reports so that committee members could identify their location and obtain a further understanding of issues. She added that she had been informed of concerns from a resident in respect of a premises copying and using other business trademarks, and would provide further details to the Licensing and Business Support Manager following the meeting.

Further updates were provided in respect of 'Other Work':

Meeting regarding Pubwatch

The Licensing Officer had met with the Pubwatch Chairman to discuss improved contact between the group and the Council. As a result the Licensing Team had been invited to attend the next meeting.

Meeting regarding Community Alcohol Partnership

The Licensing and Business Support Manager reported that she would be working with the Communities Manager on that area in Quarter 3.

Cumulative Impact Policy information gathering

An update would be provided at a future meeting.

Investigation of complaints including SIA door staff and small society lottery

That was a police issue, which had since been dealt with.

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Ongoing development of website and online applications facility for
Licensing Act 2003 applications

The Licensing Team were moving forward with that area in line with the Council's approach to digitalisation. With implementation expected in September 2013, an update would be provided at a future meeting.

DECISION:

- a) That the report be noted;
- b) That future Performance Reports include high, medium and low priorities and premises addresses; and
- c) That the Licensing and Business Support Manager provide members with the information requested, as noted above.

5. IMMIGRATION ACT UPDATE

Councillor M G Chandler requested an update regarding the Immigration Act and the implications on licenced premises.

The Licensing and Business Support Manager reported that updates to the regulations were expected in Spring 2017. She advised that it was necessary to ensure that the Licensing Officers were carrying out thorough checks, in a similar manner to dealing with taxi licences. More joined up working with the Police and Immigration would be expected in terms of further reports being made to the Council.

Councillor Chandler advised that where it was shown that property owners had not made sufficient checks on their employees there would be a case to warrant revocation of the licence at the first offence along with a potential £10,000 fine from the Police.

The Licensing and Business Support Manager mentioned that Immigration Officers would also have more powers. She agreed to provide further updates as the matter progressed.

DECISION:

That the Licensing and Business Support Manager provide regular updates in respect of changes to the Immigration Act and its affect on licensing.

6. LICENSING ACT 2003 REVIEW

Councillor M G Chandler reported that a survey had recently been issued from the Institute of Licensing and Copleston and Allen in respect of the

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Licensing Act 2003 review. He encouraged all members to respond, as well as the Licensing Team, and suggested that the Licensing Committee may also want to submit a group response.

Councillor Chandler advised that she had met with the local MP and the Police and Crime Commissioner to discuss his feelings on the Licensing Act 2003 review. As a result a meeting was being arranged for the three of them to visit Westminster and discuss their thoughts, of which there were six points:

- Consideration of the need for a licenced premises to be open in the first instance.
- A request to review the suitability of a premises in respect of licensing, as it currently fell within the Planning remit.
- A request to review the suitability of trading style.
- A review of the Appeals Procedure. For example, when there was strong evidence of criminal activity the revocation of a licence should be made affective within 24 hours, with no sale, and no process for obtaining compensation should the appeal be upheld.
- A request to review the suitability of the applicant.
- Consideration of the relicensing of tobacco products.

The Licensing and Business Support Manager advised that Sgt Kim Enderby would be asked to provide any evidence required to support their case.

Councillor Chandler added that Breckland Council should also be encouraged to submit individual and group responses to the survey on behalf of their Licensing Committee and Licensing Officers. Members noted that the deadline for response was in September 2016.

The Chairman and Licensing and Business Support Manager agreed to liaise with Committee members, to go through the survey responses.

DECISION:

- a) That the Licensing Committee members be encouraged to respond to the survey individually;
- b) That the Licensing Committee respond to the survey as a group for which the Licensing and Business Support Manager would arrange a meeting;

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- c) That the Licensing Team respond to the survey on behalf of officers;
and
- d) That Breckland Council also be encouraged to respond to the survey.

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

Licensing Hearings and Safeguarding Training – 22 September 2016

The Chairman reported that she would be attending a training session, which was being facilitated by the Institute of Licensing, on Licensing Hearings and Safeguarding which was scheduled on 22 September 2016. She requested that any members interested in attending contact her no later than Monday 18 July 2016 so that places could be booked.

DECISION:

That members interested in attending the above training contact the Chairman to arrange places.

(The meeting ended at 7.52 pm)

(End of minutes)