

LICENSING COMMITTEE

Date: 5 October 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- Glenn Harwood MBE (Chairman)

Tony Boto
Pauline Bradberry
Richard Gell
Glenvil Greenwood-Smith
Barbara Jenney
Andy Mercer

Gill Mercer
Bob Nightingale
Brian Northall
Rupert Reichhold
Anna Sauntson

Also Present (for item 6) – Sergeant Ian Fletcher and Sergeant Alistair Quinn
(Northamptonshire Police)

204. MINUTES

The minutes of the meeting held on 9 March 2011 were confirmed and signed by the Chairman as a correct record

205. APOLOGIES FOR ABSENCE

There were no apologies.

206. DECLARATIONS OF INTEREST

Councillors Barbara Jenney, Andy Mercer and Gill Mercer declared a personal interest, as Rushden Town councillors, in item 5 (Licensing Activity) in relation to a variation to a licence for Rushden Hall.

Councillor Brian Northall declared a personal interest in item 8 (Alcohol Related Assault Data) in relation to details of assaults from Kettering General Hospital as he had a responsibility for collecting the information.

207. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

208. LICENSING ACTIVITY

The Committee received and noted details of applications received under the Licensing Act 2003 between January and June 2011, broken down into new premises licences and licence variations, removals of Designated Premises Supervisors (DPS), transfers, Interim Authority

Notices, Temporary Event Notices (TENs), personal licences and changes to details, and notifications of interest. There had been no reviews or minor variations.

Members asked a number of questions concerning TENs and Notifications of Interest and also requested that they be notified of details of licences granted under delegated powers. The Licensing Enforcement Officer undertook to arrange this.

209. LICENSING ACT 2003 - CRIME STATISTICS FOR LICENSED PREMISES

Further to minute 353 (12 March 2008), Police Sergeant Ian Fletcher presented to the Committee:-

- Details of crimes on East Northamptonshire licensed premises in the various wards of the district
- Totals of crime on the premises arranged both in alphabetical order of premises and date order

for the period 1 March to 1 October 2011. There had been 44 crimes on licensed premises during this period – 13 of which had been violent crimes.

Police Sergeant Alistair Quinn explained the Drug and Alcohol Referral Scheme (DAARS) and members received a brochure about the scheme. (An extract from the brochure is attached as Appendix 1 to these minutes at page 336).

The following points, comments and requests were made during the discussion on this item:-

- The detailed breakdown of the crimes was welcomed
- Proxy sales of alcohol – Sgt. Fletcher would be introducing a tactic to address this shortly
- Further information on the costs of using the DAARS scheme so that a comparison could be made with the costs, to the community, of tackling re-offending. Sgt. Quinn indicated he would endeavour to provide this information
- More information on the classification “Racist/Domestic/Homophobic”

The chairman and members welcomed the continued downward trend in the number of crimes associated with licensed premises. This was due to the effective teamwork between the council’s Licensing Enforcement Officer and the police, which had promoted and fostered excellent relationships with licensees and had led to a more responsible attitude by licensees. The committee thanked both the Licensing Enforcement Officer and Sergeants Fletcher and Quinn for their efforts towards this objective and for their reports.

210. PROCEDURE FOR DEALING WITH EXPEDITED REVIEWS

The Licensing Enforcement Officer reported on the need to put in place arrangements for expedited reviews where a senior police officer had submitted an application and certificate identifying premises as being associated with serious crime or disorder, or both. This followed the power introduced by the Violent Crime Reduction Act 2006.

The determination of any interim steps could not be delegated to an officer under the legislation. In view of the need to act swiftly, it would not be possible to give notice of a meeting of the Licensing panel under the terms of the Local Government Act 1972. It was

likely that discussion would need to be undertaken by telephone or by e-mail. To cover the situation, it was necessary to change the Terms of Reference of the Licensing (Liquor and Gambling) Panels.

Councillor Andy Mercer asked for clarification on legal aspects regarding (a) the currency of conditions or steps following a full review of interim measures within 48 hours and then following a full review of the premises licence until the appeal at a magistrates court and (b) whether the panel members should be the same at the interim measures decision stage, the 48 hours hearing stage and the full review of licence stage. It was suggested that advice could be sought and reported to the Licensing Seminar in November.

RESOLVED:

- (1) That the procedure relating to expedited reviews, as set out in Appendix 2 to these minutes at pages 337 to 338, be adopted.
- (2) That the terms of Reference of the Licensing (Liquor and Gambling) Panels be changed to incorporate the wording shown in bold in Appendix 3 to these minutes at pages 339 to 340.

211. ALCOHOL RELATED ASSAULT DATA

Members received details, from both Kettering (KGH) and Northampton (NGH) General Hospitals, of alcohol related assaults affecting East Northamptonshire for the months of July and August 2011. It was noted that, in relation to KGH, 3 incidents had occurred in Rushden in July and 1 in Rushden in August, whereas there had been two incidents in East Northamptonshire in relation to NGH in August.

The committee discussed the value of the information presented and concluded that it would not be appropriate for similar information to be submitted on a regular basis.

Chairman

From March 2011 Northamptonshire Custody officers will be able to impose, as a Condition of Bail, that people who have committed an alcohol related / Class-A drug offences must attend Northamptonshire Drug and Alcohol Referral Service (DAARS) and undertake an assessment by CAN.

From March 2011, the Custody Officers at Northamptonshire Custody Suite will be able to impose as a Condition of Bail the condition that people who have committed an alcohol-related / Class-A drug offences, must attend DAARS and undertake an alcohol related assessment prior to their first appearance in court.

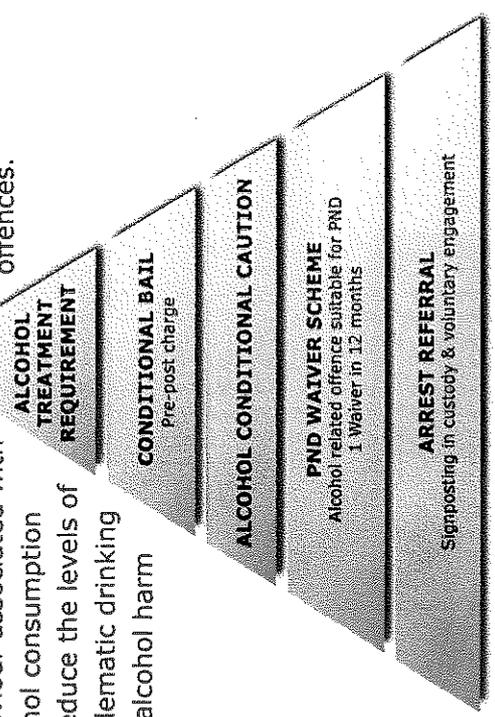
Those who have taken part in similar schemes in other parts of the country (e.g. Gloucester since 1999 and Grimsby since 2007) have found the programme very beneficial. Many repeat offenders have made positive changes in their lives, with evaluation showing a sharp reduction in re-offending rates.

The purpose of this disposal is:

- Reduce re-offending by increasing awareness and education
- Reduce the volume of cases going through the courts
- Reduce the anti-social behaviour associated with alcohol consumption
- To reduce the levels of problematic drinking and alcohol harm

This option complements the Alcohol Conditional Caution and PND waiver scheme. These schemes are voluntary and target low-level offences.

The Conditional Bail Scheme enables a more coercive approach which can target mid-level offences.



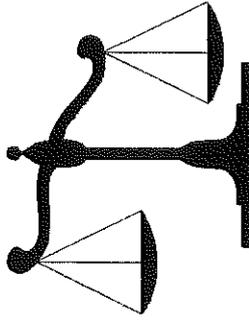
How this will work:

The Conditional Bail Scheme parallels the Drug Intervention Programme (DIP), which has been successfully running in Northamptonshire for some time now. It specifically targets alcohol related, and alcohol specific offences, in conjunction with Class-A drug offences.

- In the custody suite, the offender is charged to court on an alcohol-related offence / Class-A drug offences

- Custody staff give the bail condition to attend CAN (drug and alcohol agency) for an initial session. The CAN workers will compile a court report. The magistrate, the clerk of the court, the CPS solicitor, the defence solicitor and probation worker all receive a copy of the court report on the day the offender appears in court.

- Offender appears in court
 - Magistrates can take into consideration whether or not they have compiled when considering sentence.



- Magistrates could include the requirement for further sessions at CAN (County of Northampton Council on Addiction), as indicated on the report.

The PND Scheme consists of:-

Two sessions at CAN attending a group session and an individual one-to-one session to cover:

- Alcohol units
- Alcohol and the law
- The potential risks to themselves and others in alcohol fuelled situations
- The longer-term effects of drinking
- Techniques and tips for sensible drinking

Appendix 2 to Licensing Committee Minute 210

Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006: Expedited Reviews - Procedure

1. On receipt of an application and a certificate issued by a Senior Police Officer stating that in his/her opinion named premises are associated with serious crime or serious disorder (or both) this council will take the following steps.
2. Within 48 hours of receipt of the application and certificate the Licensing Authority (LA) must consider whether it is necessary to take interim steps pending determination of the premises licence. The LA must in any event undertake a review within 28 days of receipt of the application. This initial review may be by telephone or email as long as a record is kept of any discussion and decision.
3. The range of options open to the authority at the interim steps stage are:
 - modification of the conditions of the premises licence;
 - exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - removal of designated premises supervision for licences;
 - suspension of the licence.

Following the full licence review the licensing authority may do any of the above or may revoke the licence.

4. Within 48 hours of receipt of the application the LA must give the premises licence holder and responsible authorities a copy of the application and a copy of the certificate.
5. The LA must give immediate notice of its decision and reasons for so making to holder of premises licence and Chief Officer of Police who made application.
6. The police will be consulted about the steps which may be necessary to address the immediate problems with the premises. Interim steps may be taken without the holder of the premises licence having been given the opportunity to make representations. If it is possible and appropriate the licence holder may be visited to make representations.
7. Interim steps may not be delegated to an officer of the LA. Relevant decisions must be taken by the relevant licensing committee, (or panel) or by the Council acting as a whole.
8. There is no requirement for a formal hearing and discussion by committee members may be by phone or email. A written record will be produced as soon as possible after the decision has been reached.
9. The interim steps the authority must consider taking are:
 - the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the DPS from the licence, and
 - the suspension of the licence.

The authority should also take note of evidence issued under S182 Licensing Act re

possible conditions.

10. The authority must give immediate notice of its decision and its reasons for doing so to the holder of the licence and to Chief Officer of Police who made application. This need not be in writing especially when the decision is to have immediate effect. Communication may be by a phone call to be followed by confirmation in writing giving reasons for making that decision.
11. A full review must be held within 28 days of the application being received by the authority. If the licence holder makes representation against the interim steps a full review must be held within 48 hours (non working days do not count towards 48 hours).
12. The authority must give advance notice of hearing to the premises licence holder and Chief Officer of Police. The hearing cannot be adjourned to a later date if the licence holder fails to attend.
13. At this hearing the authority must:
 - consider what steps it considers necessary for the promotion of the licensing objectives; and
 - consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.
14. When considering the case the authority must take into account:
 - the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activity) from the scope of the licence.
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and

 - the revocation of the licence.
15. The licensing authority must advertise the review for at least seven days starting the day after the receipt of the chief officers certificate.
16. The licensing authority must notify its decision and the reason for making it
 - to the holder of the premises licence
 - to any person who made relevant representations; and
 - to the chief officer of police who made the original application.
17. There is a right of appeal within 21 days of the licensing authority's decision. The appeal is by way of Magistrates Court.

TERMS OF REFERENCE OF COMMITTEES & SUB-COMMITTEES

Licensing Panels

Licensing Panels function as sub-committees of the Licensing Committee (a statutory Committee) and operate under powers initially delegated to them by the Licensing Committee on 26 January 2005 (Minute 349) and 25 January 2007 (Minute 328) but amended by Council on 21 April 2008 (Minute 418).

The membership of each Panel varies. All Panels consist of 3 Members of the Licensing Committee (who have had training) and determined under delegated powers exercised by the Democratic Services Manager.

Panels conduct hearings which follow the rules of natural justice and are governed by The Licensing Act 2003 (Hearings) Regulations 2005 and The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.

Panels have the power to –

- determine applications under the Licensing Act 2003:
 - for personal licence if a representation made;
 - for personal licence with unspent convictions;
 - for premises licence/club premises certificate if a representation made;
 - for provisional statement if a representation made;
 - to vary premises licence/club premises certificate if a representation made;
 - to vary designated personal licence holder if a police representation;
 - to be removed as designated personal licence holder;
 - for transfer of premises licence if a police representation;
 - for Interim Authorities if police representation;
 - review premises licence/club premises certificates.
- determine police representations to a temporary event notice;
- **determine, by e-mail, telephone (or in such other manner as may be deemed appropriate by the Democratic Services Manager or by the Solicitor to the Council), whether it is necessary to take interim steps pending determination of the premises licence the subject of an application and a certificate issued by a Senior Police Officer stating that in his/her opinion named premises are associated with serious crime or serious disorder (or both) (*the requirements of the Local Government Act 1972 concerning the giving of notice of meetings will not apply*)**
- determine applications under the Gambling Act 2005:
 - for a premises licence where representations have been received and not withdrawn
 - for a variation to a licence where representations have been received and not withdrawn

- for a transfer of a licence where representations have been received from the Commission
- for a provisional statement where representations have been received and not withdrawn
- for a review of a premises licence
- for club gaming/club machine permits where objections have been made (and not withdrawn)
- for the cancellation of club gaming/ club machine permits
- for a decision to give a counter notice to a temporary use notice

Minutes will be submitted for information to either the Licensing Committee or to the full Council.