

County Licensing Seminar

Minutes of meeting of the County Licensing Seminar
held on 6 December 2011 in the Council Chamber

Present:

Cllr Tony Boto	TB	East Northamptonshire Council
Cllr Glenvil Greenwood-Smith	GS	East Northamptonshire Council
Cllr Glenn Harwood	GH	East Northamptonshire Council
Cllr Sylvia Hobbs	SH	East Northamptonshire Council
Cllr Barbara Jenney	BJ	East Northamptonshire Council
Cllr Andrew Mercer	AM	East Northamptonshire Council
Cllr Gillian Mercer	GM	East Northamptonshire Council
Cllr Bob Nightingale	BN	East Northamptonshire Council
Cllr Peter Wathen	PW	East Northamptonshire Council
Cllr Malcolm Waters	MW	Borough of Wellingborough Council
Cllr Chris Lamb	CL	Kettering Borough Council
Cllr Ray Lilley	RL	Corby Borough Council
Amanda Wilcox	AW	Borough of Wellingborough Council
Tom Morrissey	TM	East Northamptonshire Council
Lloyd Bunday	LB	Kettering Borough Council
Julia Smith	JS	East Northamptonshire Council
Sgt Bob French	BF	Northamptonshire Police
Minutes: Zena Ireland	ZI	East Northamptonshire Council

Apologies:

Cllr David Bateman	(ENC)	Cllr Peter Wright	(BCW)
Cllr Deanna Eddon	(DDC)	Cllr Alan Chantler	(DDC)
Cllr Bob Atkinson	(SNC)	Cllr Mick Ford	(NBC)
Cllr Steve Bellamy	(KBC)	Cllr Ann Addison	(SNC)
Cllr Rupert Reichold	(ENC)	Cllr Richard Gell	(ENC)
Cllr Anna Saunston	(ENC)	Cllr Deanna Eddon	(DDC)
Cllr David Bateman	(ENC)	Cllr Roseta Page	(HDC)
Cllr Bob Atkinson	(SNC)	Andy Glover	Police
Ian Fletcher		Police	

Action

1. Introductions

- 1.1 GH opened the meeting, welcomed the attendees and thanked those who travelled from outside the district. He explained that there were various reasons that the meeting planned for June 2011 was cancelled e.g. elections. Everyone introduced themselves to the group.

2. Apologies

- 2.1 See above for the list of apologies sent for the meeting.

3. Notes from last meeting and matters arising

- 3.1 Keith Osborne clarified the position and GH confirmed to the meeting that it was legally acceptable for ward members to sit on a licensing panel if the application relates to a premises within their ward area and they were members of the Licensing Committee.
- 3.2 GH asked if anyone had any matters to raise as the actions from the last minutes were out of date.

3.3 AM asked if it was correct that the NALEO (National Association of Licensing and Enforcement Officers) policy had been adopted by Northamptonshire as best practice. JS confirmed that it had been initially but it had altered substantially once the trade became involved in the working group.

3.4 The notes of the last Seminar held on 23 October 2010 were received and accepted as an accurate record.

7. Operation Palm - Sgt Bob French

7.1 BF introduced Operation Palm to the group and explained that it was an 8 week initiative to tackle poor driver standards and behaviour. The initial councils involved were Northampton Borough, South Northamptonshire and Daventry District, different times of day and night were chosen to carry out the checks on vehicles.

7.2 A hand out showing the statistics for the breakdown of Private Hire and Hackney Carriage offences was given to the meeting. BF went through the different types of offences that were recorded. BF answered various questions on which cars to stop, nature of offences and the focus of the campaign.

7.3 BF said the way forward to encourage and educate our drivers with the message in relation to the importance of road safety. The aim is to roll out Phase 2 of Operation Palm across the rest of the county in January 2012.

7.4 For further details on Operation Palm contact Sgt Bob French on 03000 111 222 extension 8614.

7.5 GH thanked BF for attending the Seminar and BF left the meeting.

4. House to House collections enforcement and policies

4.1 JS explained that ENC's current House to House Collections Policy went to Policy & Resources Committee on 5 December 2011 and it was agreed to amend to a 70 / 30% split in favour of the charity. JS asked the various councils present at the Seminar to provide an update on their House to House Collection Policy.

4.2 AW confirmed that BCW were currently drafting their policy based on NALEO, it would then go out for consultation and a report go to committee.

4.3 JS was able to confirm that CBC had the same policy at ENC with a 70 / 30% split in favour of the charity.

4.4 CL was unsure of the policy for KBC; JS stated that she had previously spoken with Russ Howell and believed that their policy followed the NALEO guidance.

4.5 SNC and ENC have had successful prosecutions for illegal house to house collections. RL mentioned the CBC has had an increase in the last 6 months of illegal house to house collections.

4.6 JS asked if anyone wanted to comment on the enforcement or house to house issues. PW raised a question regarding the split and compliance by the applicant; JS confirmed that a financial return must be submitted to the relevant local authority once the collection has taken place. PW also asked about the impact on council resources with the different options e.g. NALEO or 70 / 30% split. JS stated that it is ENC Members' decision to go with the

split option and that it is the illegal house to house collections that take the most officer time.

4.7 GH pointed out that there are only six reasons under the [1939 House to House Collections Act](#) where a local authority can refuse to grant a Licence; with the main reason being lack of financial information.

4.8 TM confirmed that the Cabinet Office has appointed Lord Hodgson has been appointed to lead a full review of the law relating to charities; including street and house to house collections. AM requested that the Licensing Seminar group file a formal representation; JS agreed.

JS

5. Rebalancing the licensing act - update

5.1 JS highlighted the significant changes to the Licensing Act 2003 as contained in the Police Reform and Social Responsibility Act 2011 that impact on local authorities:

- The licensing authority itself becomes a responsible authority
- Individual members of licensing authorities to no longer be interested parties
- The Primary Care Trust becomes a responsible authority
- Notices of application are to be advertised in a prescribed manner by the licensing authority; there is a cost associated with this
- The test for whether a decision is needed will be that is "appropriate" for the promotion of the licensing objectives, and not "necessary" as now
- EHOs will be able to object to Temporary Event Notices (TENs)
- Objections to TENs may be made if they would undermine a licensing objective
- A separate statement of conditions applicable to the TEN must be given to the premises user, police and EHOs
- Fines for persistently selling alcohol to children will increase from £10,000 to £20,000
- Where it is appropriate for the promotion of the licensing objectives, a licensing authority may make an early morning alcohol restriction order to prohibit the sale or supply of alcohol between midnight and 6am as specified in the order
- Premises licences and club premises certificates must be suspended no less than two working days after the annual fee not being paid within 21 days of it being due
- Subject to ministerial approval, the licensing authority will have the power to set certain fees on a cost-recovery basis. The costs may also include the costs of acting as other responsible authorities under the act, e.g. planning authority
- Licensing policy statements can now be reviewed every five years instead of every three years
- Further relevant offences have been added to those the may potentially disqualify people from holding personal licences
- Licensing authorities may decide that a late night levy is to apply in its area after various consideration

5.2 JS confirmed that it was planned to roll out in two stages in April and October 2012. AM asked if the licensing authority is now a responsible authority who would act in this role. JS the additional guidance on the key changes was needed before this could be clarified. AM also questioned whether the notice period for a TEN would be changed; JS confirmed it would be amended in line with the new amendments. GM asked if further changes were expected as a

result of the live music consultation; JS stated that was a separate review. MW asked about the cost implications for licensing authorities with regards to the notices; JS said that fees could now be set on a cost recover basis.

6. Update from Police on DARs

6.1 GH stated that PC Andy Glover was unable to attend the Licensing Seminar to do the presentation on DARs.

8. Closure notices

8.1 TM explained that two notices had been issued under the Criminal Justice & Police Act 2011, Section 19 during the last 12 months in the East Northamptonshire district. These have been served where the premises is not complying with the conditions of their licence.

9. Police update

9.1 GH mentioned that there was no Police update for the Licensing Seminar due to apologies being sent.

10. Future meeting date

GH confirmed that the next Licensing Seminar would be held in approximately May 2012 and he then closed the meeting.