

# LICENSING COMMITTEE

Date: 7 March 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- Brian Northall (Vice Chairman in the chair)

Tony Boto  
Pauline Bradberry  
Richard Gell  
Barbara Jenney

Andy Mercer  
Bob Nightingale  
Rupert Reichhold

## 412. MINUTES

The minutes of the meeting held on 5 October 2011 were confirmed and signed by the Chairman as a correct record.

## 413. APOLOGIES FOR ABSENCE

Apologies were received from the Chairman (Councillor Glenn Harwood MBE) and Councillors Anna Sauntson, Glenvil Greenwood-Smith and Gill Mercer.

## 414. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 415. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

## 416. LICENSING ACTIVITY

The Committee received and noted details of applications received under the Licensing Act 2003 between September 2011 and February 2012, 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.

Members asked a number of questions concerning licence variations and new premises applications.

## 417. LICENSING ACT 2003 - CRIME STATISTICS FOR LICENSED PREMISES

Further to minute 353 (12 March 2008), the Committee received and noted an analysis of criminal activity relating to licensed premises in East Northamptonshire, covering the period

February 2011 to January 2012 and monthly crime volumes supplied by the police covering the same period.

Totals of crimes perpetrated on East Northamptonshire licensed premises in various wards of the district were provided alongside totals of crime arranged in date order and detailing those where violence was used with the offender being under the influence of alcohol.

For the period February 2011 to January 2012, there had been 72 crimes on licensed premises in East Northamptonshire.

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

- The Chair provided the meeting with a detailed breakdown of offences obtained from police relating to The Feathers Inn, Rushden.
- Members would be interested in viewing crime figures since the introduction of body-cameras for licensed premises door-staff.
- Raunds Woodbine Working Mens Club name needed to be amended to The Woodpecker.

#### **418. LICENSING ACT 2003 - POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

The Commercial Health Manager presented a report to members to inform them of changes to the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011, which had received Royal Assent in Parliament on 15 September 2011.

An overview of the main reforms due to be implemented by the act was provided to members, highlighting any local implementation requirements that may be necessary. The report also went into detail on amendments to legislation as a result of the Live Music Bill that was awaiting Royal Assent.

It was noted that the timetable for commencement of the act was split into two stages, April 2012 and October 2012. The act was still anticipated to commence in April, although further details were yet to be received from government.

The Commercial Health Manager advised members they would receive appropriate training as soon as details and timelines were obtained. A request was made for any training to contain role-play examples in order to demonstrate the effect of changes of wording on any decisions required of members. A Home Office produced factsheet had been made available in March detailing potential changes and this would be forwarded to members upon request.

Members further requested that officers would check the new Policing Plans, when introduced, to ensure that members could be made aware of police aims with regard to licensed premises and alcohol-related activity.

The Commercial Health Manager also requested nominations for a working group that would assist in the development of the new Licensing Policy Statement. The councillors nominated for the working party were Glenn Harwood, Brian Northall, Andy Mercer and Tony Boto.

**419. LICENSING SEMINAR - 6 DECEMBER 2011**

Members received the notes of the Seminar held at East Northamptonshire House on 6 December 2011, as set out in the Appendix to these minutes at pages 749 to 752. An amendment was requested to reflect Councillor Bradberry's attendance at the seminar. A further amendment was requested, the addition of titles for the police officers who had attended.

**Chairman**

# 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 Pauline Bradberry	PB	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
Sgt Ian Fletcher	(NP)		

## 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.