

LICENSING COMMITTEE

Date: 18 January 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- **Glenvil Greenwood-Smith (Chairman)**
Barbara Jenney (Vice-Chairman)

Tony Boto

Richard Gell

Helen Howell

Dorothy Maxwell

Andy Mercer

Geoff Shacklock

Peter Wathen

Pam Whiting

350. APOLOGIES FOR ABSENCE

There were no apologies for absence.

351. MINUTES

The minutes of the meeting held on 15 June 2016 were approved and signed by the Chairman as a correct record.

352. DECLARATIONS OF INTEREST

There were no declarations of interest.

353. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

Councillor Roger Glithero asked the following questions under Procedure Rule 10.3. The Chairman of the Committee provided answers to each question as shown in italics beneath.

1. What training is given to individuals sitting on Licencing Panels to aid their competence to:
 - a) Chair Licensing Panel meetings
 - b) Understand the implications of noise level reports, including differences between day and night time noise effects

All elected members are provided with training when appointed to the Licensing Committee. This training is undertaken before they undertake any panels and is updated on a regular basis. All Licensing Committee members have undertaken specific training on the Licensing Act 2003 which includes panels and Taxi Licensing. All members were also offered Chairing training on 3 November 2016. A number of members accepted this opportunity, including five members of the Licensing Committee.

In relation to training in noise level reports, etc., this training would not be provided nor would it be appropriate for members to undertake. Members are required to make a judgment on the information presented to them and to ask questions of those providing said information. Where noise reports and related matters are presented to

a licensing panel it is done by qualified officers of the council. The Licensing Act and Section 182 Guidance deems the Police to be suitably qualified to determine issues relating to crime and disorder licensing objectives and by that same vein, officers from Environmental Services who hold a diploma in Acoustics and Noise Control are also equally qualified to comment on noise related issues. The panel members are free to ask any questions and to clarify with officers anything they wish with regards to noise. Officers have always advocated that where a panel deems that additional noise related conditions should be added to a licence that these are discussed with qualified officers to ensure that they meet all the necessary legal tests.

2. What are the rules in relation to the presentation of evidence at Panel meetings – should it be made available to all parties and are there any rules about how far in advance this should be done. Are there any variations for particular types of evidence?

All evidence which is submitted by any party in support of their application or representation should be made available to all parties. The evidence may be redacted, for example if it contains personal information, but all parties should receive all evidence which is to be relied upon so that the Hearing complies with the rules of natural justice. Under the Local Government Access to Information Rules, under which Licensing Hearings operate, the agenda and supporting evidence should be sent out to all parties no later than five clear working days before the start of the hearing. However, with the consent of all parties, additional evidence may be presented at the hearing.

3. Please could Officers provide, via a Member Briefing, so that all councillors are aware, a summary of what should and shouldn't be done in relation to the following at licensed premises:
 - a) Display of Licenses for Premises and Personal Licenses
 - b) Requirements for Presence at the premises of Premises and Personal Licence Holders
 - c) Price list for various types/units of alcohol
 - d) Times/Days of opening
 - e) Fire Exits (type of sign)
 - f) Disabled Facilities
 - g) Animals (mainly dogs) in eating areas
 - h) Storage of waste materials.

Members briefings can be requested and made available to members upon almost any appropriate topic as the need arise. As such, the points listed above can be addressed in a briefing, even though not all of them are actually matters which would be considered under licensing legislation. However, the responses to these points are as below, although the answers are general and do not apply to any specific licence, which may have additional and supplementary requirements imposed and which may exceed the requirements of the answers here. The general responses to the points are:

- a) Display of Licenses for Premises and Personal Licenses
Part B of the Premises Licence should be on display at the premises at all times. Personal licences do not need to be on display, but should be accessible upon request.

It is unlikely that this requirement would be varied for premises specific licences.

b) Requirements for Presence at the premises of Premises and Personal Licence Holders

The premises licence holder does not need to be at the premises, as this is often a brewery or Ltd. company rather than a specific person.

Not everyone who works at a licensed premises needs to have a personal licence – only the Designated Premises Supervisor (DPS).

The DPS needs to be contactable, but does not need to be at the premises all of the time.

However whilst it is preferred that someone with a licence (DPS or personal licence) is present during the licensed hours, the law does not require it.

c) Price list for various types/units of alcohol

There is no specific requirement anymore for a price list, but it is considered material information which should be made available to consumers.

Best practice is to have a range of prices, around 30, including soft drinks being displayed and visible to the customer (so not behind the bar).

Any prices on display or available to the customers must be accurate and show clearly the price charged for the specific item.

There is no requirement to show an alcohol unit price.

The number of units per alcoholic drink does not need to be displayed other than on the product label.

The relative alcohol percentage need only be displayed on the product label or another label being used to promote the product, e.g. beer pull badges, and must be correct.

d) Times/Days of opening

There is no requirement to display opening times under the Licensing Act 2003, however all of these details will be on Part B of the licence which should be on display at all times, and made available to Police and other authorised Officers on request.

e) Fire Exits (type of sign)

This requirement is not covered under the Licensing Act 2003. All businesses are required to carry out and have a Fire Risk Assessment (FRA), and this should consider how occupiers of a premise can safely exit an area or building; the use of correct and appropriately located signs is an intrinsic part of this requirement.

The Fire Service is one of the statutory consultees for all new premises licence applications. They may also be available to offer guidance to businesses undertaking a FRA, but as mentioned, this is not considered under licensing legislation.

f) Disabled Facilities

This requirement is not covered under the Licensing Act 2003. Businesses are required to make reasonable provision to accommodate the requirement of disable persons. New build premises have to meet this design standard, usually regarding access, egress and the provision of toilet facilities, as part of the design and approval process. Existing premises need to consider what provision can be provided, but are not required to provide all amenities if to do so would not be practicable to do so.

- g) Animals (mainly dogs) in eating areas

This requirement is not covered under the Licensing Act 2003. Food hygiene law requires that animals are not permitted in food areas, and although this refers to areas where food is stored, prepared, handled or cooked, many businesses also extend this provision to the public eating areas. If this was to be adopted by a business, provision to allow access to guide and other assistance dogs would have to be adopted.

- h) Storage of waste materials.

This requirement is not covered under the Licensing Act 2003. Other legislation requires that waste is managed and may require certain waste to be stored in specific ways. In addition, a business may also have obligations agreed under their waste collection contract, but this would be a business specific matter.

354. ESTABLISHING A WORKING GROUP TO REVIEW PART 5.7 OF THE CONSTITUTION (LICENSING PROTOCOL)

The Monitoring Officer advised the Committee that work had recently been undertaken to update and revise the Code of Practice for Planning Procedures that sat at Part 5.4 of the Council's Constitution. The Code of Practice for Licensing Procedures, at Part 5.7 of the Constitution, was closely aligned to the Planning Code and as such it was felt that this was an appropriate opportunity to undertake a review of the Licensing Code. It was proposed that the review be undertaken by a working party comprising three members, which would consult with Licensing Committee on the findings of the review before submitting its final recommendations to the Governance and Audit Committee for consideration and recommendation to Council.

RESOLVED:

That authority be delegated to the Leader of the Council to nominate three members to sit on a Licensing Protocol Working Party.

355. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 may be disclosed.

356. CHANGE TO THE ORDER OF THE AGENDA

At the Chairman's suggestion it was agreed to consider agenda item 7 – Licensing Act 2003 – Licensing Activity and Update Report next followed by agenda item 8 – The Role of the Central Licensing Administration Unit.

357. LICENSING ACTIVITY AND UPDATE REPORT

The Health Protection Manager presented a report detailing the Licensing Enforcement, Taxi Licensing and Central Licensing Administration Unit activity statistics from June 2016 to December 2016.

Member debated a number of the points raised in the report. Clarification was sought around the Cumulative Impact Policy (CIP) and how it could be applied. The issue of CIP on health was discussed and officers advised that they were working well with the Director of Public Health's office on improving DPH submissions to Licensing Panel.

There was some discussion about progress on a national database of licence holders and it was agreed that the Police and Crime Commissioner would be approached with a view to seeking assistance in raising the matter with the Home Office.

RESOLVED:

That the licensing activity report be noted and that a representative of the Director of Public Health be invited to attend the next meeting of the Committee.

358. THE ROLE OF THE CENTRAL LICENSING ADMINISTRATION UNIT

The Health Protection Manager provided a presentation to the Committee on the work of the Central Licensing Administration Unit explaining the background to its formation, details of its structure and workload and the future plans for the Unit.

359. ASKING THE RIGHT QUESTIONS

The Chairman led a discussion on questioning at Licensing Panels and the responsibility that members had in ensuring they had all the appropriate information required to be able to make a determination. Members debated training requirements and discussed various types of training they had received. The issue of adjournments of panels was also discussed and members sought some legal and procedural guidance.

360. REVIEW OF LICENSING PANELS

Members reviewed a number of Licensing Panel meetings held in recent months, discussing learning points and seeking clarification and updates on a number of issues.

Chairman