

LICENSING COMMITTEE

Date: 27 April 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- Glenvil Greenwood-Smith (Chairman)

Tony Boto	Geoff Shacklock
Richard Gell	Peter Wathen
Dorothy Maxwell	Pam Whiting
Gill Mercer	

553. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Roger Glithero JP, Barbara Jenney and Andy Mercer.

554. MINUTES

The minutes of the meeting held on 18 January 2017 were approved and signed by the Chairman as a correct record.

555. DECLARATIONS OF INTEREST

There were no declarations of interest.

556. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

Councillor Dorothy Maxwell 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. How are members selected to sit on the Licence Panel Meetings?

Members of Licensing Panel hearings are drawn from the trained members of the Licensing Committee. They are randomly selected based on who is available on the proposed date for the hearing.

2. Would it be useful to notify ALL committee members of Panel meetings?

The dates of Licensing Panel hearings are listed on the Weekly Meetings Schedule which is sent to Members. It is a matter for the Committee to decide if it wished Democratic Services to notify all committee members of the details of Panel hearings. However, in respect of Taxi Panel hearings, officers would be restricted in what information could be provided due to the sensitive personal nature of some of the information.

3. Given that I put forward 3 years ago that a Data Base should be set up to record licensees who have lost their licence, since this has now been taken up by a House of Commons select committee, could ENDC initiate the data base?

The notion of a nationwide licensing database has been the preferred option by all agencies involved in licensing almost since the Act was introduced. The current position is that the House of Lords Select Committee on the Licensing Act 2003 has recently published its report, 'The Licensing Act 2003: post-legislative scrutiny'.

Regarding the matter of a National Database, at clause 594, page 146, the report states:

"We believe the enforcement of section 128 and 132A of the Licensing Act 2003 would be facilitated by a national database of personal licence holders, against which to check those who are convicted of relevant offences. We recommend the creation of a national database of personal licence holders for use by courts and licensing authorities, linked to the Police National Database."

The report has yet to be considered by the Government, and until it is adopted and given the resources to permit its implementation, for any organisation to commit to creating a version of a national database in isolation may be counter-productive both locally and on a wider scale. ENC already fully supports the principle of the development and use of such a national database, and given the opportunity to contribute towards its development, the Licensing Service of this Council would be keen to help.

557. 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.

558. LICENSING ACTIVITY AND UPDATE REPORT

The Health Protection Manager presented a report which detailed developments under the Licensing Act 2003 and other licensing associated legislation and of the licensing activity undertaken by ENC and the Central Licensing Administration Unit since the last meeting of the Committee in January 2017.

The Immigration Act 2016 introduced a number of requirements for Licensing Authorities, including that the Immigration Service would now be a consultee on all new premises licence applications. Applicants for personal licences would also now be required to prove that they had the right to work in the UK.

The Policing and Crime Act 2017 also introduced new powers in relation to the policing of the provision of alcohol and late night refreshment. There was now a new definition of alcohol, which had been extended to include alcohol "in all states", including as a powder, tablets, vapour and iced. Licensing authorities would now be able to seek the suspension or revocation of personal licences upon the conviction of the licence holder for any relevant offence, where previously this could only be done by Magistrates. The new Act amended

some of the previous section 182 guidance and new copies of the guidance would be provided to Committee members after the Annual Meeting.

The Committee received an update on recent Panel hearings.

In response to a question from Members, officers advised that they would make enquires as to whether they would be able to include in future reports the number of visits made to licenced premises.

RESOLVED:

That the licensing activity and update report be noted.

Chairman