

LICENSING COMMITTEE

Date: 6 October 2010
Venue: East Northamptonshire House, Cedar Drive, Thrapston
Time: 7.30 pm
Present: Councillors:- Glenn Harwood MBE (Chairman)

Richard Gell
Peter MacGovern
Andy Mercer
Gill Mercer

Brian Northall
Rupert Reichhold
Anna Sauntson
Ron Silver

Also Present (for item 198) – PC Kevin Murphy (Northamptonshire Police)

193. MINUTES

The minutes of the meetings held on 3 March and 26 May 2010 were confirmed and signed by the Chairman as a correct record.

Further to minute 395 (Licensing Act 2003 - Crime Statistics for Licensed Premises) the Licensing Enforcement Officer reported the outcome of the "test purchases" in relation to underage sales. One case had been dealt with by the service of a Fixed Penalty Notice; the second case had resulted in a fine with costs; and the third case had involved a tobacco, rather than a liquor purchase.

194. APOLOGIES FOR ABSENCE

Councillors Pauline Bradberry, Glenvil Greenwood-Smith and Sylvia Hughes sent their apologies. The Chairman explained they had been appointed on 4 October.

195. DECLARATIONS OF INTEREST

Councillor Andy Mercer declared a personal interest in item 7 (Licensing Act 2003 - Statement of Licensing Policy) as he was Chairman of the County Council's Scrutiny Committee with responsibility for monitoring the County Fire and Rescue Services.

196. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

197. LICENSING ACTIVITY

The Committee received and noted details of applications received under the Licensing Act 2003 between March 2010 and August 2010, broken down into new premises licences and licence variations, reviews, variations and removals of Designated Premises Supervisors (DPS), transfers, Interim Authority Notices, Temporary Event Notices (TENs), personal licences and changes to details.

The report also gave information on a recent consultation by the coalition government asking for opinions on its plans to overhaul the current licensing regime (Rebalancing the Licensing Act), in order to give more power to local authorities and police. The aim was to help deal with alcohol-related crime and disorder, while also promoting responsible businesses.

The proposals included:

- overhauling the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, premises that are causing problems
- allowing councils and the police to permanently shut down any shop or bar that is repeatedly selling alcohol to children
- doubling the maximum fine for those caught selling alcohol to minors to £20,000
- allowing local councils to charge more for late-night licences, which will help pay for additional policing
- banning the sale of alcohol below cost price.

The government was interested in feedback on the implications of implementing the proposals, and comments had been made by Councillors, Officers and the Licensing Partnership Authorities. The outcome of the consultation and the impact this would have on how licensing services were delivered was now awaited.

The following points were raised during the discussion:-

- A request was made for the government's feedback on the consultation and the Licensing Officer undertook to circulate this to Members when received
- There had been two applications to disapply the mandatory DPS condition to community premises since the publication of the report. The Licensing Enforcement Officer had written to all responsible bodies reminding them of the opportunity to apply under this provision
- The report did not appear to cover the period January and February 2010 and it was noted that there had been a review of the premises licence for The Wheatsheaf, Benefield. The Licensing Officer undertook to supply information covering this period.

198. 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 September 2009 to August 2010 and monthly crime volumes supplied by the ComPaSS Unit covering the period April 2010 to August 2010.

In addition to the printed papers, the Licensing Officer gave details of cases handled by Trading Standards in relation to sales from licensed premises in the District (RP Stores, Rushden, Lakeside Convenience Store, Irthlingborough and Addington Road Stores, Irthlingborough) and the outcome of those cases. In addition, the Licensing Enforcement Officer had undertaken the following visits:-

Enforcement	-	61
Inspections	-	97
Joint/Multi Agency Visits	-	72
Other/Advisory Visits	-	108

The Committee noted that -

- There was no comparative figure for alcohol-flagged violence over the same period last year, and the Licensing Officer undertook to circulate this information when received
- The ComPaSS figures did not appear to correspond with the figures provided by the police in relation to licensed premises, but it was confirmed that the ComPaSS figures included cases which did not involve licensed premises (eg domestic properties) and probably covered all reports to the police rather than confirmed crimes
- The Licensing Committee had a responsibility for monitoring crime from licensed premises but did not appear to have a remit which extended beyond that (ie alcohol related problems of all kinds). It was suggested that the Policy and Resources Committee was the appropriate Committee and that a report on Harm from Alcohol would be considered by that Committee on 11 October.
- Lounge One at Rushden was closed at present and this accounted for the fact that there were no problems arising although many of the former customers now frequented a night club in Wellingborough.

199. STATEMENT OF LICENSING POLICY

The Committee considered the revised draft statement of licensing policy under the Licensing Act 2003. The Council was required to review its statement every three years after consultation with the statutory consultees, interested parties and the licensed trade. The government's guidance under section 182 of the Licensing Act 2003 revealed the general principles which underpinned the statement and was prescriptive in terms of the core content of the policy.

The closing date for consultation was 12 November 2010. The law required that the statement of licensing policy must not be adopted by the Council's Licensing Committee and it was therefore necessary for the statement to be approved at the Council meeting on 10 January 2011.

Members had a number of comments on the draft document, and it was generally felt that, in several places, the document did not adequately reflect the practice followed by this Council. The outcome of the consultation on "Balancing the Licensing Act" would, the Committee believed, impact upon the wording in the statement of licensing policy.

The following comments were made at the meeting:-

Paragraph	Comments
2.10 (iv)	spelling - "Worksop"
2.11	delete "displaying sensitivity" and substitute "with sufficient regard"
2.15	does not reflect the current government's view Last sentence - add "and representations from" the Police
3.1	include reference to the public
4.13	rewording suggested
5.1	2nd and 3rd sentences probably unsustainable
5.2	delete "may" and substitute "'will"
6.3	no mention of premises specialising in "vertical drinking" (no or few tables in premises)
6.8	Preferable to place responsibility on the NCC directly but include up to date contact point
6.9	Needs to be reworded to make it clear that Licensing Panels will give weight to the code of practice
7.3	this paragraph is not considered relevant for ENC
7.4 & 7.5	the responsibilities set out in these paragraphs do not reflect the practice followed - need to review
7.7	this paragraph is no longer relevant and should be deleted

RESOLVED:

That the above comments be incorporated in the paper to be presented to the Council meeting on 10 January 2011, following the close of consultation on the revised draft statement of licensing policy and that the Licensing Officer be authorised to incorporate, following consultation with the Chairman of the Committee, any further comments made by members up to 12 November 2009.

200. SEMINAR ON LICENSING ISSUES

Members received the notes of the Seminar held at East Northamptonshire House on 26 May 2010, set out in the Appendix to these minutes at pages 303 to 313. The next seminar would be held on 23 November 2010.

Chairman