

**Seminar: Licensing Issues –
23 October 2010 at 6.30pm, East Northamptonshire Council
Note of the main points discussed**

Present:-

Councillors –

Glenn Harwood MBE – ENC (**Chairman**)

David Beaty - HBC
Pauline Bradberry JP – ENC
Lesley Callnor - BCW
Alan Chantler – DDC
Richard Gell – ENC
Chris Lamb - KBC
Ray Lilley – CBC
Peter MacGovern - ENC
Andy Mercer – ENC
Brian Northall – ENC
Alan Pote – KBC
Rupert Reichhold – ENC
Ron Silver – ENC
Portia Wilson – NBC
Christopher Woolmer - CBC

BCW Licensing:

Amanda Wilcox

CBC

Damian Wilkins

DDC

Andrea Hill

ENC:

Rachel Reeds – Democratic Services
Julia Smith – Commercial Health Manager

KBC

Russ Howell

		Action
1.0	Apologies	
1.1	Apologies were received from Cllr Ray Jackson – CBC, Cllr Glenvil Greenwood-Smith – ENC, Cllr Derek Zanger – KBC, Cllr Colin Poole – DC, Cllr Carter – DDC, Cllr Long – DDC, Cllr Deanna Eddon – DDC, Cllr Gloria Edwards-Davidson – DDC, Cllr Pat Fawcett – CBC, Cllr Ron Pinnock – ENC, Cllr Steven North – ENC, Cllr Gill Mercer – ENC, Cllr John Bailey – BCW, Cllr Sarah Peacock – ENC, Cllr Colin Wright – ENC, Cllr David Dean – BCW, Cllr Anna Sauntson – ENC, Cllr Jackson – CBC, Cllr Andrew Atkins – BCW, Cllr Geoff Timms –	

BCW, and John Casserley – BCW Licensing Unit.

2.0 Welcome and Introductions

2.1 Cllr Glenn Harwood welcomed everyone to the fourth Seminar, especially those who had travelled from outside Northamptonshire. All new attendees introduced themselves.

3.0 Notes of Previous Seminar and Matters arising

3.1 The notes of the last Seminar, held on 25 May 2010, were received, and accepted as an accurate record.

3.2 The following comments were made under the Action column:-

- Minute 4.1: ENC had adopted new provisions under Sect 3 of the Local Government (Misc Provisions) Act 1982 with a view to developing and reviewing its policy on Sexual Entertainment Venues in 2011. Cllr Harwood had attended the LGG Licensing and Localism conference in London where it had been strongly advised that licensing authorities would be at risk were they to have a nil tolerance policy. KBC's policy was out for consultation and due to be adopted in the new year.
- Minute 7.2: Legal advice on the position of ward members sitting on panels had not yet been received – this item would go on the next agenda.
- Minutes 8 and 9 would be discussed later on the agenda.
- Minute 10.1: Licensing officers from Northamptonshire had agreed the majority of consultation question responses. Damian Wilkins was revising the policy in the light of those responses and would feed back the policy and its implications locally to individual authorities. The policy would hopefully be in place by 7 January 2011. Councillors were asked if they had responded to the consultation or delegated to officers. ENC had discussed it at a Licensing Committee meeting and felt there were parts that were not applicable to the district. NBC and DDC tended to leave responses to consultations to officers in consultation with the Licensing Committee chairman, but all committee members had been aware of the consultation.
- Minute 11.1: No overcharging had been found as a result of the Taxi and Private Hire Vehicles Fares sting at BCW. Consultation on Government proposals for licensing had been circulated to attendees.

**Keith
Osborne**

4.0 House to house collections enforcement and policies

4.1 Progress with adoption of house to house collection policies in each district. The draft policy had been discussed at the last seminar and came to be developed in response to the considerable rise in the number of illegal collections across the county. The policy had been developed by the county as a whole. It had been adopted by ENC, was out for consultation at DDC, was to be considered by CBC in January, was on hold at SNC due to the need to align with Cherwell

as part of the merger, and BCW was waiting for the NALEO guidance to come out. Julia Smith informed the group that NALEO had taken the Northamptonshire policy as best practice.

4.2 Some enforcement activity was also taking place. ENC was going to act as a pilot for a Police operation before such enforcement action was rolled out across the whole county. The Police, Trading Standards, UK Border Agency, Revenues and Customs, and local authorities would be working in partnership.

4.3 ENC - The Chairman reported that the procedure at ENC was that applicants would be informed if the officer was 'minded to refuse' applications and that they could then request their application be considered by a panel. Refusals were usually based on the application not adhering to the 80/20 rule or a lack of provision of enough information for a decision to be made. The information on refusals and reasons for them was shared with other councils in Northamptonshire. At ENC, two or three applications were being received each week and about one illegal collection was being highlighted to the council each week.

KBC – Under advice from the Cabinet Office KBC did not have the 80/20 rule as it felt this could discriminate against some charities and that as long as professional collectors had formal agreements with the charities they were collecting on behalf of, licences would be issued. A number of collectors that had been operating illegally had come forward with legal agreements with charities and applied for licences.

4.4 ENC Licensing Enforcement Officers (LEOs) were actively engaging in house to house collections enforcement activity and the Police had offered to attend very quickly if needed by an LEO.

KBC – the Police had caught two bogus collectors in Kettering, arrested them on suspicion of theft, could not prove the allegation so let them go without any recourse to the house to house collection legislation. The authority was still waiting for the statement from officers so it could pursue its own investigation. It was felt by some that police officers were not aware of the legislation.

4.5 The group discussed a number of concerns regarding house to house collections and legislation including:

- The difficulty for residents in identifying legitimate or bogus collections.
- The fact that should someone be under investigation by the Police the local authority would have to continue to consider his/her application and could not refuse it on those grounds.
- The Act only allows local authorities to refuse for six specific reasons
- The number of those refused permits yet still proceeding with collections
- The number of collectors not applying for a licence, including some legitimate charities.
- The links of some bogus collectors with organised crime.

4.6 Members also discussed the rise in 'cash for bag' campaigns which fell outside the house to house collection legislation which had been designed to protect philanthropic campaigns.

5.0 Rebalancing the Licensing Act – Update

5.1 The consultation had ended and most authorities had responded. There had been heavy criticism from the industry on the following areas of the consultation:

- Lessening requirements for evidence from the Police
- Removing the 'vicinity' requirement for objectors
- The suggested appeal process (magistrates having the ability to direct the application back to the licensing authority).

The new bill to be released in January was expected to address some of these concerns.

5.2 Councils had also had concerns about the proposed appeals process and the possibility that the original membership of the panel could/would be repeated.

5.3 The latest version of the S182 guidance had been received. It was noted that some of the changes in the latest version suggested some items within the 'Rebalancing' consultation document had already been adopted, such as extending the amount of time the Police would have to respond to TEN applications.

5.4 A letter from the Secretary of State asking councils not to block street parties on the dates of the likely Royal wedding/Diamond Jubilee was also discussed.

6.0 Taxi criminal records policy

6.1 Members were updated on progress across the county. The revised policy – which it was hoped would be adopted across the county to ensure consistency – had been brought to the last seminar. It had been adopted by ENC and CBC, it was going to DDC in December and KBC and BCW were still considering it. NBC already had a policy in place and SNC had put in hold during the merger process.

7.0 Alcohol harm reduction strategy

7.1 Damian Wilkins briefed members on the background to the strategy. Once it had been put in place a number of areas had been allocated different responsibilities in the action plan by Northamptonshire Liaison Licensing Group. The action plan looked at developing committees, developing/maintaining links with licensees, strategic review of numbers and locations of licensed premises etc. The onus was being placed on licensing authorities to do more locally and each would consider its own action plan in time.

8.0 Purple flag scheme

8.1 Information on the scheme was circulated to all members. Julia Smith informed the group that it had been included in the alcohol harm reduction strategy for licensing authorities to consider. ENC felt it was not applicable to its towns at present, due to the expense (the cost was dependent on the population of each borough), but the Police had asked for it to be brought to all members' attention.

8.2 KBC – KBC's Executive was considering the scheme and felt it would fit in well with the development of the borough and its town centre. The Executive was looking specifically at whether to pay for the award or just put in place the criteria and actions it recommends to improve the night time economy without applying for the award.

8.3 Cheaper alternatives were discussed (although it was noted that these did not have the same recognition):

- Best Bar None which had been very successful in Northampton
- The free BRE Toolkit which had been applied to Irthlingborough.

9.0 Community alcohol partnerships

9.1 Trading Standards was taking the lead in the county on setting up CAPs which aimed to reduce the harm caused by young people (especially underage) drinking alcohol and causing anti-social behaviour in the community. Six month pilots in Daventry and Brackley were underway and would be reviewed before hopefully being rolled out across the county if successful. Julia Smith shared details of the type of work carried out and members noted that it was a fast growing project which had been highly successful elsewhere.

10.0 Future meeting date

10.1 It was agreed that ENC would communicate details of the next **Keith** meeting, which would be held in June 2011, after the elections in **Osborne** May.