

LICENSING COMMITTEE
18 JULY 2011

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Monday 18 July, 2011

PRESENT: Councillor J.B. Attridge (Chairman)

Councillors: S.R. Baker, A.G. Diskin, E.W Owen and M. Reece

ALSO PRESENT:

Councillors: C.S. Carver, P.G. Heesom and H.D. Hutchinson

APOLOGIES:

Councillors E.G. Cooke and L.A. Sharps

IN ATTENDANCE:

Solicitor (Litigation), Community Protection Manager and Committee Officer

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the meeting of the Committee held on 10 November, 2010 were submitted.

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

3. UPDATED LICENSING SUB-COMMITTEE RULES OF PROCEDURE

The Solicitor (Litigation) introduced a report seeking the Committee's consideration and approval of an updated Licensing Sub-Committee Rules of Procedure to replace the existing procedure.

The existing rules of procedure, although detailed, only covered procedures in respect of the hearing itself and did not include private hire/taxi licensing matters. The new procedure reflected the Licensing Act 2003 and included both private hire and taxi licensing matters. It could also apply to applications under the Gambling Act 2005. The proposed rules of procedure attached at Appendix A of the report had been slightly amended following consultation with the Licensing department and Head of Legal and Democratic Services. A revised copy was circulated to the Committee during the meeting.

Composition of Sub-Committee

Councillor S.R. Baker referred to section 2.1 of the proposed rules of procedure and questioned the composition of the Sub-Committee which stated that the quorum should be three. The Solicitor (Litigation) advised that in accordance with Section 9 of the Licensing Act 2003 if the Sub-Committee was held with less than 3 Members present the decision taken would be open to challenge. The Chairman said that he would send a note out to all Licensing Committee Members asking them to contact the Committee Officer in advance if they could not attend a meeting of the Sub-Committee.

Right of Attendance, Assistance and Representation

The Solicitor (Litigation) referred to sections 4.5(c) and 4.5(d) of the proposed rules of procedure and detailed an amendment which had been made since the despatch of the agenda, to replace the word 'object' with 'make representations'.

Councillor C.S. Carver reported that he had recently attended a meeting of the Licensing Sub-Committee as a local Member and raised concern that he had not been informed of the application within his ward and that he had also not been provided with a copy of the report prior to the meeting and that copies were also not made available to the local residents in attendance. He also raised concern that details of the application shown on the notice at the premises differed to the details included within the report and felt that this was unfair to residents who had submitted objections based on the details of the notice.

The Chairman reported that during a meeting on 15 June, 2010 the Licensing Committee had agreed that Elected Members be notified by e-mail or telephone of applications where the premises in question was located in the ward or area that they represent. He said that the officer had since apologised to Councillor Carver that he had not been notified of the application and would ensure that this would not happen again.

The Community Protection Manager explained that it was the responsibility of the applicant to produce and publicise the application notices and that the Licensing team visit the premises to check that the notices have been publicised. He said that he would ask the Licensing team to ensure that the details in the notice matched those in the Sub-Committee report in future.

Report

Following earlier discussions, the Solicitor (Litigation) said that he would amend the rules of procedure to include sending a copy of the Licensing Sub-Committee report to the local Member prior to the hearing. He highlighted section 7.2 and detailed an amendment that the words 'send a copy' be replaced with 'make available'. He also referred to sections 7.3 and 7.4 which had been included in the rules of procedure since despatch of the agenda.

The Chairman referred to section 7.2 and asked if copies of the Sub-Committee reports would be provided to parties in advance of the hearing. The Solicitor (Litigation) explained that a letter would be sent to the parties informing them that they could view the reports on-line and that a copy could be provided on request.

Procedure at Hearing

The Chairman referred to section 8.5 of the rules of procedure and questioned whether cross examination should be permitted during a hearing. The Solicitor (Litigation) advised that if cross examination was requested by any of the parties in attendance then this should be permitted.

The Chairman referred to the recommendation outlined within the report and asked whether the updated rules of procedure would need to be submitted to County Council for approval. The Solicitor (Litigation) advised that they could be approved by this Committee and would be made available on the Council's internet. Councillor S.R. Baker suggested that the updated rules of procedure be included on the agenda for the next County Council meeting for information to all Members.

RESOLVED

- (a) That the existing Licensing Sub-Committee Procedure be revoked;
- (b) That subject to the amendment listed above, the new Licensing Sub-Committee Rules of Procedure be approved and implemented with immediate effect; and
- (c) That the new Licensing Sub-Committee Rules of Procedure be submitted to County Council on 13 September, 2011 for information.

4. LICENSING ACT 2003 – TEMPORARY EVENT NOTICES

The Community Protection Manager introduced a report to provide the Committee with information on the existing Temporary Event Notice regime and proposed changes.

Temporary Event Notices (TEN's) allowed the carrying on of licensed activities at premises which were not authorised by a Premises License or Club Premises Certificate. There were limitations on submitting TEN's with only 12 being granted for the same premises in each year. Any individual could submit up to 5 TEN's in a year and individuals holding a Personal Licence for the sale of alcohol could apply up to 50 times in a year.

There were proposals in the Police Reform and Social Responsibility Bill to change some of the TEN processes to include the notice period for submitting the TEN to the Licensing Authority and Police being reduced from 10 days to 5 days and increasing the maximum time a TEN could last to 168

hours. On enforcement, the right to object to a TEN would be extended to include Environmental Health as well as the Police who would be allowed to object on the grounds of all four of the licensing objectives and not just the prevention of crime & disorder as at present.

The Chairman asked if consideration could be given to informing local Members of any TEN's approved in their wards as he had received a number of telephone calls from Members who had received calls from local residents and were unaware of events taking place in their wards. The Community Protection Manager reported that hundreds of TEN's were approved each year and suggested that details of ones which the Licensing department felt were contentious be provided to local Members.

Councillor E.W. Owen suggested that a copy of the report be circulated to all Members for information.

RESOLVED

- (a) That the Temporary Event Notice requirements and proposed changes to the Police Reform and Social Responsibility Bill be noted; and
- (b) That a copy of the Temporary Event Notice requirements be circulated to all Members for information.

5. REBALANCING THE LICENSING ACT IN FAVOUR OF LOCAL COMMUNITIES

The Community Protection Manager introduced a report to provide an update to the Committee on changes to the Licensing Act 2003.

In 2010 the Coalition Government gave a commitment to look again at the legislation covering the sale/supply of alcohol and the provision of regulated entertainment. They undertook a consultation process, following which they introduced proposals to amend the Licensing Act and the statutory guidance which accompanied it. The proposed changes were summarised within the report.

The Community Protection Manager highlighted Sections 3.03 and 3.05 of the report which he believed would need to be considered in greater detail following any announcement on the proposed changes by the Coalition Government.

The Chairman asked if a late night levy was introduced where the additional money would be spent. The Community Protection Manager explained that the discretion, collected annually, would be shared between the Licensing Authority and the Police to pay for extra enforcement costs.

RESOLVED

That the proposed changes to the Licensing Act 2003 be noted.

6. **DURATION OF MEETING**

The meeting commenced at 10.00 a.m. and ended at 11.02 a.m.

7. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press and public present.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

LICENSING COMMITTEE	DATE: 18 JULY, 2011
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		