

LICENSING COMMITTEE
24 SEPTEMBER, 2012

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Monday 24 September, 2012

PRESENT: Councillor L.A. Sharps (Chairman)

Councillors: G. Banks, D.L. Cox, R. Dolphin, I. Dunbar, J.E. Falshaw, P. Lightfoot, H.J. McGuill and M.A. Reece

APOLOGIES:

Councillor H.G. Roberts

IN ATTENDANCE:

Solicitor (Litigation), Community Protection Manager, Community Protection Team Leader – Licensing and Committee Officer

1. APPOINTMENT OF VICE-CHAIR

The Chairman sought nominations for a Vice-Chair for the Committee.

RESOLVED:

That Councillor D.L. Cox be appointed Vice-Chair of the Committee.

2. MINUTES

The minutes of the meeting held on 26 January, 2012 had been circulated with the agenda.

Matters arising

In response to a question on the motorised tricycle (trike), the Chairman confirmed that the vehicle was in operation and had been advertised at the recent Mold Food Festival.

RESOLVED:

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

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. LAW COMMISSION CONSULTATION ON THE FUTURE OF TAXI AND PRIVATE HIRE LEGISLATION

The Community Protection Manager introduced a report to inform Members of the Law Commission consultation in relation to Taxi and Private Hire Legislation.

In July 2012 the Law Commission agreed to undertake a law reform project relating to taxis and Private Hire Vehicles. Flintshire had responded to the consultation by working with the other Local Authorities in Wales to formulate a response co-ordinated by the Institute of Licensing (Wales).

It was understood that in Wales the Welsh Minister would have to bring in separate legislation to that which would have effect in England and as Flintshire was a border County it was a matter of concern that standards may differ between the two countries.

Following discussion, the Community Protection Manager reported that a copy of the draft legislation would be submitted to the Committee towards the end of 2013.

RESOLVED:

- (a) That the Law Commission consultation on the future of taxi and private hire licensing be noted; and
- (b) That a copy of the draft legislation be submitted to the Committee towards the end of 2013.

5. THE GAMBLING ACT 2005 – THREE YEAR LICENSING POLICY 2013 - 2016

The Community Protection Manager introduced a report to inform Members about the renewal of the three year Gambling Policy which will cover the period between 2013 – 2016.

Flintshire County Council had been administering and enforcing the requirements of the Gambling Act since it became operational in 2007. In light of this, the Council was not minded to depart significantly from the existing Policy document apart from updating any factual information which had changed.

The legislation required a consultation process to be undertaken which would be initiated in September with responses requested by November 2012. The responses would be summarised together with the view of the Licensing Section and the final draft Policy would be presented to a future Licensing Committee meeting for consideration and approval.

RESOLVED:

That the proposals for the renewal of the Council's Gambling Act 2005 policy be noted.

6. LICENSING ACT 2003 – UPDATE

The Community Protection Manager introduced a report to inform Members of the recent changes to the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011.

In 2010, the Home Office launched a public consultation entitled 'Rebalancing the Licensing Act'. The Bill had been subject to amendments and received Royal Assent and became law on 15 September, 2011. The timetable for commencement had been divided into two stages. The first came into effect in April 2012 and the later changes were due to take effect in October, 2012 as detailed within the report.

The Chairman welcomed that residents, businesses or associations would now be able to make representations on applications even if they did not live or work in the 'vicinity' as this had been a concern for residents for a number of years.

Following discussion, the Community Protection Manager reported that the introduction of a Late Night Levy (LNL) would enable Licensing Authorities to introduce a charge for all premises in the Local Authority area which were authorised to sell alcohol between midnight and 6am. Home Office Guidance on this matter was being awaited and this topic would need separate consideration in due course.

It was noted that the Licensing Authority itself was now also a Responsible Authority as defined within the Licensing Act 2003. There was a potential conflict of interest if Licensing Officers were to act in both roles at once and it was therefore proposed that only the Community Protection Manager should act in the role of Responsible Authority.

RESOLVED:

- (a) That the changes to the Licensing Act as outlined within the report be noted; and
- (b) That the Community Protection Manager be nominated as the officer authorised to act as a Responsible Authority when necessary.

7. FOR INFORMATION

Live Music Act 2012

The Community Protection Manager circulated a briefing note on the Live Music Act 2012 which passed into law on 8 March, 2012 and was due to

take effect from 1 October, 2012. The Act removed the need to licence entertainment facilities completely, regardless of time or audience size. Health and Safety law would continue to apply. The Act also disapplies live music related licence conditions in certain circumstances such as when live music is taking place between 8:00 am and 11:00pm and if the live music is amplified, the audience consists of no more than 200 people.

The Regulation of Investigatory Powers Act 2000.

The Community Protection Manager provided details on proposed changes to the Regulation of Investigatory Powers Act 2000. The changes would take effect in November, 2012 and mean that officers would not be able to undertake covert surveillance unless the legislation being breached provided for a prison term of more than 6 months. This would rule out the majority of covert surveillance that may have taken place in relation to licensed premises or the private hire/hackney carriage trade. Under-age sales of alcohol were however unaffected by the changes and test purchasing using a young person would still be permitted.

Licences Issued in Flintshire

The Community Protection Manager circulated a list of Licences which had been issued in Flintshire from December 2011 to September 2012.

8. DURATION OF MEETING

The meeting commenced at 10.00 a.m. and ended at 10.35 a.m.

9. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press and public present.

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Chairman