

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at the The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Tuesday, 20 March 2012 at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. Apologies
2. Minutes
Minutes of the meeting held on the 31st January 2012
3. Deputations / Public Addresses
4. Declarations of Interest
5. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered
6. Changes to Licensing following the implementation of Police Reform and Social Responsibility
(Copy herewith)
7. Exclusion of Public and Press
The Chair to Move:
“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

SUPPLEMENTARY AGENDA

Exempted Under Schedule, 12A of L.Govt Act 1972, Para No: -

<TRAILER_SECTION>
A6836

Public Participation

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LICENSING COMMITTEE

Tuesday, 31 January 2012

COUNCILLORS PRESENT: Councillors Malpas (Chairman) Duncan (Deputy Chairman)
I. Choudary, Conroy, Ford, Nunn, Patel and Wire DL

OFFICERS: Mohammed Rahman (Solicitor)
Philip Bayliss (Licensing Officer)

1. APOLOGIES

Apologies were received from Councillors Eales, Strachan and Sargeant.

2. MINUTES

Subject to grammatical corrections, the minutes of the meeting held on the 27th September 2011 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

There were none.

**5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES
THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

There were none.

6. LABOUR PROPOSALS TO BE DISCUSSED BY THE LICENSING COMMITTEE

The Committee discussed Labour Proposals outlined in the report as set out below:

Plans of Premises.

The Licensing Officer explained that a plan to scale was produced and was available for Members to view if they contacted the Licensing Team. It was noted that a reduced size map was circulated prior to a Licensing Sub Committee with the relevant paperwork but was considered too small to be a true representation of the plan. It was noted that a plan could be displayed as routine at Sub Committee meetings when applications were being considered.

Site Visits

The Licensing Officer commented that he had no strong objections to a site visit being carried out but that they would have to be carried out under strictly controlled conditions. This would include Members of the Sub Committee having no contact with interested parties prior to the meeting, which would include the site visit.

The Solicitor expressed concern with regards to the logistics and practicalities of site visits due to the legal time-scale of a Sub Committee having to be heard within 20 working days from the last date of objections.

He also explained that in the interest of eradicating any conflicts of interests, the Licensing Officer that would escort members on site visit would not be able to attend the

Sub Committee, which would further exacerbate the logistical problems with regards to attending Sub Committee meeting and site visits within a strict timeframe. He further expressed concern over possible allegations of pre-determination and pre-conceptions in relation to Members on site visits and commented that Members would be forbidden from approaching or communicating with interested parties.

The Committee discussed the proposed site visit and agreed in principal that site visits could be arranged on an ad hoc basis when agreed by all members of a Sub Committee that it would be necessary.

High Risk Premises

With regards to high-risk premises, the Licensing Officer explained that they were all subject to checks from multi agency bodies, which was included in the risk self-assessment carried out by the Premises. He commented that the Fire Service advised on capacity, but there were no sanctions if the advice was ignored. It was explained that some Licensed Premises had no capacity restrictions placed on them, as they had not been transferred from the Public Entertainment Licence when the Licensing Act 2003 was introduced in 2005. Therefore no conditions had been placed on their license. In relation to overcrowding, it was explained that the Police or Fire Service had the authority to present a Premises with a Closure Order, should they consider the Premises to be in breach of legislation. This had been the procedure in a number of cases.

The Solicitor explained that conditions could not be placed on a Licensed Premises unless they came before the Sub Committee should a complaint be presented to the Council by a responsible authority and restrictions on capacity would have to be recommended by the Fire Service.

The Committee requested that further information with regards to the capacity of Licensed Premises be brought to a future meeting of the licensing Committee, once the information had been received from the Fire Services.

Promotional Groups.

The Licensing Officer explained that there were no regulations relating to promotional companies running an event(s) in licensed premises but that many establishments informed the relevant authorities as a matter of courtesy. It was noted that there were very few events that the Police were not aware of.

Categorisation

It was explained to the Committee that the Fire Service were in receipt of all applications and that they would advise on capacity and risks and the powers of the Council were restricted. However, it was explained that multi agency checks would still be carried out and if a breach in conditions was observed by the Licensing Enforcement Officers notification would be given to the Fire Service.

Self Certification.

The Licensing Officer explained that legislation allowed every company to carry out its own risk assessment and was not a Council Policy.

Door Staff

It was explained that all door staff had to be registered with the Security Industry Authority and must undergo rigorous training. No longer did they have to register with the Police but training was carried out under the Security Agency and door staff must also complete a CRB check prior to employment.

The Solicitor explained that legally, all door staff had to be SIA (Security Industry Association) trained – a record of whom were to be held by each premises. In response to a question about capacity and ratio of door staff to customers, it was noted that guidelines had been issued, but there were no legal requirements for capacity restrictions. The solicitor explained that if licensed premises were up for Review, a condition could be put on their license to restrict the numbers of patrons, but that this could not be done retrospectively and only if a Responsible Authority had made a complaint, this could also apply to the ration of door staff to customer capacity.

The Chairman thanked the members for their contribution to the discussion and thanked the Officers for their work.

RESOLVED

1. That plans of premises to be made available prior to and at Sub Committees and to be displayed during meetings
2. That site visits be agreed in principal, to be arranged on an ad hoc basis when deemed necessary.
3. That further information with regards to the capacity of Licensed Premises be brought to a future meeting, once the information had been received from the Fire Services.

7. UPDATES ON LICENSING ISSUES

The Licensing Officer explained that the Late Night Levy was being reconsidered and was out for consultation again. A response on the consultation would be given after it closes in April 2012. The Chairman commented that there had been ongoing debate about the Levy, which had proved unpopular with some Local Authorities due to the revenue from the Levy not being ring fenced and proportionally not satisfactory for the cost of imposing the levy.

The Licensing Officer updated the Committee and reported that the Taxi Age Consultation would finish on the 29th February 2012 and a report brought before the Committee in May 2012.

The Licensing Officer informed members that following representations to the Government there was to be a change in policy and all Hackney and Private Hire drivers would now have to undergo the Enhanced Criminal Record Bureau check as opposed to the Standard Check. This reversed previous advice given by the Criminal Record Bureau.

The Chairman encouraged Members to attend the taxi-drivers course, run by the Council as a means of gaining insight to the current course content.

8. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against

such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

The meeting concluded at 7.02pm

Appendices.



NORTHAMPTON
BOROUGH COUNCIL

Item No.

Ward: N/A

Name of Group:	LICENSING
Meeting Date:	20th March 2012
Directorate:	Public Protection
Head of Service:	Steve Elsey
Corporate Director	Julie Seddon

Report Title	Changes to Licensing following the implementation of Police Reform and Social Responsibility
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1. Recommendations

That the report be noted.

2. Summary

In March 2011 the Government released their recommendations for changes to the Licensing Act 2003, following consultation with interested parties, in order to redress the balance between the applicants for licences and the Responsible Authorities. This will give more powers to the Local Authority when considering applications.

The following are a brief outline of changes included in the Police Reform and Social Responsibility Bill 2010-2011: expected to be introduced on 6th April 2012, the remainder of changes are expected to be introduced in October 2012. These will be subject to a separate report.

The new measures expected to come into force next month include doubling of the fine for persistent underage sales to £20,000 and increasing the period of voluntary closure, as an alternative to a fine, from 48 to a maximum of 336 hours (14 days).

Licensing Authorities - Responsible Authorities.

Licensing authorities and Health authorities, will become 'Responsible Authorities',

permitting them to make representations about licensing applications. The 'necessary' test will be replaced by the 'appropriate' test when dealing with licensing applications. Also the 'vicinity test' will be abolished, permitting anyone to make representations regardless of whether they live near the premises concerned. In addition, licensing authorities will be given greater powers to suspend premises licences for non-payment of annual fees.

Temporary Event Notices

Temporary event notice (TEN) procedures will be reformed and, significantly, environmental health officers will be permitted to object to a TEN.

The key changes that will be made through the Bill:

- The right to object to a Temporary Event Notice will extend to the environmental health authority.
- The police and environmental health officers will be able to object to a Temporary Event Notice on the basis of all of the licensing objectives.
- The police and environmental health officers will be given three working days to object to a Temporary Event Notice.
- Licensing authorities will be given discretion to apply existing licence conditions to a Temporary Event Notice if there are objections from the police or environmental health authority
- Late Temporary Event Notices (i.e. those submitted less than ten working days but at least 5 days before the beginning of the event) will be allowed unless the police or environmental health officers object.
- The statutory limits will be relaxed on the duration of a single temporary event from 96 hours to 168 hours, and on the total annual availability covered by a Temporary Event Notice in relation to single premises from 15 days to 21 days.

Enable licensing authorities to suspend licences due to non-payment of fees

Provision will be made for licensing authorities to suspend licences due to non-payment of fees. This will provide a much stronger incentive for businesses to pay their fee in a timely manner and save licensing authorities the time and cost of pursuing non-payment. This measure will not impact on responsible businesses that pay their licence fees on time.

There will be a grace period of 21 days for licence holders to pay their fee. The licence will be reinstated as soon as the fee is paid and the licensing authority must notify the licence holder when their licence has been reinstated.

If an administrative error has occurred or there is a dispute about liability to pay a

fee, a licence cannot be suspended under this provision.

The new measures are expected to come into force at the earliest, on 6 April 2012- but nothing as yet is set in stone. For these measures to be introduced, Commencement Orders are required to be laid before Parliament, along with revised Guidance.

Other amendments

Conversely, measures in the Act that require complex secondary legislation such as the Late Night Levy (LNL), Early Morning Restriction Orders (EMROs) and locally set fees will be implemented later. The LNL and EMROs are currently out to consultation until April 2012 and will not be implemented until October this year, at the earliest. The provisions with respect to locally set fees are not expected to be implemented until April 2013. The Government also intends to wait until October 2012 to repeal Alcohol Disorder Zones.

Procedures

The introduction of new procedures will be adopted by the Licensing Department in line with the Home Office Guidance.

3A. Any Relevant Policies

Guidance issued under Section 182 of the Licensing Act 2003.
Police Reform and Social Responsibility Bill 2010-11
Northampton Borough Licensing Policy (reviewed 2011)

4. Options and Evaluation of Options

That the Committee note the report.

5. Resource Implications (including Financial Implications)

N/A

6. Consultees (Internal and External)

Internal	N/A
External	N/A

7. Compliance Issues

Finance Comments

N/A
Legal Comments
N/A
Crime and Disorder Issues
N/A
Equality Impact Assessments
N/A
Human Rights Act Implication
N/A

Other compliance issues

None

8. Background Papers

DCMS	Guidance issued under section 182 of the Licensing Act 2003 and Police Reform and Social Responsibility Bill 2010-11	
Home Office website		

Name	Signature	Date	Ext.
Author	Mr P Bayliss	13/3/2012	7099
Corporate Manager	Steve Elsey		
Director	Julie Seddon		