

NORTHAMPTON BOROUGH COUNCIL

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