

## **Licensing Committee – 16 January 2006**

Present: Councillor Mrs Allgrove (Chairman)  
Councillor House (Vice-Chairman)  
Councillors Beaven, Croad, Floyd, Hall, Hindley,  
Mrs Lewin-Harris, Meikle, Phillips, Slattery and  
Stuart-Thorn.

Officers: Mr J Barrah (Chief Environmental Health Officer)  
Mrs D Durham (Review Support Officer)  
Mr J Hunter (Licensing Manager)  
Mr I Taylor (Chief Solicitor)

Also present: Sergeant N Frewin and WPC T Woodside (Avon and  
Somerset Constabulary)

(The meeting commenced at 6.15 pm)

### **1. Minutes**

The minutes of the meeting held on 28 February 2005 were taken as read and signed.

### **2. Review of Licensing Act 2003 Implementation**

Considered report previously circulated, concerning the implementation of the Licensing Act 2003 by the Council.

The implementation of the Act had been successful and the Council had performed well in many areas of the transitional activities. However, some issues had been identified where the service could continue to be improved and there were a range of further tasks and responsibilities that would continue to engage both officers and Members.

The Council's Licensing Policy had been published on 14 December 2004 and the transitional period from the old to new arrangements had now taken place. The second appointed day in November 2005 had also passed, which resulted in all new licenses going live and the new legislation coming fully into force.

The Council had undertaken a massive task in implementing the Act during 2005. Most of the transitional work had been completed and a review was therefore considered appropriate. The statutory requirement was for a review to be carried out every three years, but it was anticipated that it would be done alongside the consultation for the Gambling Act, early in 2007.

At the end of the transitional period, the Council had received 95% of the premises licence applications it had anticipated. This was due to

extensive advertising, workshops and letters to local traders, encouraging the submission of applications.

406 premises licences had been issued and many premises had taken the opportunity to maximise their trading hours. However, only 18 premises (12 hotels, 5 off-licenses and one public house) had been granted 24 hour licenses.

Where premises licence applications had resulted in concerns being raised in the form of representations, many had been resolved through consultation and the imposition of suggested conditions. However, where issues could not be resolved, a Licensing Sub-Committee had been held, of which there had been 22. The hearings demonstrated the effective way in which the Licensing Unit, Member Services and Legal Services worked together to deliver a specific goal.

Following Sub-Committee hearings, six appeal notifications had been lodged at Taunton Magistrates Court, two of which were withdrawn and two resolved by reaching a compromise agreement. The Magistrates Court had upheld the Council's original decision for the two cases that were heard.

Also reported that 493 personal licenses had been issued which allowed individuals to sell alcohol in licensed premises.

Although the process had generally been successful, there were some matters that could have been done differently:-

- i) Noise Conditions – Both applicant and interested parties had felt that the use of existing noise conditions had been confusing, hard to understand and in some cases appeared to be inconsistent. It was felt that future noise conditions should be accompanied by a suitable explanation as to why that specific condition had been used;
- ii) Last Time of Entry/Re-entry – A condition of no entry or re-entry to premises after 00.30 hours was imposed on many town centre, high volume, alcohol led venues. The conditions were imposed following representations from the Police as part of their approach towards reducing crime and disorder. This was the main issue at the two Magistrates Court Appeal hearings and its inclusion in the Council's Licensing Policy would therefore be considered;
- iii) Extending Opening Hours – Some applications had requested standard extended hours for late operation but had then taken advantage of the wording in the Licensing Policy to apply for a further 3 hour extension for 24 occasions during a calendar year. This section of the Policy might need to be reviewed.

Future issues were discussed and included:-

- i) Enforcement – The Council was now responsible for over 400 premises and an effective enforcement approach was required. A contractual out of hours commitment from key officers enabled late night venues to be monitored, in particular, to ensure that they were complying with new conditions. If a review was requested by either an interested party or responsible authority, a report would go to a Licensing Sub-Committee on the subsequent investigation undertaken by the Licensing Unit. The Sub-Committee would be able to amend the licence and associated conditions or withdraw the licence completely;
- ii) Public Register – The Licensing Act 2003 required that public registers of relevant information were held. Arrangements were being made for this information to be available through the Council's website.
- iii) Collection of Annual Charge for Premises Licences – A premises licence did not need to be renewed, but there was an annual charge to cover the cost of the licensing process. Collection of the charge, if not forthcoming, would be by way of sundry debt, but the licence would continue to remain in force regardless.

Further reported that Taunton Deane Borough Council had been asked to be one of only ten local authorities in England and Wales to act as Scrutiny Councils to the Government on the progression and effectiveness of the licensing reforms. This gave the Council an opportunity to influence national policy and the first meeting with the Department of Culture, Media and Sport (DCMS) had proved to be very informative.

New applications and other licensing matters such as taxi fares would continue to be dealt with by Licensing Sub-Committees and a review of Members training requirements in connection with all matters would be considered.

The Chairman commented on how well the implementation had gone and asked that the Committee's thanks be passed to all members of the team for their support and involvement.

Members agreed that the Community Council should be consulted about licences for village halls and community centres. The Licensing Manager agreed that he would discuss the issues raised by the Community Council and pass them on to the DCMS for consideration.

Concern was expressed at the number of intoxicated people who were still being served alcohol in venues across Taunton Deane. Noted that the Police had powers to carry out joint licensing checks and with the use of video cameras, fixed penalty tickets could be issued to individuals.

Members also discussed the following:-

- Temporary Event Notices;
- Hackney carriages;
- Off licences;
- Litter; and
- The role of Ward and Parish Councillors.

RESOLVED that:-

- i) the report and progress made to date with implementation of the Licensing Act 2003 and the licensing reforms be noted; and
- ii) the Licensing Policy be reviewed with a view to necessary amendments being made.

### **3. The Gambling Act 2005**

Considered report previously circulated, concerning the passing of the Gambling Act 2005 and its implications for the Council.

Since 1976, Local Authorities had had the responsibility for registering society or Local Authority lotteries and since 1968 they had been responsible for issuing permits for amusement machines with prizes.

Shortly after expressing its intention to revise the Alcohol Licensing Legislation, the Government expressed its intention to also revise Gambling Legislation.

Noted that the Gambling Act 2005 had been passed during April last year and would come into force in accordance with provisions to be made by the Secretary of State.

The Act established a Gambling Commission which would take over the functions of the Gaming Board. It also established that a District Council was to be a Licensing Authority responsible for issuing premises licenses, family entertainment centre licenses, club gaming permits and Temporary Use Notices.

The Act established the gambling licensing objectives as:-

- a) preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- b) ensuring that gambling was conducted in a fair and open way; and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Section 154 of the Act delegated the functions of a Licensing Authority to the Licensing Committee of the Authority. Some functions could be sub-delegated to officers.

Section 349 of the Act required the Licensing Authority to prepare a Licensing Policy, to renew it every three years and keep it under review. The Chief of Police would be consulted when preparing a Policy

Statement, along with those who represented the interests of those carrying on gambling businesses and those who represented the interests of those likely to be affected by the exercise of the Council's functions under the Act.

Further reports would be submitted to the Licensing Committee in connection with the required Policy Statement as the various sections of the Act were implemented.

RESOLVED that the report be noted.

(The meeting ended at 7.29pm).