

Licensing Committee

Minutes

Monday, 19 October 2020 at 16:00

PRESENT:-

Councillor G Carpenter (in the Chair); Councillors Bensly, Cordiner-Achenbach, Mogford, Robinson-Payne, Stenhouse, Talbot, B Walker, Wells & Wainwright.

Councillor Candon attended as a substitute for Councillor Bird.

Councillor Flaxman-Taylor attended as a substitute for Councillor Galer.

Mrs D Wilby (Licensing & Elections Manager), Mr D Lowens (Solicitor, NPLaw), Mrs S Wintle (Corporate Services Manager) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bird, Borg & Galer.

2 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

3 MINUTES

The confidential minutes of the meeting held on 24 February 2020 were confirmed by assent.

4 LICENSING POLICY

The Committee received and considered the report from the Licensing & Elections Manager.

The Licensing & Elections Manager reported that under the Licensing Act 2003, local authorities were required to review their Licensing policy every five years. The Council's current policy would expire on 6 January 2021 and the policy had been reviewed and updated to reflect any changes in legislation. No major change in legislation had occurred during the last 5 years, so amendments to the policy were minimal and the changes were identified in the policy document. The draft policy had been subject to an eight week consultation process during July and September 2020 and during this time, five comments had been received. These comments had been set out in the document, on page 43 of the agenda report, together with officer comments and whether they had been incorporated into the updated policy.

This would therefore be amended to "Additional safety measures for indoor sports entertainment and any boxing or wrestling entertainment such as providing a written health and safety risk assessment to the Environmental Services Department at least 21 days prior to the event and having appropriate number of staff trained in rescue and life saving procedures at water sports entertainment".

The Licensing & Elections Manager informed the Committee that there was an additional amendment required, on page 39 of the agenda, which refers to conditions which the Licensing Authority may attach to licenses. The point referring to additional safety measures needed to be more specific as Environmental Health will expect certain requirements if an application is received in relation to any proposed boxing entertainment.

The Licensing & Elections Manager informed the Committee that there was an additional amendment required, on page 39 of the agenda, which referred to conditions which the Licensing Authority may attach to licences, as the point referring to additional safety measures needed to be more specific as follows:-

Environmental Health will expect certain requirements if an application is received in relation to any proposed boxing entertainment. This would be amended to 'Additional safety measures for indoor sports entertainment and any boxing or wrestling entertainment such as providing a written health and

safety risk assessment to the Environmental Services Department at least 21 days prior to the event and having appropriate number of staff trained in rescue and life saving procedures at water sports entertainment.'

The Licensing & Elections Manager reported that the amended policy needed to be agreed by Committee and recommended for adoption by Full Council on 26 November 2020.

David Lowens, Solicitor, NPLaw, informed the Committee that there were a small number of additional minor amendments required as follows:-

- In paragraph 2.1 we mention "necessary" in relation to conditions, instead of "appropriate".
- In paragraph 4.4 again there is mention of "necessary" and I think it would be better to say "been satisfied that it is appropriate to impose conditions".
- Same paragraph 4.4, suggest removing wording mentioning "at a hearing" due to the power to dispense with a hearing if all agree.
- Minor issue, but in paragraph 4.7 the policy mentions Personal Licences and personal licences – amend for consistency.
- Para 11.3, mention of "necessary" in relation to conditions.
- Para 16.3 – this paragraph dealing with gambling at one point mentions "the Act" re any guidance issued by the Gambling Commission. The remainder of the policy uses "the Act" to mean the Licensing Act 2003; "the Act" here be replaced with "Gambling Act 2005"
- On page 30 of the draft policy, middle paragraph, there is reference to the applicant considering what measures are necessary; this should be "appropriate"
- The draft policy mentions the Council can add conditions "drawn from the pools of conditions in the Guidance issued under s182 of the Licensing Act 2003", re Crime and Disorder on page 32 of the Policy, similarly regarding Public Safety on page 34, Public Nuisance on page 35 and Child Protection on page 36. On checking the s182 guidance there are no pools of conditions, therefore, this wording needs deleting.
- Make the following changes to simplify the paragraph in relation to integrating strategies (pg 16), whilst still having regard to the s182 guidance
- There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. The Council understands the need to consider strategies regarding town centres and the night time economy and will welcome representations on these issues, if relevant to the licensing objectives, whilst ensuring the primacy of the licensing objectives when

coming to decisions under the Act.

- Many of their strategies deal in part with the licensing function (further words deleted).

The Committee agreed to all of the minor changes.

RESOLVED:-

That the Committee recommend to Full Council, the approval and adoption of the reviewed Statement of Licensing policy.

5 ANY OTHER BUSINESS

The Chairman reported that there was no other business being of sufficient urgency to warrant consideration.

The meeting ended at: 18:00