

Licensing Committee

Friday, 25th May, 2012

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce, Buckley, R Downes,
J Dunn, B Gettings, T Hanley, G Hussain,
G Hyde, A Khan, P Latty, B Selby,
C Townsley and G Wilkinson

1 Chairs Opening Remarks

The Chair welcomed all present, to this the first meeting of the 2012/13 Municipal Year, particularly to Councillor Buckley as a new Member of the Committee

2 Late Items

No formal late items of business were added to the agenda however the Committee was in receipt of the following documents

Agenda item 7 Governance Arrangements – Appendix 2 setting out proposed membership of the Licensing Sub Committees, despatched after Annual Council on 21 May 2012 when the final membership of the full Committee had been agreed (minute 7 refers)

Agenda item 9 Changes to the Section 182 Guidance – an article by Professor R Light examining the revised Section 182 Guidance was tabled at the meeting (minute 9 refers)

3 Declarations of Interest

No declarations of interest were made

4 Apologies for Absence

Apologies for absence were received from Councillor Charlwood

5 Minutes

RESOLVED – That, subject to an amendment to minute 83 (Chairs Opening Remarks) to refer to *Alpha* Private Hire & Hackney Carriage Welfare Society, the minutes of the last meeting held 10th April 2012 be agreed as a correct record

6 Matters Arising

Members briefly discussed the contents of an Alpha Radar publication they had received, noting that advice on the contents would be sent to them directly but did not form part of the agenda for this meeting

7 Licensing Committee - Annual Governance Arrangements

The Committee considered the report of the City Solicitor setting out the Annual Governance arrangements for the work of the Committee for the forthcoming year, including the Terms of Reference, the establishment of the Licensing sub committees and the Terms of Reference for the sub committees. Members noted receipt of Appendix 2 of the report which set out

proposed memberships for sub committees A to E and 2 additional sub committees to deal with the Sexual Entertainment Venue (SEV) and Large Casino application processes.

Members' attention was directed to the following:

SEVs and Casino subs

- Only Members who had attended all relevant training sessions would be eligible to sit on the sub committees.
- A pool of 5 trained members was required, of which 3 would make up the daily sub committees.
- A quorum of 3 was proposed for these particular sub committees
- The same 3 members would be required to hear every application

Terms of reference

- an amendment had been made to reflect that LCC Environmental Protection Team could now make representations on applications for Temporary Event Notices
- once the SEV's "conversion" applications had been dealt with, any new sex establishment licence application would be dealt with by the ordinary Sub Committees A to E

Licensing Authority

- Guidance was included on the separation of functions between relevant LCC departments in order for the Licensing Authority to achieve the new function of Responsible Authority

RESOLVED –

- a) That the Terms of Reference as submitted in Appendix 1 of the report and agreed by full Council on 21 May 2012 be noted
- b) That approval be given to the establishment of 5 sub committees to deal with ordinary business and a separate Large Casino sub committee and an SEV sub committee, along with the arrangements for the membership of those sub committee as set out in paragraph 3.6 of the report
- c) That approval be given to the membership of each sub committee as set out in Appendix 2 of the report as follows:
 - I. Sub committee A Councillors Armitage, Bruce & Downes
 - II. Sub Committee B Councillors Dunn, Buckley & G Hussain
 - III. Sub committee C Councillors Hanley, Gettings & G Hyde
 - IV. Sub Committee D Councillors P Latty, Townsley & Selby
 - V. Sub Committee E Councillors Wilkinson, Charlwood & Khan
 - VI. SEV Sub Committee – Councillors Armitage, Selby, Gettings G Hussain & Latty
 - VII. Large Casino Sub Committee – Councillors Armitage, G Hyde, Khan, Wilkinson & Townsley
- d) That the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 3, be approved
- e) That approval be given to the delegation of licensing functions to the Director of Resources as set out in Appendix 4 of the report
- f) That approval be given to the delegation of the function of making an Alcohol Disorder Zone to the Director of Environment and Neighbourhoods as set out in Appendix 5 of the report

8 Licensing Procedure Rules and Code of Practice for Determining Licensing Matters

The Licensing Committee considered the report of the City Solicitor setting out the proposed Rules of Procedure to be followed by the Licensing Committee and its sub committees in respect of the meetings held under the provisions of the Licensing Act 2003 and Gambling Act 2005. The report also referred to the Code of Practice for the Determination of Licensing Matters and Members noted the arrangements for quorum of the sub committees.

RESOLVED –

- a) That the Licensing Procedure rules as set out in Appendix 1 of the report be approved and the contents of the associated information sheet (Appendix 2) be noted
- b) To note and follow the contents of the Code of Practice for the Determination of Licensing Matters (Appendix 3)

9 Changes to Section 182 Guidance

The Head of Licensing and Registration submitted a report highlighting the major changes made to the Licensing Act 2003 which came into effect on 25th April 2012 and the subsequent amendments made to the Section 182 Guidance. Members noted receipt of an additional briefing note tabled at the meeting and briefly discussed matters relating to representations, CIP areas and conditions and went on to consider the following matters in detail:

Planning - the relationship between planning and licensing matters. The revised Guidance, with new emphasis on decisions being “appropriate” rather than “necessary” suggested Members’ deliberations could encompass when and why planning hours had been set; and whether the business now proposed was significantly different to that permitted under the planning permission.

Police evidence - The measures set out in the “Rebalancing the Licensing Act” consultation had been included in the Guidance - Members should give weight to whether or not a police representation had been made, and the police should be the main source of advice on matters relating to the prevention of crime and disorder. This should have an impact on the nature and robustness of police evidence. Members were advised that constituents making a complaint to them about licensed premises should be directed to the police as well.

Health Authority as Responsible Authority – Members were aware that statistics of patients admitted to A&E with alcohol related issues were being collated, and discussions were ongoing with the NHS Trust on the type of information which would be appropriate to submit in representations to the sub committees

RESOLVED – That the contents of the report and the discussions be noted

10 Licensing Act 2003 Statement of Licensing Policy Review

The Head of Licensing and Registration submitted a report advising of the issues related to the revision of the Statement of Licensing Policy (Licensing Act 2003) and setting out options available for Member involvement in that review. The report highlighted the measures now available within the LA2003 following the Police Reform and Social Responsibility Act 2011 which would come into effect in October 2012.

Members noted the interest shown in establishing a CIP area for the Beeston and Holbeck ward and the impact of the changing nature of the city centre/location of licensed premises on the relevance of the current City Centre CIP area.

Officers highlighted the options available and Members considered establishing a small working group of Members and officers to review the Policy in discussions with partner agencies and stakeholders.

RESOLVED –

- a) That the contents of the report be noted
- b) That approval in principle be given to the proposed Working Group of Members and officers to meet with partner agencies and stakeholders to review the Licensing Act 2003 Statement of Licensing Policy
- c) That a further report be presented to the July Licensing Committee meeting setting out the remit and of the Working Group, with a view to the first WG meeting being held soon after

11 Licensing Work Programme 2012/13

The Chief Officer, Democratic and Central Services submitted a report setting out matters proposed for inclusion in the Licensing Programme for the forthcoming year.

RESOLVED – That the draft Work Programme be agreed subject to the inclusion of a report back from the Entertainment Licensing Liaison and Enforcement team being included in the list of items for August 2012 and February 2013

12 Dates of Future Meetings

RESOLVED – To note the calendar of Licensing Committee meetings for the 2012/13 Municipal Year as: 26 June 2012, 24 July 2012, 14 August 2012, 11 September 2012, 16 October 2012, 13 November 2012, 18 December 2012, 15 January 2013, 12 February 2013, 12 March 2013, 9 April 2013 and 14 May 2013

13 Any Other Business

Members Information Packs - The Members information Pack for 2012/13 was distributed to those Members present at the meeting

Remuneration – Members noted that discussions were ongoing with the Independent Remuneration Panel regarding recognition for the significant workload for Members of the Licensing Committee during the 2012/13 Municipal Year