

## Licensing Committee

Friday, 3rd September, 2010

**PRESENT:** Councillor S Armitage in the Chair

Councillors R Downes, J Dunn,  
Mrs R Feldman, R D Feldman, T Hanley,  
G Hyde, V Morgan, B Selby, C Townsley,  
D Wilson and G Wilkinson

### 21 **Declarations of Interest**

There were no declarations of interest

### 22 **Apologies for Absence**

Apologies for absence were received from Councillors Dobson, Grayshon and G Hussain

### 23 **Consultation : Rebalancing the Licensing Act**

The Assistant Chief Executive (Corporate Governance) submitted a report providing details of the Home Office Consultation entitled "Rebalancing the Licensing Act" which set out measures intended to change the emphasis of the Licensing Act 2003 (LA2003). The Government had released the document for consultation with responses due by 8<sup>th</sup> September 2010. The short time frame necessitated this special meeting of the Committee to consider the draft response for the Authority drawn up by officers.

The report included the consultation document containing 29 questions set by the Home Office and the proposed responses drawn up in conjunction with relevant LCC officers. Officers highlighted the following key changes if the measures were introduced:

- A move away from the notion of the Authority working in partnership with business and the introduction of more regulation by local authorities. Key to this was the removal of the "necessity" to evidence licensing decisions, although it was noted LCC could choose to keep "necessity" within its Licensing Policy
- Increased weight to be given to representations made by the police
- More encouragement for community involvement. Members noted LCC undertook this already through the Area Committees and associated partners
- Public Health to be included as a 5<sup>th</sup> licensing objective. Members discussed the additional resources the Primary Care Trusts would require but it was noted that local PCTs would not have a great role at the new application stage, rather they would have an increased role to play at the time of Reviews
- An overhaul of the appeals process whereby the Magistrates default position will be to remit an appeal back to the Authority for a re-hearing. Members suggested the second sub committee should not contain Members from the first in these cases

- Simplification of the Cumulative Impact Policy process and removal of requirement for evidence to support the decision to adopt a CIP. It was noted again that LCC could still require evidence through its Policy, as evidence was desirable in the event of any appeals.
- Late night levy – local licensing businesses could be required to pay towards street marshals, local police etc. LCC had expressed concern over how the levy would be administered
- A limit on opening hours in particular areas (zoning)
- An overhaul of the TEN process including a change to the notice period and other Responsible Authorities being able to make representations
- Fines to be increased on premises found to make continued sales of alcohol to under age persons
- Voluntary closure period to be increased from 48 hours to 7 days
- Reviews to be automatically instigated for any premise found to make a sale of alcohol to under age persons twice in a three month period
- A ban on below cost sales. Members noted the response of the Enforcement and Liaison Officer expressing concern over the monitoring and enforcement of this proposal and suggesting that a minimum pricing per unit would be more transparent. Members agreed with this stance and commented the cost of the product was not a matter for the Authority to consider

Members considered each of the 29 questions in turn and in most cases concurred with the proposed response. The following responses were highlighted for amendment

Q2 – concern regarding the cost of implementing the proposed changes. It was agreed a comment would be added to the response regarding fees.

Q3 – para 7 remove “of” and replace with “by”

(Councillor Wilson withdrew from the meeting at this point)

Q5 – para 1 remove “entirely” and include the Committees’ desire for the advertisement period to operate in a similar way to planning applications which would assist Parish/Town Councils if they were to be given Responsible Authority status

Q6 – para 3 amend to read “removing the vicinity test would not *significantly* increase licensing hearings..”

Q7} The proposed response by Leeds PCT tabled at the meeting was

Q8} noted and agreed

(Councillors Downes and Selby withdrew from the meeting at this point)

Q24 – The proposed response by Enforcement & Liaison Officer tabled at the meeting was noted and agreed

Q29 - an additional comment to be added regarding the need to clarify what opening hours were intended for a premise, whilst noting this would require a change to the Licensing Act.

**RESOLVED –**

- a) to note the contents of the report

- b) to authorise the officers to make amendments to the draft response in the terms detailed above
- c) to approve the contents of the draft consultation response, with the amendments and comments detailed above, as the Councils response
- d) to authorise officers to despatch the amended response to the Home Office by the given date of 8<sup>th</sup> September 2010