

**LICENSING COMMITTEE
5TH MARCH 2007**

PRESENT: Councillor Page (Chair)
Councillors Flavell and R. Kershaw (Vice-chairs)
Councillors Allen, Brown, Gay, Gough, Hampson,
J.M. Hunt and K.L. Jones

APOLOGIES: Councillors Harris, Muldoon and Rodgers

15. DISCLOSURES OF PERSONAL INTEREST

Councillor J.M. Hunt declared a personal interest in respect of item 4 Gambling Policy – Scheme of Delegation, as an employee of the Tribunals Service which would be dealing with gambling tribunals and disputes when they arose.

PART I (RESERVED TO COUNCIL)

16. GAMBLING POLICY – SCHEME OF DELEGATION

A report of the Director of Partnerships and Customer Services outlining a proposal to introduce a Scheme of Delegation in respect of the Gambling Act 2005 was submitted.

The Deputy Director of Partnerships and Customer Services, the Head of Legal Services and the Licensing Manager attended the meeting to assist the Committee's consideration of the matter.

The following issues were raised and comments made by members of the Committee:

- (i) The Scheme of Delegation was acceptable, the only outstanding issue which had been raised at the previous Council meeting was in respect of Casino licensing and that would require consideration.
- (ii) It would be of interest to know what appeal procedure would be followed if an application for a Casino license was refused by the Council.
- (iii) Reference was made to the need for appropriate training for Councillors if licensing issues were referred to Council.
- (iv) In future each application for a Casino license would be dealt with on an individual basis unless a resolution was agreed by Council that no applications would be considered in the Borough. For that to happen the Committee would need to make a recommendation to Council to that effect.

- (v) Given the issue raised in (iv) above, it would be appropriate for the Committee to receive a report outlining the procedure to be followed to allow such a recommendation to be made to Council. In order that the matter could be considered before the next Council meeting on 24th April 2007 an additional meeting should be held before that date.

In response to issues raised, comments made and questions, officers stated:

- (a) If an application was received for a Casino license the matter would be referred to Council.
- (b) If an individual application for a license was refused there would be a mechanism to challenge that decision. Clarification as to that procedure would be sought and the Committee informed.
- (c) It was unlikely that all Councillors would need to receive training on licensing issues to consider individual applications given that the issue would be a general one and a matter of principle.
- (d) The Committee could not consider the issue of Casino licensing at the meeting as there was no item on the agenda. A further report on that matter would have to be submitted to the Committee.

RESOLVED

- 1. that it be recommended to Council that the determination of premises licence fees under section 212 of the Gambling Act 2005 be delegated to the Director of Partnerships and Customer Services and that the Constitution be amended accordingly;
- 2. that it be recommended to Council that the list of Council functions in Part 3 of the Constitution be amended by the inclusion of:

Resolutions not to issue Casino licences under section 166 of the Gambling Act 2005;

- 3. that the following scheme of delegation is approved:

Delegation to the Licensing Committee:

- 1. to make recommendations to Council in respect of the Council's licensing policy in respect of its powers under the Gambling Act 2005;
- 2. in those cases where a relevant representation has been received and not withdrawn, to discharge the Council's responsibility under the Gambling Act 2005 for determining the following;

- (i) application for a premises licence;
 - (ii) application for the variation of a premises licence;
 - (iii) application for a provisional statement under section 204 of the Act;
 - (iv) application for a club gaming permit or club machine permit under sections 271 and 273 of the Act.
3. To determine the following matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005:
- (i) an application for transfer of a premises following representations by the Gambling Commission;
 - (ii) a review of a premises licence under section 201 of the Gambling Act 2005;
 - (iii) whether to issue a counter notice to a temporary use notice under section 224 of the Gambling Act 2005;
 - (iv) whether to cancel a gaming permit or club machine permit.

Delegation to the Deputy Director of Partnerships and Customer Services:

- 1. to determine an application for a premises licence where no relevant representations have been made;
 - 2. to determine an application for the variation of a premises licence where no relevant representations have been made;
 - 3. to determine an application for transfer of a premises licence where no representations have been made by the Gambling Commission;
 - 4. to determine an application for a provisional statement under section 204 of the Gambling Act 2005 where no relevant representations have been made;
 - 5. to determine an application for a club gaming permit or club machine permit under sections 271 and 273 of the Gambling Act 2005 where no relevant representations have been made;
4. that an additional meeting of the Committee be scheduled before the next Council meeting on 23rd April 2007 to consider a report on Casino license applications.

PART 2 (DELEGATED)

17. LICENSING ACT 2003 – ENFORCEMENT – WORKING WITH OTHERS

At its meeting on 16th October 2006, the Committee had considered the Council's position in dealing with complaints and enforcement issues under the Licensing Act

2003 and the need to improve the working relationship with the Police in that respect. Representatives of the Police had attended the meeting to assist with that issue.

The Committee had considered that the Trading Standards section at Leicestershire County Council needed to be included in the improved information sharing and recording which the Committee was seeking to achieve. Accordingly, representatives(s) of Trading Standards were invited to attend a meeting of the Committee to discuss how working between that service and the Borough Council as licensing authority might be improved in respect of licensing enforcement.

Trading Standards had been unable to send a representative to the meeting, however, the possibility of sending a representative to a future meeting of the Committee had been raised. In doing so, the Committee was advised that the Trading Standards representative concerned would have particular difficulty attending meetings held on Monday or Tuesday evenings.

A summary of Trading Standards work relating to age restricted sales in the Charnwood District was circulated. The Deputy Director of Partnerships and Customer Services, the Head of Legal Services and the Licensing Manager attended the meeting to assist the Committee's consideration of the matter.

The following issues were raised and comments made by members of the Committee:

- (i) Reference was made in the paper to work being undertaken with the Health Authority to tackle smoking in schools. However, it was of concern that only six schools were participating in the scheme, four of those in Charnwood and it would be of interest to know if other schools had been invited to participate and if they had, why had the uptake been so low.
- (ii) All secondary schools in the County had been invited to participate in the scheme, however only six had initially taken it up. It was hoped that if it proved to be successful other schools would join.
- (iii) At recent appeals the issue of age and identification had frequently been raised and it was of concern that more schools did not consider it appropriate to take part in the scheme. An identification card would greatly assist retailers and its use should be encouraged.
- (iv) There was an issue of communication between the Police, Trading Standards and the Council as Licensing Authority. The Council had experienced problems due to the lack of effective communication from those two groups and there was now little confidence as to the procedures being used.

- (v) It was of concern that at recent appeals both Trading Standards and Police officers had been unable to attend.
- (vi) There was a considerable problem in many areas with older children buying goods for younger children and that issue should be addressed.
- (vii) There were many instances of anti-social behaviour caused by under age drinking resulting from older children buying goods for younger children and it would be of interest to know what sanctions could be levied against any premises caught doing so. In some cases it appeared that certain shops made it too simple for people to steal from them and action was also required against that.
- (viii) Many larger retail establishments and public houses displayed signs relating to under age drinking and it would be appropriate to encourage smaller shops to display those signs too.
- (ix) Given the concerns raised by the Committee it would be appropriate to invite representative(s) from Trading Standards to the additional meeting in March or April 2007.

In response to issues raised, comments made and questions, officers stated:

- (a) The purchasing of alcohol for minors was a specific offence and although it was sometimes difficult to judge, licensees were always advised not to sell to anyone if they were in any doubt as to whom the goods were for.
- (b) With regard to thefts from shops, a premises in Loughborough which had been experiencing a number of problems with theft had agreed to alter the internal layout to deter possible thefts.
- (c) All retail outlets had been given the opportunity to display signs regarding under age drinking, however certain shops preferred not to participate.

RESOLVED

- 1. that the issues raised be noted;
- 2. that representative(s) from Trading Standards be invited to attend the additional meeting of the Committee to be arranged before 23rd April 2007 to discuss the issues raised at the meeting.

18. OTHER LICENSING MATTERS

The Deputy Director of Partnerships and Customer Services commented that as the Police had now completed its re-allocation it would be appropriate to arrange a

meeting with the Chair and Vice-chairs and invite representatives from both the Syston and Loughborough area.

Councillor Allen requested that for future appeals it would be helpful to receive a copy of the license with the papers.

LC/

Note:

No reference may be made to these minutes at the Council meeting on 23rd April 2007 unless notice to that effect is given to the Head of Democratic Services by five members of the Council by 5pm on Tuesday, 3rd April 2007.