

LICENSING COMMITTEE

20 March 2017 at 10.00 am

MEMBERS: Councillor Mary Burstow (Chair), and Councillors Samantha Bourne, Marlene Heron, Richard Marston, Nighat Piracha, Paul Wingfield, Tony Shields, Moira Butt and Graham Whitham

ABSENT Councillor(s) Jean Crossby, David Bartolucci, Margaret Court, Miguel Javelot and Nali Patel

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillor David Bartolucci and Councillor Margaret Court.

9. MINUTES

The Minutes of the meeting held on 3 October 2016 were approved as a correct record, and signed by the Chair.

10. DECLARATION OF INTERESTS

The Minutes of the meeting held on 3 October 2016 were approved as a correct record, and signed by the Chair.

11. CHANGES TO THE LICENSING ACT 2003

Nick Cloke, Lead Officer - Licensing, introduced the report. From the report, he highlighted the amendments to be made to the Licensing Act 2003 as part of the Policing and Crime Act 2017:

- Powdered and vapourised alcohol to be defined and regulated as alcohol.
- Interim steps put in place ahead of a full review following Summary Review application requested by police to only be appealed against by the applicant following significant change. Less ambiguity about whether steps remain in place after the full review but during the 21 days before the decision takes effect.
- Personal Licences - Licensing authority to be able to revoke a personal licence following conviction for a relevant offence (with appeals being heard by committee)
- Amendments to Section 182 guidance no longer required to go through parliament.
- Section 5 to be amended to allow statutory regulation of Cumulative Impact Policies.

[Post-meeting note: It was confirmed that the above would be implemented on 6 April 2017 and that further consultation would be carried out by the Home Office before the below provisions are enacted]

- Late Night Levy - to be amended to include late night refreshment and to allow authorities to target specific geographical areas to be considered where currently a levy must apply to a whole borough.
- Immigration Act 2016 - Local authorities to ensure applications are received by Home Office. Immigration Officers to be granted permission to enter a premises

where they suspect that offences under the Immigration Act 2014 are being committed.

Councillors sought clarification on the process for how authorities would be informed that a personal license holder has committed an offence, it was confirmed that the fact an offender holds a personal license should emerge during a police investigation, and the police could then inform the relevant authority.

Councillor Moira Butt asked whether the designated Police Officers could take responsibility for checking the immigration status of applicants, and it was confirmed that it was unclear who would be responsible for the checks once the updates to the Licensing Act 2003 were implemented. Councillors discussed the current provisions for ensuring that applicants are who they say they are, particularly in the face of data protection, and what Committee members could do in Sub-Committee hearings to protect against this.

Resolved: That the Licensing Committee noted the updates to the Licensing Act 2003 and associated legislation.

12. UPDATE ON REVIEW OF SPECIAL POLICY ON CUMULATIVE IMPACT

David Kingstone, Licensing & Environmental Compliance Team Leader, introduced the report. He directed the Committee to the 4 main themes which had come to light following discussions on 12 January, outlined on page 14 of the agenda pack.

He added that The Policing and Crime Act 2017 indicates that Cumulative Impact would be given a statutory basis through a change in the Licensing Act 2003, as per the above item, which requires a robust and well-considered approach. David Kingstone informed the Committee that the data sets outlined on page 15 of the agenda pack would be explored and consulted upon with the results to be brought to the September Committee, to then go out to consultation and brought to Committee for approval around December 2017.

Resolved: That the Licensing Committee agreed the data streams being explored, as listed under Paragraph 3.8, and noted the timeline for review of the Special Policy on Cumulative Impact, as per Paragraph 3.11.

13. ANY URGENT BUSINESS

There was no urgent business brought forward.

The meeting ended at 11.01 am

Chair:

Date: