

LICENSING COMMITTEE

12 June 2017 at 10.00 am

MEMBERS: Councillor Mary Burstow (Chair), Councillor Samantha Bourne (Vice-Chair) and Councillors David Bartolucci, Margaret Court, Marlene Heron, Richard Marston, Nighat Piracha, Paul Wingfield and Graham Whitham

ABSENT Councillor(s) Richard Clifton, Miguel Javelot, Nali Patel, Tony Shields and Moira Butt

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Tony Shields, Richard Clifton and Moira Butt.

2. MINUTES

The minutes were agreed and signed as a correct record of the meeting held on 20 March 2017.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. UPDATE ON THE CHANGES TO THE LICENSING ACT 2003 BROUGHT ABOUT BY THE IMMIGRATION ACT 2016

David Kingstone, Licensing & Environmental Compliance Team Leader, presented a report to update the Licensing Committee on the implementation of the Immigration Act 2016, in particular how immigration offences affect the Licensing Act 2003 decisions in light of new guidance published by the Home Office and the practical implementation of these changes.

Councillor Whitham asked whether a National Insurance number was sufficient to prove the right to work in the UK, and David Kingstone confirmed that photographic ID was required. Councillor Piracha asked whether applicants of previously granted licenses would be checked, David Kingstone informed the committee that the changes in legislation did not apply retrospectively and as such licences granted before 6 April 2017 couldn't be checked without a good reason, such as a review application. Councillor Bartolucci asked what measures would be put in place for ensuring that licence-holders and applicants understand the legislation, and David Kingstone confirmed that they would supply applicants with advice and information, particularly should their application be rejected due to incomplete information being supplied.

RESOLVED that the Licensing Committee noted the updates to the Licensing Act 2003 and associated legislation.

5. UPDATES TO THE LICENSING ACT 2003 SCHEME OF DELEGATION

David Kingstone, Licensing & Environmental Compliance Team Leader, presented the report to the Committee.

Councillor Bartolucci asked what material changes were being sought. David Kingstone explained that the basic principles of licensing dictated that an authority should consider that an applicant is 'fit and proper' before granting a licence. The change impacts Personal Licence holders, and means that following the conviction of a relevant offence (set out in Schedule 4 of the 2003 Act), a hearing would consider whether the person would still be suitable as a licence holder. Councillors discussed the changes, in particular the arrangements in place to ensure that the police communicated convictions to the licensing authority. It was confirmed that personal licenses were not marked on the police national computer record, however that applicants were now asked for their date of birth so it would be easier to check if their record showed a criminal conviction.

David Kingstone advised the Committee that the changes in recommendation 2.3 could be made to the constitution under the Monitoring Officer's authority under section 3 of the 'Schedule for Updating the Constitution' in the constitution and that a request had been made to the Monitoring Officer. Committee members discussed that they would be happy for the amendments to the constitution to be made by the Monitoring Officer rather than by Council via Strategy and Resources Committee should they agree to it.

Resolved that the Licensing Committee:

1. Agreed that decisions relating to Personal Licences, where the Authority becomes aware that a person has been convicted of a relevant or foreign offence after the licence was granted, is delegated to the Licensing Sub-committee.
2. Approved the amendments to Appendices A and C of the Statement of Licensing Policy as set out in the report.
3. Recommended to Council, via the Strategy and Resources Committee, that the amendments to the Licensing Policy appendices be reflected accordingly in Section 3, Part 2 of the Council's Constitution.

6. ANY URGENT BUSINESS,

There was no urgent business brought forward.

The meeting ended at 10.50 am

Chair:

Date: