

At an Extraordinary Meeting of the LICENSING AND REGULATORY COMMITTEE held in the COUNCIL CHAMBER on MONDAY, 13th NOVEMBER, 2023 at 10:00am

Present:-

Councillor Fletcher in the Chair

Councillors Ayre, Chapman, Curtis, Dodds, Hartnack, Heron, Laverick, Leonard, Reed, H. Trueman and M. Walker

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Gibson and A. Wood

Licensing Act 2003 – Review of Statement of Licensing Policy

The Executive Director of City Development submitted a report (copy circulated) which advised the Committee of the requirement on the Council to undertake a review of the Statement of Licensing Policy under the Licensing Act 2003 and to carry out a consultation exercise as prescribed under Section 5 of the Act.

(For copy report – see original minutes)

Ms Dawn Howley, Principal Licensing Officer, presented the report and advised that the previous policy had effect from 7th January 2016 to 6th January 2021 and due to the covid-19 pandemic it had not been possible to carry out a full review of the policy. At its meeting on 26th October 2020 the Committee had agreed that consultation be undertaken on the proposal that the Policy be rolled forwards from 7th January 2021 to 6th January 2026 with a review undertaken during the five year period.

Councillor Trueman queried how a Responsible Person was identified and whether any training was given. Ms Howley advised that the License holder or Designated Premises Supervisor (DPS) would be the responsible person; the DPS had overall responsibility for the day to day running of the premises and must be a personal licence holder; there was training for those who were applying for a personal licence. There could only be one DPS for a premises however a person could be DPS of multiple premises.

Councillor Hartnack referred to the design and layout expectations set out in paragraph 6.7 of the draft policy and expressed that he felt there were too many uses of words such as 'maybe' or 'encourage'; he felt that there needed to be more direction given around the layout of premises, especially for off licences. Layouts of premises needed to support the promotion of the licensing objectives; especially the prevention of crime and disorder by being laid out in a manner to prevent the theft of alcohol from the premises. Ms Howley advised that the legislation was clear on what could and could not be used when determining applications and that it was generally not possible to refuse to grant an application based on layout but that the layout of the premises and its impact on the licensing objectives could be considered. If a premises was not upholding the licensing objectives then a review could be undertaken. Mr Tony Southwick, Solicitor, advised that there were limited powers in advance but should issues occur then a review could be undertaken which could see the removal of a DPS or the addition of conditions to a licence to prevent issues and in the most serious cases could see licences revoked.

Councillor Leonard queried what hours would be set for the use of fireworks as there were no hours set out within the draft condition on page 106. Ms Howley advised that blanket conditions could not be used so each application would be looked at on its own individual merits.

Councillor M. Walker queried the exemption for Greco-Roman Wrestling in the issuing of Temporary Event Notices asking whether this was necessary. Ms Howley advised that this exemption was detailed within the Act.

Councillor Reed referred to the early morning daytime opening hours and asked if there was a particular distance from schools and other youth amenities. Ms Howley advised that the legislation was vague on distances so each case would need to be looked at on its own merits.

1. RESOLVED that the report be noted and that approval be given to the Licensing Section to undertake a consultation exercise on the Council's draft Statement of Licensing Policy under the Licensing Act 2003.

(Signed) J. FLETCHER,
Chairman.