

**LICENSING ACT  
COMMITTEE**

2.00 P.M.

21ST JUNE 2012

**PRESENT:** Councillors Paul Aitchison (Chairman), June Ashworth, Josh Bancroft, Kathleen Graham, Val Histed, Tracey Kennedy, Margaret Pattison, Roger Sherlock and Malcolm Thomas

Apologies for Absence:

Councillors Chris Coates, Mike Greenall, Helen Helme, Joyce Taylor and Paul Woodruff

Officers in Attendance:

Wendy Peck	Licensing Manager
Luke Gorst	Assistant Solicitor
Jane Glenton	Democratic Support Officer

**1 APPOINTMENT OF VICE-CHAIRMAN**

The Chairman requested nominations for the position of Vice-Chairman.

It was proposed by Councillor Sherlock and seconded by Councillor Histed:

“That Councillor Thomas be appointed Vice-Chairman of the Licensing Act Committee for the Municipal Year 2012/13.”

There were no further nominations and the Chairman declared Councillor Thomas nominated.

***Resolved:***

That Councillor Thomas be appointed Vice-Chairman of the Licensing Act Committee for the Municipal Year 2012/13.

**2 MINUTES**

The minutes of the meeting held on 22<sup>nd</sup> March 2012 were signed by the Chairman as a correct record.

**3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5 CHAIRMEN OF LICENSING ACT SUB-COMMITTEES**

Members received the report of the Licensing Manager to enable the Committee to make arrangements for the charring of Licensing Act Sub-Committees during the forthcoming municipal year.

The Licensing Manager reported that the Licensing Act Committee had agreed the procedure for establishing Sub-Committees to deal with hearings under the Licensing Act 2003 at its meeting on 14<sup>th</sup> February 2005. At that time, it had been resolved that three Members be appointed Chairmen of the Sub-Committees in addition to the Chairman and Vice-Chairman of the Licensing Act Committee.

Members were advised that the ad hoc Sub-Committees were empanelled from the pool of fifteen Licensing Act Committee members to include one of the five appointed Chairmen. It was noted that the Committee had nominated four, rather than five Chairmen, in some municipal years. In 2011/12, sub-committees had met on seven occasions.

The Committee considered the arrangements for the municipal year 2012/13, and it was proposed by the Chairman and seconded by Councillor Bancroft that there be a total of five Chairmen of the Licensing Act Sub-Committees, comprising the Chairman and Vice-Chairman of the Licensing Act Committee and three other named Members, and that each ad hoc Sub-Committee include one of these Members, who would act as the Chairman. The proposition was unanimously agreed.

The Chairman requested nominations for the three other Chairmen of the ad hoc Sub-Committees. Councillor Sherlock was nominated by Councillor Bancroft and seconded by Councillor Pattison, Councillors Greenall and Helme were nominated by the Chairman and seconded by Councillor Kennedy, Councillor Ashworth was nominated by Councillor Sherlock and seconded by Councillor Histed.

Upon being put to the vote, Members voted unanimously in favour of Councillor Sherlock, 7 for Councillor Greenall, 3 for Councillor Helme and 8 for Councillor Ashworth.

***Resolved:***

- (1) That there be a total of five Chairmen of the ad hoc Licensing Act Sub-Committees, comprising the Chairman and Vice-Chairman of the Licensing Act Committee and three other named Members, and that each ad hoc Sub-Committee includes one of these five Members, who acts as Chairman.
- (2) That the other three Chairmen of the ad hoc Sub-Committees be Councillors Sherlock, Greenall and Ashworth.

**6 AMENDMENTS TO THE LICENSING ACT 2003 BY PART 2 OF THE POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011**

Members received the report of the Licensing Manager to inform of recent changes to the Licensing Act 2003 and the necessary action required to implement these changes. The recent changes enabled some greater scope for representations to be made at the licensing application stage and for licences to be suspended where fee payment was not received.

It was reported that the Home Office had conducted a public consultation exercise on 'Rebalancing the Licensing Act 2003' (the Act) between July and September 2010. The proposals outlined in the consultation were implemented by the Police Reform and Social Responsibility Act 2011 (the PRSR Act), which had received Royal Assent on 15<sup>th</sup> September 2011.

The amended statutory guidance issued under Section 182 of the Act (the Guidance) and most of the reforms contained in the PRSR Act had been brought into force on 25<sup>th</sup> April 2012. Some reforms required complex secondary legislation and remained outstanding, such as the early morning alcohol restriction orders (EMROs), the late night levy and the ability to set licence fees locally. The Government aimed to introduce these measures in October 2012 or April 2013.

It was the Government's intention that Licensing Authorities (LAs) should be given more power and flexibility and Responsible Authority (RA) status under the Act. This would allow the LAs to make representations and call for reviews in their own right, and enable them to make early interventions to premises that were causing problems, without having to wait for other RAs.

The LAs were still bound by the same rules of evidence that applied to all RAs. The changes created two roles within the City Council when acting as LA under the Act, namely the roles of decision making body and RA. To ensure procedural fairness and avoid conflicts of interest, the Guidance stressed the need for clear separation between the two roles when determining applications.

To ensure compliance with the Guidance, the Sub-Committee and the full Committee from which Sub-Committees were sourced, could not also act as RA. Licensing Officers were separate from the decision making process and were most suited to represent the LA in its role as RA. Licensing Officers would initially liaise with applicants and submit representations to the Sub-Committee, as required. Licensing Officers would instigate review proceedings on behalf of the LA in its role as RA.

It was requested that delegated authority be given to enable the Head of Governance to act formally on behalf of the LA as RA when required under the Act.

The additional changes were reported in full, including:

- Suspension of the premises licence due to non-payment of annual fees;
- Changes to the system of Temporary Event Notices (TENs);
- Lowering the evidential threshold on LAs;
- Removing the 'vicinity test' for licensing representations to allow wider local community involvement;
- Primary Care Trusts (PCTs) being given RA status under the reforms until they were replaced as RAs by the Public Health function of the relevant LA under the Health and Social Care Act 2012;
- The frequency that the Council was required to review and publish its Licensing Policy changing from 3 to 5 years (the last review having taken place in January 2011);
- Doubling the fine for persistent underage sales to £20,000;
- Extension of the list of relevant offences to include criminal attempt and conspiracy offences.

It was proposed by Councillor Sherlock and seconded by Councillor Thomas:

“That the recommendations set out in the report be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

***Resolved unanimously:***

- (1) That delegated authority be granted to the Head of Governance to act on behalf of the Licensing Authority as Responsible Authority when required under the Licensing Act 2003, and that the Head of Governance, as Monitoring Officer, be authorised to amend the Constitution accordingly.
- (2) That delegated authority be granted to the Head of Governance to suspend Premises Licences and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003, and that the Head of Governance, as Monitoring Officer, be authorised to amend the Constitution accordingly.
- (3) That the additional changes relating to process, as set out in the report, be noted.

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Chairman

(The meeting ended at 2.14 p.m.)

**Any queries regarding these Minutes, please contact  
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