

A meeting of the **LICENSING COMMITTEE** will be held in the **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **WEDNESDAY, 16 JUNE 2010 ON THE RISING OF THE LICENSING AND PROTECTION PANEL** and you are requested to attend for the transaction of the following business:-

NB. Members are requested to note that there will be a short briefing at the close of the meeting covering a subject that falls within the remit of the Panel.

APOLOGIES

1. MINUTES (Pages 1 - 8)

To approve as a correct record the Minutes of the meetings of the Committee held on 27th January 2010 and 19th May 2010.

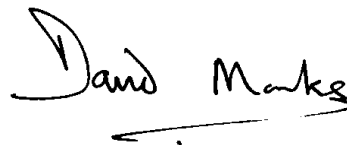
2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see notes 1 and 2 below.

3. LICENSING ACT 2003 - NEW MANDATORY CONDITIONS (Pages 9 - 12)

To receive a report by the Head of Democratic and Central Services giving details of new mandatory conditions affecting premises licences and club premises certificates.

Dated this 8 day of June 2010

A handwritten signature in black ink that reads "David Marks". The signature is written in a cursive style with a long horizontal line underneath the name.

Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*

- (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs A Jerrom, Democratic Services, Tel No 01480 388009/e-mail: Amanda.Jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Corporate Training Suite, Eastfield House, Huntingdon on Wednesday, 27 January 2010.

PRESENT: Councillor J M Sadler – Chairman.

Councillors K M Baker, J T Bell,
P L E Bucknell, J J Dutton, R W J Eaton,
A Hansard, D J Priestman, P D Reeve,
R G Tuplin and J S Watt.

APOLOGIES: An Apology for absence from the meeting was submitted on behalf of Councillor R S Farrer.

15. MINUTES

The Minutes of the meeting of the Committee held on 27th October 2009 were approved as a correct record and signed by the Chairman.

16. MEMBERS' INTERESTS

Councillor JT Bell declared an interest in Minute No. 17 by virtue of his membership of Upwood and the Raveleys Parish Council, Councillor PLE Bucknell declared a personal interest in Minute No. 17 by virtue of his association with the licence holder.

17. SECRET GARDEN PARTY

With the aid of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book), Members' attention was drawn to the granting in perpetuity of a premises licence under the Licensing Act 2003 for a large annual open air event, the Secret Garden Party and the steps taken by the authority to minimise its impact on the local community and public services over the course of the weekend when it was held.

The Committee was reminded that in recent years, following representations from interested parties, the application had necessitated a hearing by a Licensing Sub Committee which had usually extended to a full day's duration.

Members were advised that as no representations from interested parties or responsible authorities had been received following the submission of a recent application for a licence in perpetuity, this had been granted with conditions consistent with the operating schedule that accompanied the application. As a result there would be no further need for the organisers to apply for a licence in future years and the only way for this to be varied would be by application for a

variation by the organisers or as a result of a review triggered by a representation from a responsible authority or interested party.

The Committee was advised that the licence granted would be based on the application submitted for 2010 and would enable an event to be held for a period of 5 days in each calendar year, with a maximum attendance on site at any one time of 26,000 people of whom no more than 17,000 would be paying public and guests. Six months' notice would be required by the licensing authority and responsible authorities prior to the date of the event each year.

Given the scale of the event, the Committee was advised of the extensive measures taken by the licensing authority, in conjunction with responsible authorities, to minimise its impact on the area. Officers from the Licensing Section and Environmental and Community Health Division would be on site for most of its duration and would be holding planning and de-briefing meetings with the event organisers and other responsible and relevant organisations.

Whilst Members acknowledged that the Secret Garden Party was a well managed event of national renown which made a major contribution to the local economy without detracting from local policing, they understood that it did have a significant impact on resources within the Democratic and Central Services and Environmental and Community Health Divisions.

RESOLVED

that the contents of the report be noted.

18. LICENSING COMPLIANCE AND ENFORCEMENT POLICY

The Committee considered a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) to which was appended a draft licensing compliance and enforcement policy statement which had been reviewed in the light of the Regulatory Enforcement and Sanctions Act 2008.

Members were reminded that a report on the Council's enforcement policies submitted to the previous meeting of the Panel had highlighted the need for them to be reviewed. The existing licensing enforcement policy had therefore been updated to have regard to both the Act and the new Regulators' Compliance Code.

Having been informed that good practice required licence holders to be consulted on the new policy statement prior to its adoption the Committee was informed that the draft would be advertised on the Council's website and copies would be sent to all relevant responsible authorities.

RESOLVED

- (a) that the draft licensing compliance and enforcement statement contained in the annex to the report now submitted be approved;
- (b) that the statement be made available for the purposes of consultation; and

- (c) that the Head of Democratic and Central Services be authorised to amend the draft in the light of any comments received and adopt the statement, after consultation with the Chairman and Vice Chairman of the Licensing and Protection Panel.

19. CHANGES TO LICENSING PROCESSES UNDER THE LICENSING ACT 2003

Members considered a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) detailing Government proposals to simplify requirements under the Licensing Act 2003 in respect of three current processes which had been recognised by stakeholders as being unduly restrictive and burdensome.

Members were advised that the changes would not have any impact on the licensing objectives but consultation would be undertaken prior to the changes being made.

The Committee was informed that the Government's proposals included the removal of the requirement that licensing authorities determine and publish a Licensing Statement every 3 years and would require them to consult only those stakeholder groups likely to be affected when conducting a revision of a licensing statement rather than the full list of mandatory consultees.

Referring to Interim Authority Notices (IANs) and Reinstatements on Transfer (RTs) it was explained that the period during which specific persons would notify a licensing authority following the death, incapacity or insolvency of the license holder or apply for an RT, would be extended from 7 to 28 consecutive days. The period during which the police could object to an IAN would be extended from 48 hours to 2 working days and the period during which an interim authority had effect extended from 2 months to 3 months.

In respect of Temporary Event Notices the period during which the police could object would be extended from 48 hours to two or three working days and a new power introduced which would allow the police to accept a late notification of less than ten working days before the first day of an event.

The Committee heard that it had been recognised for some time that changes were required to some sections of the Licensing Act 2003 and the proposals were of a practical nature that would not impact on the licensing objectives. In acknowledging that the proposals would assist in reducing unnecessary work and aid licensing authorities, the police, stakeholders, licence holders and the general public, the Committee

RESOLVED

that the Head of Democratic and Central Services be authorised to respond to the consultation with the response contained in the annexes to the report now submitted.

20. CHANGES TO POLICE AND CRIME ACT

With the aid of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) Members were acquainted with amendments to the Licensing Act 2003 that had been made under the Police and Crime Act 2009.

The Committee was advised that once guidance had been issued, members of licensing authorities would be able to act as interested parties allowing them to make representations in respect of applications for and variations to premises licences and club premises certificates and to make applications for the review of such licences or certificates without the need to reside within the vicinity of the premises. Members acknowledged the merits of the new guidance which they felt might benefit those residents who preferred to retain anonymity but still have issues raised.

Members were informed that a more serious offence of persistently selling alcohol to children would now be committed if alcohol was sold at the same premises to an individual under the age of 18 years on two or more occasions within three months. If convicted, the penalty was a maximum fine of £10,000 and suspension of a licence for up to three months. Further legislative change would enable the prosecution of under 18s if found without reasonable excuse to be in possession of alcohol in a public place on three or more occasions within a 12 month period, the maximum fine being £500.

RESOLVED

that the contents of the report be noted.

21. SMALL LIVE MUSIC EVENTS

The Committee considered a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) acquainting Members with a consultation being undertaken by the Department of Culture Media and Sport on a Government proposal to exempt by way of a Legislative Reform Order, small live music events from the requirement to obtain authorisation under the Licensing Act 2003.

Members were advised that currently anyone wishing to carry out a licensable activity had to obtain authorisation by way of a premises licence, club premises certificate or temporary event notice and anyone wishing to add the provision of live music to an existing licence or certificate would have to apply for a full or minor variation.

The Committee heard that the Live Music Forum had been set up to evaluate the impact of the Act on the performance of live music. One of the recommendations made by the forum was that venues

attracting less than 100 people should be exempt from the Act.

The Government had therefore proposed that small live music events be exempted from the Act in licensed and unlicensed premises subject to the performance taking place wholly inside a building, the audience not exceeding 100 people and the performance not taking place between 11pm and 8am. Following concerns raised by local authorities and police over the impact of the exemption on the licensing objectives the Government had proposed that local residents, businesses and responsible authorities would be able to apply to the licensing authority for a specified premise to be excluded from the exemption. Members heard this might result in a number of applications to exclude premises from the exemption.

RESOLVED

that the Head of Democratic and Central Services be authorised to respond to the consultation questionnaire as contained in the annex to the report now submitted, following receipt of comment from the Head of Environmental and Community Health Services.

Chairman

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 19 May 2010.

PRESENT: Councillors K M Baker, J T Bell, K J Churchill, J J Dutton, R S Farrer, N J Guyatt, Mrs P A Jordan, Van De Kerkhove, A Monk, Mrs P E Shrapnel and J S Watt.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor T D Sanderson.

22. ELECTION OF CHAIRMAN

RESOLVED

that Councillor T J Bell be elected Chairman of the Committee for the ensuing municipal year.

23. MEMBERS' INTERESTS

No declarations were received.

24. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor K M Baker be appointed Vice - Chairman of the Committee for the ensuing municipal year.

25. APPOINTMENT OF SUB-COMMITTEES

The Committee agreed that its Membership should be divided into three groups, from which the Director of Central Services, after consultation with the Chairman, is authorised to convene Sub-Committee hearings comprising three Members, therefore it was

RESOLVED

that the Committee establish three groups from which Members would be appointed

RESOLVED

- Group (1) i. Bell, Farrer, Van De Kerkhove
ii. Bell, Farrer, Watt
iii. Farrer, Van De Kerkhove, Watt
iv. Bell, Watt, Van De Kerkhove
- Group (2) i. Baker, Churchill, Guyatt
ii. Baker, Guyatt, Jordan
iii. Baker, Churchill, Jordan
iv. Churchill, Guyatt, Jordan
- Group (3) i. Dutton, Sanderson, Shrapnel
ii. Dutton, Sanderson, Monk
iii. Sanderson, Shrapnel, Monk
iv. Dutton, Shrapnel, Monk

Chairman

LICENSING COMMITTEE

16th June 2010

**LICENSING ACT 2003
PREMISES LICENCES AND CLUB PREMISES CERTIFICATES
NEW MANDATORY CONDITIONS
(Report by Head of Democratic and Central Services)**

1. INTRODUCTION

- 1.1 The purpose of this report is to advise members of five new mandatory conditions introduced under section 19(a) of the Licensing Act 2003. The conditions have been introduced with the intention of ensuring good practice and consistency within the industry and preventing irresponsible practices that put individuals at risk and lead to crime and antisocial behaviour. Government figures indicate that alcohol related crime and disorder costs the U.K taxpayer between £8 and £13 billion per year. The new conditions will be applicable to premises licences and club premises certificates.
- 1.2 The purpose of the first two conditions is to ban irresponsible drinks promotion such as “all you can drink for £10”, women drink free and speed drinking promotions, also activities such as “the dentist chair” where alcohol is poured directly into the mouth of a customer by some other person giving them little opportunity to control the amount of alcohol they are drinking. The third condition is intended to ensure that free tap water is available for customers. These conditions came into effect on the 6th April 2010.
- 1.3 The fourth condition is to ensure that all premises who sell alcohol have an age verification policy for anyone who looks under the age of 18 years to prevent underage drinking. The fifth condition requires that where alcohol is supplied for consumption on the premises alcohol is available in small measures to enable customers to have a choice as to the size of their drink. These conditions will not come into force until the 1st October 2010 in order to give retailers the time to prepare.
- 1.4 The conditions will not apply to temporary event notices or where the licence or certificate authorises the sale by retail or supply of alcohol

2. CONDITIONS

- 2.1 The wording of the conditions is as follows:
 - 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring.
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - f) the responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 - g) the responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 - h) the premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 4) The responsible person shall ensure that–

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b) customers are made aware of the availability of these measures.

3. RESPONSIBLE PERSON

3.1 The responsible person means

- a) in relation to licensed premises-
 - (i) The holder of a premises licence in respect of the premises,
 - (ii) The designated premises supervisor (if any) under such a licence or,
 - (iii) Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.
- b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

4. PENALTIES

- 4.1 Premises that breach the mandatory code will face a range of possible sanctions including the revocation of the premises licence or certificate, additional conditions being imposed on the licence or on summary conviction a fine not exceeding £20,000 and/or six months imprisonment.

3. RECOMMENDATIONS

- 3.1 It is recommended that members note the contents of this report.

BACKGROUND INFORMATION

Licensing Act 2003.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

Guidance issued under section 182 Licensing Act 2003.

Contact Officer: Mr G Peck Licensing Manager
☎ 01480 388010

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