
LICENSING AND REGISTRATION COMMITTEE12 OCTOBER 2015

Present:- Councillor M E Platt (Chairman), Councillor C D Amos, Councillor M A Brown, Councillor A Davis, Councillor V E Guglielmi, Councillor J Henderson, Councillor M C Newton, Councillor R E Raby, Councillor M Skeels, Councillor K P Watson, Councillor J F White, Councillor E F Whitmore, Councillor C P Winfield

Also Present:- Well-being and Partnerships Portfolio Holder (Councillor McWilliams)

In Attendance:- Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Solicitor (Linda Trembath), Democratic Services Officer (Janey Nice) and Licensing Assistant (Michael Cook)

(7.30 p.m. - 8.16 p.m.)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted from Councillor R Callender.

10. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the former Licensing Committee held on Wednesday 15 July were approved as a correct record and signed by the Chairman.

In Minute No. 7 the Licensing Manager (Simon Harvey) had undertaken to invite Essex Police to a future meeting of the Committee to advise it on how the concept of 'Taxiwatch' could work in Tendring; he reported that they had not been invited yet because of the current restructuring that is taking place with Essex Police. The Licensing Manager said that it would be prudent to wait a little while before issuing the invitation as Police staff placements would be known or settled following the restructure. Mr Harvey also advised that the possibility of rolling out the 'Reducing the Strength' campaign to other areas such as Harwich or Walton-on-the-Naze was still to be progressed and again, the current Police restructure was relevant to this possible expansion of the scheme.

11. DECLARATIONS OF INTEREST

There were none.

12. MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 19 AUGUST 2015

The Committee received and noted, for information only, the minutes of the meeting of the Licensing (General Purposes) Sub-Committee Held on 19 August 2015.

13. MINUTES OF THE MEETING OF THE PREMISES AND PERSONAL LICENCES SUB-COMMITTEE 'B' HELD ON 10 AUGUST 2015

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'B' held on 10 August 2015.

14. LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee noted the contents of a report (A.1) on the applications approved under

Delegated Powers which had been approved during the period 29 June 2015 to 17 September 2015, which was submitted for information only.

15. REVIEW OF DRAFT STATEMENT OF GAMBLING POLICY AFTER PUBLIC CONSULTATION

The Committee had before it a report which asked it to consider the responses received from the public consultation that had taken place for the review of the Council's Statement of Gambling Policy and decide whether to amend its draft policy in light of the responses received before agreeing a final policy and recommending its adoption by the full Council. The draft policy had been approved by the Committee at its meeting on 15 July 2015.

The Licensing Manager (Simon Harvey) reported that the draft policy went out to public consultation for a period of six weeks from 31 July to 14 September 2015. This had encompassed and engaged a large and diverse range of consultees such as faith groups, local schools, Children's Safeguarding Service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that worked with problem gamblers like Gamblers Anonymous in order to seek a wide variety of comment and views on the revised draft policy. A list of those groups, agencies, authorities, organisations and businesses was detailed on Page 23 of item A.1 of the Report of the Licensing Manager.

Mr Harvey reported that the responses had been disappointing with only four being received back; with responses from Councillor Winfield and Mr Billy Peak of Magic City Amusements which were included in the main body of the Committee report and two other written responses; one from Gosschalks Solicitors representing the Association of British Bookmakers and the other from Corals Bookmakers. He said that those were attached on Pages 81 to 86 to the afore-mentioned report together with the Licensing Manager's responses to the comments on the draft policy that they had made, these were shown on Pages 87 – 91 of the report.

The Committee asked questions which included if the Licensing Manager had received back any responses from Corals over his response to their letter. He confirmed that he had not. In response to a question concerning gambling premises near schools and homes with people with learning difficulties he said that each case had to be judged on its merits and must not be pre-judged, but that nationally there was research being undertaken to assess the impact of gambling premises being sited near school and other like premises. When asked who controlled the licensing of gambling machines in public houses, Mr Harvey responded by informing the Committee that a public house would automatically receive a license for up to two gaming machines, however, if more than two machines were required, a permit would have to be applied for from the Local Authority. When asked by a Member, Mr Harvey informed the Committee that the definition of the local area covered Tendring only. He also told the Committee that the cost of a criminal records check was borne by the applicant.

It was moved by Councillor Watson, seconded by Councillor Raby and RESOLVED that:

- (a) The final draft Statement of Gambling Policy which included any amendments thought necessary to the policy after consideration of the responses received and attached to item A.1 of the Report of the Licensing Manager, be agreed;
- (b) That the Chairman of the Licensing and Registration Committee be authorised to recommend the final draft of the revised Statement of Gambling Policy for adoption by the Council at its meeting on 24 November 2015 and its publication in accordance with the timetable previously agreed by the Committee at its meeting on 15 July 2015; and
- (c) That any future amendments to the revised adopted and published Policy that were

minor, or administrative only in nature be delegated to the Environmental Services Manager and/or the Licensing Manager, in consultation with the Chairman, or failing him, the Vice-Chairman of the Committee without the need to publicly consult again, or re-adoption of the Policy by the Committee and Council.

16. REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF LICENSING POLICY FOR PUBLIC CONSULTATION

The Committee had before them a report which requested it to review and agree the draft revision of the Council's Statement of Licensing Policy which would run for five years from 31 January 2016 following public consultation and adoption by the Council.

Members were reminded that the Council was required to review and renew its Statement of Licensing Policy every five years in accordance with the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011). The review and renewal of the policy was subject to public consultation and must be adopted by Council on a recommendation from the Committee. The Licensing Manager pointed out that there had been a number of changes since the last review of the Licensing Policy in 2010, although revisions had subsequently been made to its text.

Mr Harvey advised the Committee that further legislative administrative changes could be issued from the Home Office which would mean updates being required to the Policy. He therefore asked the Committee for delegated authority for minor, or non-contentious changes to be delegated to him and/or the Environmental Services Manager and in consultation with the Chairman, or failing him, the Vice-Chairman of the Committee.

Mr Harvey explained to the Committee that the draft policy that it was being asked to approve for public consultation, had been amended so that it was in line with all current legislation and Government guidance. He added that the changes made to the policy were in the main, administrative or best practice.

Mr Harvey advised the Committee that the draft policy also now actively promoted the Tendring Community Safety Partnership (TCSP) 'Reducing the Strength' initiative and encouraged off-sale retailers to participate in the scheme by not stocking or selling super-strength lager, beer or cider above 6.5% alcohol by volume at a very low cost. He explained that participation in the initiative had to be strictly on a voluntary basis in order for retailers to comply with the competition and market authority rules on competition and price fixing. He said that the TCSP initiative fully complied with all Local Government Association and competition authority guidance, but nevertheless the Committee should be aware that it's inclusion in the policy may prove to be unpopular with organisations such as the British Beer and Pub Association (BBPA) and the Association of Licensed Multiple Retailers (ALMR) who had spoken out and campaigned against such initiatives nationwide. He added it was likely that they may lobby to have the encouragement in the policy for retailers to participate in the scheme removed.

The Licensing Manager added that he was confident the scheme that the Council worked to was sound and the TCSP had maintained a dialogue with individual retailers for a sensible approach for selling alcohol, i.e. not to sell at irresponsibly low prices and not to sell to drunken customers etc. He said that this had caused extra work for Licensing and the Police, but in the long term was proving effective. He also advised that dialogue with off-sale retailers had taken place over a long period of time and said that they were realising working with the Council, Police and the TCSP to help reduce the problems with street drinking in Clacton town centre was in their own best interest and also in the best interest of their customers and community as a whole. He hoped by gentle persuasion and ongoing dialogue and enforcement where necessary, that the word would get around and he believed the message was getting through.

Members asked questions on when the consultation would go out to the public and when it would be due back, and were informed the draft Policy was ready to go out with any amendments requested by the Committee. When asked by a Member about checks on sales to under-age persons the Licensing Manager informed the Committee that regular checks were made to public houses and off-sale establishments, which involved working closely with the Police and Trading Standards. He added that late night checks, test purchasing and checks on premises were being undertaken where there had been more risk of under-age sales or incidents had occurred. He added that the Licensing section had a very good working relationship with both Trading Standards and the Police.

It was moved by Councillor White, seconded by Councillor Raby and RESOLVED that:

- (a) The draft revisions made to the Council's Statement of Licensing Policy be agreed and that the draft Policy go out to public consultation; and
- (b) Any future amendments to the revised adopted and published Policy that were minor, or administrative only, in nature, be delegated to the Environmental Services Manager and/or the Licensing Manager, in consultation with the Chairman, or failing him, the Vice-Chairman of the Licensing and Registration Committee without the need to publicly consult again or a re-adoption of the Policy by the Committee and Council.

Chairman