

## Statutory Licensing Committee

A meeting of Statutory Licensing Committee was held on Tuesday, 8th August, 2017.

**Present:** Cllr Mrs Kathryn Nelson (In the Chair), Cllr Derrick Brown, Cllr Chris Clough, Cllr Mrs Jean O'Donnell, Cllr David Wilburn, Cllr Norma Wilburn and Cllr Bill Woodhead MBE.

**Officers:** Margaret Waggott, Simon Mills, Peter Bell (DCE), Jonathan Nertney (HR,L&C).

**Also in attendance:** Cllr Lynne Hall.

**Apologies:** Cllr Paul Kirton, Cllr Evaline Cunningham, Cllr Phil Dennis, Cllr Eileen Johnson, Cllr Maurice Perry and Cllr Julia Whitehill.

### **SLC 4/17**      **Declarations of Interest**

There were no declarations of interest.

### **SLC 5/17**      **Minutes of the Statutory Licensing Sub Committee which was held on the 14th June and 27th June 2017**

Consideration was given to the minutes of the Statutory Licensing Sub Committees which were held on the 14th June and 27th June 2017.

RESOLVED that the minutes of the Statutory Licensing Sub Committees which were held on the 14th June and 27th June 2017 be approved and signed by the Chair as a correct record.

### **SLC 6/17**      **Licensing Act 2003**

Consideration was given to a report that sought Members views on a proposed amendment to the current Licensing Act 2003 process of consultation.

The Licensing Act 2003 (c 17) was an Act of the Parliament of the United Kingdom. The Act established a single integrated scheme for licensing premises in England and Wales (only) which were used for the sale or supply of alcohol, to provide regulated entertainment, or to provide late night refreshment and came into force in 2005.

When an application for the grant of a new premises licences, club premises certificate or full variation to an existing licence is received, it had been custom and practice to identify interested parties within 100 metres of the application address using the Council's GIS mapping system and then to post out information regarding that application. This letter invited those in the vicinity of the application to make relevant representations on the application.

Sending letters out to interested parties within 100 meters of the premise is not a statutory requirement of the Licensing Act 2003 and could be seen by applicants and members of the Licensing Trade as soliciting representations.

In accordance with the Licensing Act 2003 all applications were publicised on the Council website, could be viewed in person or could be emailed to

interested parties. They were recorded on the online Licensing Act 2003 public register, this included details of the application and consultation closure date.

Representations could be made by any person regardless of their geographical proximity to the premise. LA10 representation forms and guidance on making a representation could also be found on the website.

Under the Licensing Act 2003 the Council had a statutory responsibility to balance the needs of residents, visitors, pub/club operators and local businesses. In doing this the aim at all times was to promote the four licensing objectives laid down within the Act:-

- The prevention of crime and disorder.
- The prevention of public nuisance.
- The protection of children from harm.
- Ensuring public safety.

As part of the application process the applicant was required by statute to serve a copy of their application to certain statutory bodies, known as Responsible Authorities. The responsible authorities included the Police, Fire Brigade, Environmental Health, Trading Standards, Public Health, Planning and Child Protection Units, and the Home Secretary and it was for them to decide if they had appropriate grounds for submitting a representation.

Under the Act applicants must advertise the application, they must also clearly display a notice immediately on or outside the premises for a period of no less than twenty eight consecutive days starting on the day following the day on which the application was submitted to the licensing authority and during which time any person or a Responsible Authority may make representations. The notices must clearly display a brief summary of the application setting out matters such as the proposed licensable activities and the proposed hours of opening, together with information about where the details of the application may be viewed.

In addition applicants must advertise the application in a local newspaper no more than 10 days after the application had been submitted.

Where relevant representations were received there must be a Licensing Committee hearing, all parties who had made a representation in relation to an application were invited to attend a hearing. Residents did not regularly attend these hearings, and whilst not always the case residents representations could be based on fear rather than factual evidence and not necessary related to the four licensing objectives.

The majority of committee hearings called had not resulted in applications being refused in their entirety. On average 13 Licensing Sub Committee hearings were held annually, which resulted in an average annual cost to the Authority of £15,382.

Having consulted with neighbouring Local Authorities this practice of consultation was not part of their Licensing Act 2003 application process and ceasing this activity did not prevent any interested party making a relevant representation in relation to an application.

Members discussed the process of consultation and felt that they would like to see an example of a letter that is sent out to interested parties, an example of a notice that is displayed immediately on or outside the application premise, an example of an advert that is placed in a local newspaper and a demonstration of how the Public Register of Applications works. Following this, a recommendation should be made to Cabinet that the sending out of letters to interested parties within 100 meters of the application premise should cease, once the Committee were satisfied with the website access to the Public Register.

RESOLVED that:-

1. The report be noted.
2. At a future meeting of the Committee, Members are presented with an example of a letter that is sent out to interested parties, an example of a notice that is displayed immediately on or outside the application premise, an example of an advert that is placed in a local newspaper and a demonstration of how the Public Register of Applications works.
3. Following the above, a recommendation be made to Cabinet that the sending out of letters to interested parties within 100 meters of the application premise should cease, once the Committee were satisfied with the website access to the Public Register.