

## LICENSING COMMITTEE

Minutes of the meeting held on 26 June 2012 commencing at 6.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Davison, Fittock, Hogarth, Orridge, Mrs. Parkin, Piper and Raikes

Apologies for absence: Cllr. Cooke

### 1. Minutes

It was agreed that Cllr. Cooke's apologies would be added to the minutes of the meeting of the Licensing Committee on 11 April 2012.

It was noted that the minutes for the meeting of the Licensing Sub-Committee held on 26 June 2012 had not been prepared in time for the meeting.

Resolved: That the minutes of the Licensing Committee held on 11 April 2012, as amended, and of the Sub-Committees held on 24 April 2012 and 19 June 2012 be approved and signed by the Chairman as correct records.

### 2. Declarations of interest

There were no declarations of interest.

### 3. Actions from the previous meeting

There were no actions from the previous meeting.

### 4. Membership of Licensing Hearing Sub-Committees

A Member of the Committee observed that at some of the recent Licensing Sub-Committee Hearings only 2 Members of the panel had attended. He asked that substitute Members be available and on standby in case of non-attendance. Members unable to attend should ensure they inform the Council at least half an hour before the meeting.

Members agreed that they were uncomfortable when the panel consisted of only 2 Members. It was suggested that the Sub-Committees be amended to 4 Councillors to ensure that 3 would be available for the Hearing. The Chairman reminded the Committee that all Members were expected to be available in case a substitute Member was required.

The Democratic Services Officer confirmed that the Team would select a reserve Member for each Hearing. The extra Member would be informed that they had been selected as a reserve at the same time that the 3 expected panel Members were appointed. Their selection as reserve Member would not be recorded on the agenda.

Another Member of the Committee noted that the agenda for a recent Licensing Hearing had stated that the quorum for a Hearing was 3 people. The Democratic Services Officer clarified that the agenda was inaccurate. The quorum for Hearings had been amended to 2 by the Council on 21 July 2009.

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Resolved: That the memberships of the Licensing Sub-Committees as set out in paragraph 1 of the report be approved.

### 5. Police Reform and Social Responsibility Act 2011

The Legal Services Manager gave a presentation to the Committee about the Police Reform and Social Responsibility Act (PRSRA) 2011. This included a reminder of how the Licensing Act 2003 worked and how it was amended by the PRSRA.

The presentation explained which activities were licensable under the Licensing Act 2003, what licences were available and how the application process worked. The Authority was under a duty to carry out these functions having regard to the 4 licensing objectives, its Statement of Licensing Policy and amended guidance issued by the Secretary of State.

The key themes for the PRSRA were empowering local authorities, reducing late night drinking and child protection. Much of the Act had taken effect from 25 April 2012 and would apply to licensing applications received after that date.

The first highlighted change was that Licensing Authorities would be considered Responsible Authorities and so become regulators as well as administrators. This meant, for example, that Officers could now request a review of any licence rather than relying on another responsible authority to do so. The Licensing Partnership Manager had, however, cautioned Officers against using this power which was designed for larger authorities. Any Officer giving a representation should not have been involved in the licence application process. This would be difficult to achieve in a small team, such as the one based at Sevenoaks.

The presentation also explained that the evidential test for intervention in a licensing decision had been reduced from steps which were “necessary” to achieve the licensing objectives to those which were “appropriate”. It was felt this could reflect a move from an objective to a more subjective test.

Representations no longer could come only from those who lived or had a business in the vicinity of a licensable site. Anyone could make a representation so long as it related to the licensing objectives. The Licensing Partnership Manager was concerned that this could allow representations from distant areas of the country, whereas the Licensing Team had previously been able to take a pragmatic approach to the vicinity test.

Individual Temporary Event Notices (TENs) could now last longer (up to 168 hours) and there was also a new process for TENs to be submitted late (no later than 5 days before the event) on no more than 2 occasions each year for non-personal licence holders. Officers were noted that there was no central register of personal licence holders and so it was possible for applicants to exceed the limits on numbers of TENs by crossing authority boundaries.

TENs could be objected to on all 4 licensing objectives grounds by both the police and Environmental Health Officers. Further, if the TEN were for a premises already subject to a premises or club licence then the conditions for that existing licence would be applied to the TEN also. By adding these conditions to the TEN licence holders could no longer use a TEN to avoid their usual licensing conditions.

The Act allowed the introduction of Late Night Levies, though this provision was not yet commenced. It allowed local authorities to recover the costs of late night policing from

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licence holders open between midnight and 6am. Kent Police had informed the Council that the cost of late night policing was, at minimum, £20,000 per operation and therefore even if a late night levy were collected they would not envisage additional operations taking place. The Licensing Partnership Manager added that the cost of late night policing made the Levy unsuitable and unsustainable in the District given the limited number of late licenses that currently existed. It was explained that late night disorder was small in the District and the imposition of the levy would have a disproportionate economic impact. The Levy was more appropriate for large cities that regularly experienced disorder and had many late night premises licences. In response to a question the Licensing Partnership Manager confirmed that not having a levy would not be a reason for the Council limiting licensed premises after midnight because all applications had to be considered on their merits.

Provisions which allowed for an Early Morning Restriction Order on the sale of alcohol had not yet come into force but would require a resolution of the full Council to introduce.

Other changes included an increased fine for persistent selling to underage customers and an increase in the length of a voluntary suspension. The PRSRA had extended the review date of Licensing Policies from every 3 years to every 5, though the Council would need to bring forward its next review because of the changes brought in by the Act.

The Licensing Authority could now also suspend licence holders for non-payment of fees. The Licensing Partnership Manager advised that Sevenoaks District Council had proactive procedures for collecting fees and did not have a particular difficulty with non-payment. Licensees were already given 21 days to pay, after which they were sent a further 3 letters each giving an extra 7 days. This meant they already had a total of 42 days in which to pay. She hoped similar procedures would be introduced at the other Teams in the Licensing Partnership which had faced some difficulties.

Members asked that these changes be brought to the public's attention. Although partial information had already been put on the Council website, Officers were asked to include the changes in In Touch. It was accepted this may need to wait until all the changes in the Act had been introduced.

The meeting thanked the Legal Services Manager for her presentation.

THE MEETING WAS CONCLUDED AT 6.55 pm

Chairman

