



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in **Rooms 7 and 8, Southover House, Southover Road, Lewes** on **Friday, 3 September 2010** at 10.00am

Present: Councillor C J Butler (Chair)
Councillors P L Bennett, M A Cutress, L M Hallett and I J White

Officers Present:

Mr G Clark, Licensing Officer
Ms Z Downton, Committee Officer
Mr R Harris, Senior Legal Assistant
Mr E Hele, Principal Environmental Health Officer

Apologies received:

Councillors P A Howson and R Robertson

	Minutes	Action
1	Minutes The Minutes of the meeting held on 12 January 2010 were approved as a correct record and signed by the Chair.	
2	Declarations of Interest Councillor White declared his personal interest in Agenda Item 6 (Council Response to Central Government Proposals to Amend Alcohol Licensing Legislation).	
3	Council Response to Central Government Proposals to Amend Alcohol Licensing Legislation The Committee considered Report No 185/10 relating to the central Government proposals to alter alcohol licensing legislation. The purpose of the Report was to allow members of the Licensing Committee the opportunity to respond, on behalf of the Council, to the consultation document. The questions posed in the consultation and the draft responses for consideration by the Committee were set out at Appendix 1 of the Report. The full consultation document entitled 'Rebalancing The Licensing Act' was	

set out at Appendix 2 of the Report.

On behalf of the Environmental Health Manager, the Principal Environmental Health Officer delivered a presentation to the Committee. He explained the background to the consultation document in that the Government had stated in its Coalition Agreement that it would review and revise the current alcohol and entertainment licensing legislation and would consult with interested parties on its proposals. The Government had set out the following commitments that he considered relevant to Lewes District and which were contained within the consultation document on page 15 of Report No 185/10, as follows:

- To overhaul the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that were causing problems.
- To allow councils and the police to shut down permanently any shop or bar found to be persistently selling alcohol to children.
- To double the maximum fine for under-age alcohol sales to £20,000.
- To permit local councils to charge more for late-night licences to pay for additional policing.

With regards to local context, the Committee was informed that there were 286 premises licences, 46 club licences and 810 personal licences within the District currently. Rates of alcohol related crime and disorder were low in the area compared to the national situation, although owing to the impact on residents' feeling of safety, alcohol related crime and disorder remained a priority for the District's Crime Reduction Partnership scheme. The proposals to amend the licensing legislation, if implemented, would have the capacity to increase community involvement in licence determinations and strengthen the Council's powers as a licensing authority.

A separate consultation in relation to the deregulation of live music and similar performances would be forthcoming from central Government.

The Principal Environmental Health Officer summarised the main themes under the proposed measures contained within the consultation document. The following points were raised and discussed in relation to the proposals and suggested responses to the questions posed within the consultation:

- The Committee agreed that the response to Question 10, relating to the appeals process, should be expanded to include the Council's suggestion that upon a first appeal, an application should be considered by the licensing authority again by different committee members before being referred to the Magistrates' Court, to ensure that licensing decisions remain with the authority.

- Under Question 13 relating to the repeal of Alcohol Disorder Zones, it was noted that the Council could not comment on that as there had been no history of these in operation within the District.

The following was highlighted and discussed regarding the proposed amendments to legislation in relation to Temporary Event Notices (TENs);

- Under Question 19(a), it was agreed that the proposal to allow all responsible authorities to object to a TEN on all of the licensing objectives was positive, as currently only the Police could oppose or comment on such applications. However, the Council would express caution within its response to this due to the significant impact on the administration of the licensing system. The Principal Environmental Health Officer informed the Committee that allowing all responsible authorities to make representations may lead to more hearings. Therefore, he advised that the current fee for a TEN would not reflect the increase in time and resources involved in responding to applications and hearings administration and the Council would be strongly in favour of increasing the licensing fees to cover the additional workload, as outlined in its response to Question 25.
- The response to Question 19(b) was agreed, under which the Council would support the proposal to allow the Police (and other responsible authorities) five working days to object to a TEN, as opposed to the 48-hour period currently permitted.
- The Council would welcome the proposal to allow licensing authorities the discretion to apply existing licence conditions to a TEN, in response to Question 19(d).
- The Committee agreed with the suggested response to Question 20(a) and the concerns associated with the proposal to reduce the number of TENs that could be applied for by a personal licence holder to 12 per year (a reduction from the maximum of 50 currently allowed). It was felt that this proposal could lead to 'puppet' licence holders applying for TENs who would not, in reality, be in control of an event.
- Question 20(b) asked what the consequences would be of restricting the number of TENs that could be applied for in the same vicinity (e.g. a field). The Committee supported the suggested response that the Council would welcome the closure of the loophole in current legislation. In addition, the Committee agreed to the request for better guidance on the definition of 'vicinity' in order to help officers make an informed decision on each application. The Senior Legal Assistant explained that there was currently no statutory definition of 'vicinity' and, in response to the question, the Council was seeking guidance on what factors to take into consideration when making a decision on vicinity, as it was a contentious issue. He added that some local authorities had devised a strict definition of vicinity but the

Council did not see this as appropriate as it had processes in place when considering those who were most likely to be affected by the use of a premises.

The Principal Environmental Health Officer concluded that it was anticipated that no changes to current licensing legislation would be implemented until 2012 at the earliest.

The Committee expressed thanks to the Principal Environmental Health Officer for delivering a clear presentation and to all the officers concerned for their excellent research regarding the proposals and suggested responses.

Resolved:

- 3.1** That the following text be added to the response to Question 10, as set out on page 7, Appendix 1 of Report No 185/10;

"The Council is aware that the current grounds for appeal place a burden on both courts and licensing authorities to conduct an appeal. It is suggested that upon a first appeal that the application is heard by the licensing authority again by different licensing committee members. This will ensure that licensing decisions remain with the authority and only go to the magistrates' court after the application has been heard a second time;"

- 3.2** That the suggested responses to the consultation as set out in Appendix 1 of Report No 185/10 be agreed; and

- 3.3** That the Director of Planning and Environmental Services be authorised to respond to the consultation on behalf of the Council.

DPES

(Note: Councillor White declared his personal interest in this item as he was the Vice-Chair of the Seaford Constitutional Club. He was therefore able to take part in the consideration, discussion and voting thereon).

4 Date of Next Meeting

Resolved:

- 4.1** That it be noted that the next meeting of the Committee will be called as necessary.

DPES/Cttee
Officer (to
note)

The meeting ended at 11.05am

C J Butler

Chair