

Medway Council
Meeting of Licensing and Safety Committee
Tuesday, 24 March 2015
6.10pm to 6.40pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Baker, Mrs Diane Chambers (Chairman), Etheridge, Paul Godwin, Griffin, Adrian Gulvin, Harriott, Iles and Shaw

Substitutes: Councillors:

In Attendance: Rosie Gunstone, Democratic Services Officer
Vicky Nutley, Planning and Licensing Lawyer
Stephen Platt, Democratic Services Officer
Alison Poulson, Licensing and Local Land Charges Manager

866 Record of meeting

The record of the meeting of the Committee held on 18 November 2014 was agreed as correct and signed by the Chairman.

867 Apologies for absence

Apologies for absence were received from Councillors Carr and Kearney.

868 Urgent matters by reason of special circumstances

There were none.

869 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

870 Licensing Act 2003: Drafting of Policies for Consultation

Discussion:

The Committee was informed that during this year the following checks, revisions and implementation of policies need to take place and the approval of the Committee was being sought for officers to carry out this work, circulate any proposals for consultation prior to advertising for approval by this Committee either by report to the next meeting or by circulation on email:

Statement of Policy for Gambling dated 2013 – This needs to be reviewed every 3 years and take into account any changes in

- Legislation
- Guidance – revisions out for consultation this year could include local area profile, changes to the licence conditions and code of practice, identifying key risks and effective controls to mitigate risk
- Local initiatives – Medway Voluntary agreement for betting shops, self exclusion

Statement of Policy for SEV 2012 – This needs to be reviewed as a matter of good practice and checked against any case law for any changes required.

Drafting of a new Taxi Licensing Policy – A consultation questionnaire is currently out seeking the views of both the trade and public on the content of such a policy. The results of that questionnaire, along with current legislation will be considered and form the basis of the draft policy.

The Licensing and Local Land Charges Manager, in response to a question, explained that as far as the Statement of Policy for Gambling was concerned this needed to be in place by the end of January 2016 and as it was a policy framework document would need to go through a route of approval through Committees and to full Council. This meant that the process of consultation could not wait till the July meeting of the Committee.

She suggested that the details of the consultation could be circulated by way of email to the Committee. However, in view of the fact that there may be changes to the Committee membership following the elections in May, this could be difficult. Members felt it would be more advisable for the current Chairman and opposition spokespersons to be consulted outside of the meeting and, if necessary, a special meeting of the Committee could be held.

A request was made for the licensing training for new Members to be set up in the early stages of Member training, however, the Licensing and Local Land Charges Manager stated that the dates for Member training were already set and training for licensing was set for the end of May.

Decision:

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The Licensing and Local Land Charges Manager was requested to circulate details of the consultation to the existing Chairman and spokespersons with the final version coming back to this Committee, including the results of the consultation, prior to obtaining final approvals as set out in paragraph 6.2 of the report.

871 Licensing Act 2003: Changes in Legislation

Discussion:

The Committee was update on the Legislative Reform (Entertainment Licensing) Order 2014 which will come into force on 6 April 2015, deregulating from the Licensing Act 2003 certain entertainment activities in defined circumstances as detailed in Appendix A to the report and on the handout circulated at the meeting.

With effect from 6 April 2015 a licence will no longer be required for:

Plays, Dance:

- 0800-2300
- Audience no more than 500

Films:

- 0800-2300
- Audience no more than 500
- Not for profit
- Organiser has consent of person responsible for premises:
- Organiser abides by age classification ratings (U, 12, 18 etc)

Indoor Sporting Events:

- 0800-2300
- Audience no more than 1000

Boxing and Wrestling:

- 0800-2300
- audience no more than 1000
- Greco-Roman or Freestyle wrestling

Unamplified Live Music:

- 0800=2300 anywhere

Amplified Live Music:

- 0800-2300
- Audience no more than 500
- Premises with an 'on-licence'; or
- A 'workplace'; or
- Church Hall, village hall, community hall or similar where organiser has consent of person responsible
- Non-residential Local Authority (LA) premises, school or hospital where organiser has consent of the LA, school or healthcare provider

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Recorded Music:

- 0800-2300
- Audience no more than 500
- Premises with an 'on-licence'; or
- Church Hall, village hall, community hall or similar where organiser has consent of person responsible
- Non-residential LA premises, school or hospital where organiser has consent of LA, school or healthcare provider

'Cross-activity exemptions':

- Any **entertainment**
- 0800-2300
- On LA premises where provided by or on behalf of LA
- On hospital premises where provided by or on behalf of healthcare provider
- On school premises, where by or on behalf of school proprietor; or at a travelling circus provided:
 - (a) Not films, boxing or wrestling entertainment;
 - (b) Within moveable structure accommodating audience;
 - (c) Not there for more than 28 days

The Licensing and Local Land Charges Manager set out the potential issues arising from the changes in legislation and the associated risks. Members expressed their concerns about the impact of the changes to legislation and felt that the changes were excessive and likely to lead to problems.

In response to those concerns the Licensing and Local Land Charges Manager confirmed that she had put forward a response to the consultation about the changes pointing out the likely issues in particular in relation to noise nuisance.

Members asked what could be done in the event of problems occurring during the period where a licence would not be required. The Licensing and Local Land Charges Manager explained that as per existing legislation a review could be requested by a Ward Councillor, responsible authority, or member of the public. The Planning and Licensing Lawyer stated that at such a review conditions could be imposed.

Further to a question the Licensing and Local Land Charges Manager explained that there would not be a reduced workload in the licensing section because very few applications were purely for entertainment, most licensing applications related to alcohol or late night refreshment.

A request was made from Members for the Member licensing training to explicitly enable Members to understand how they can deal with any complaints that may arise following these changes in legislation.

The Licensing and Local Land Charges Manager stated that the Deregulation Bill continues to run its course between the House of Lords and House of Commons. Officers at this time are unsure when the Commons consideration will take place (possibly during April) and anticipate Royal Assent possibly in May.

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She stated that Items under consideration under the Licensing Act are:

- Deregulation of alcohol sales at community events and ancillary business sales (cl. 66)
- TENs (Temporary Event Notices): 15 will be permitted per year from 2016 rather than 12 (cl. 67)
- Indefinite Personal Licence duration (cl. 68)
- Liqueur chocolates will be able to be purchased by children (cl. 69)
- Exceptions to Late Night Refreshment definition (cl. 70)
- Failing to report (theft/loss of licence) (cl. 71)

Further detail on the outcome of this consideration would be shared with the Committee as soon as it was available.

Decision:

Members noted the changes in legislation.

Chairman

Date:

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