

Time commenced – 6.00pm
Time finished – 7.20pm

**GENERAL LICENSING COMMITTEE
25 MARCH 2009**

Present: Councillor Redfern (Chair)
Councillors Banwait, Baxter, Berry, Hird, Hussain, Leeming,
Lowe, Rawson, Skelton and Winter

In attendance: Councillors F Khan and Webb

21/08 Apologies

Apologies for absence were received from Councillors Poulter and Williams.

22/08 Late items introduced by the Chair

The Chair introduced the following late item:

Outcome of Recent Court Cases – Minute number 29/08 refers.

23/08 Declarations of Interest

There were no declarations of interest.

24/08 Minutes of the Previous Meeting

The minutes of the meeting held on 11 February 2009 were approved as a correct record and signed by the Chair.

25/08 Introduction of Challenge 25 Scheme

The Committee considered a report from the Director of Environmental Services regarding the introduction of the Challenge 25 Scheme in Derby and the joint working arrangements that are taking place between the various partners involved in the scheme.

The Committee was advised that in an effort to combat underage drinking, the Council's Licensing Team and Trading Standards Team, in partnership with Derbyshire Constabulary, Derby Community Safety Partnership and Derby City Pubwatch were launching a new proof of age scheme. The scheme was to be known as 'Challenge 25' and would replace the existing Challenge 21 scheme.

Resolved:

- 1. To note the information set out in the report regarding the introduction of the Challenge 25 Scheme in Derby.**
- 2. To note the joint working arrangements that are taking place between the various partners involved in the scheme.**

26/08 Polycarbonate Glass Trial

The Committee considered a report from the Director of Environmental Services regarding the trial of polycarbonate glassware in licensed premises in the City. The trial was run jointly between the Council's Licensing Team and Derbyshire Constabulary and looked at reducing the number of glass related injuries sustained through glass cuts to both customers and staff.

The premises taking part in the trial has all been asked to provide feedback on the polycarbonate glassware and the comments received back already had been very positive. A report detailing these responses would be brought to a future meeting of the Committee.

Resolved:

- 1. To note the information set out in the report regarding the trial of polycarbonate glassware in licensed premises in the City.**
- 2. To note the joint working arrangements that were taking place between the various partners involved in the trial.**

27/08 Scrutiny Management Commission's Review of Licensing Enforcement

The Commission considered a report from the Chair of the Scrutiny Management Commission detailing the outcomes of the Scrutiny Management Commission's Review of the Enforcement of the Council's Licensing Policy and the recommendations that had been made by the Commission.

The Cross Party Working Group had met to consider the recommendations of the Scrutiny Management Commission and had made its own observations and recommendations in response.

Resolved:

- 1. To note the Scrutiny Management Commission's Review of Licensing Enforcement.**

- 2. To approve the recommendations of the Scrutiny Management Commission with the amendments made by the Cross Party Working Group and refer these to Council for its consideration:**
- a. All Derby Responsible Authorities (RAs) should use their enforcement powers promptly and effectively and in conjunction with each other to deal with breaches of licence conditions and the licensees should be made aware that this will happen.**
 - b. That within any limitations imposed by the legislation or by the interpretation of the legislation there should be regular monthly liaison meetings between representatives of all the Derby RAs.**
 - c. To investigate the degree to which links between the Council and the Police Licensing Teams can legitimately be strengthened and enhanced and if appropriate to develop a protocol for an improved working relationship aimed at making best use of resources and providing the most effective enforcement of the Act.**
 - d. An effective and workable information sharing protocol should be developed to enable the legitimate exchange of information on licensed premises between Police and the Council in its role as RA. The protocol should include procedures for the exchange all the information that can legitimately be exchanged, including if possible the issue of closure notices currently recorded on the Police 'Innkeeper' system.**
 - e. That the Environmental Health and Trading Standards Division make provision for Environmental Health and Trading Standards staff to work frequently and regularly outside during the times when it is known that problems at/with 'on' and 'off' licensed premises are likely to occur.**

It is also recommended that as part of their job the Environmental Health and Trading Standards officers be tasked to inspect all types of licensed premises to:

- i. Investigate complaints and take action where appropriate**
- ii. Conduct under age sales investigations**
- iii. Proactively ensure compliance with Licence conditions**

Where breaches of the legislation or License conditions are

found to have occurred the Environmental Health and Trading Standards officers should report and action their findings promptly and correctly so that the appropriate action can be taken by the Licensing Committee.

- f. That the Trading Standards Section should implement the recommendation made in the Underage Sales Review (2004) and should work co-operatively with other neighbouring local authorities in order to provide 'new' staff and test customers for underage sales exercises.**
- g. That the Trading Standards Team and Derbyshire Constabulary should prepare and publish a protocol that define the actions they will take as RAs in the event that a licensed premises fails a test purchase exercise.**

The protocol should for example specify the circumstance under which a failed test purchase would result in a warning or in a request for a review of the license.

That where trading standards have information of the nature and quality to enforce failed test purchases, they should be tasked to more readily exercise their own statutory review powers so that the matter can then work its way through the system to members to make a determination upon.

- h. That a senior officer of Derbyshire Constabulary should be asked:**
 - i. to confirm or deny the statements made to the SMC working group by representatives of Derbyshire Constabulary about the level of alcohol related crime in Derby and the resource implications that this is presenting for the Police, and:**
 - ii. to comment on the suggestion made by the representatives of Derbyshire Constabulary that there are just too many licensed premises**
 - iii. to clarify whether the comments made by the Derbyshire Constabulary representatives amount to a indication on the part of the Police that they are in favour of the establishment of a Saturation Zone.**
- i. That wherever legally practicable and the appropriate RAs should recommend that membership of Pubwatch is made a condition of the 'on' licenses they consider.**

- j. **To investigate ways whereby the views of the Derby Community Safety Partnership and the Derby Primary Care Trust on matters relating to the licensing of premises can be made available to and taken into account by the Licensing Committee.**
- k. **Investigate what might be done to change the ‘drinking culture’ of Derby**
- l. **That the means whereby enforcement action taken by Fire Officers is reported to the Council is examined and improved where necessary.**

28/08 General Licensing Committee Cross Party Working Group Review of Licensing

The Commission considered a report detailing the outcomes and recommendations of the General Licensing Committee’s Cross Party Working Group Review of Licensing.

Resolved to approve the recommendations of the Cross Party Working Group Review of Licensing, and refer to Council for its consideration, as follows:

- 1. **To support the principle of the introduction of standardised county-wide licensing guidance and conditions, so far as is lawfully permissible and to the extent that doing so does not create a conflict with the need to secure that the terms of any such guidance or conditions remain relevant to the Council’s corporate objectives.**
- 2. **That the Assistant Director (Environmental Health and Trading Standards) be instructed to undertake investigations, with a view to identifying practical measures to bring about improved joint working in the licensing field by stakeholder partners.**
- 3. **That a guide to making representations for non-licence applicants be drawn up and made readily available for distribution, along similar principles to the guide that has been prepared for the use of elected members who are called upon to make representations on behalf of residents of their ward.**
- 4. **That additional funding be made available to secure that effective enforcement of the Council’s statutory obligations can take place, including but not limited to securing that an after-hours enforcement service is created. Part of the funding should also be earmarked to secure that relevant staff are trained, and have their**

training regularly reviewed.

5. **That a report be brought to committee at a future date to initiate discussions about how the Council's Licensing Policy can support the wider Alcohol Strategy for Derby.**
6. **That training for Licensing Committee members be scheduled into the Member Training Programme like Planning Committee training and that members should not be allowed to sit on Licensing Sub-Committees unless they have received the training.**

29/08 Outcome of Recent Court Cases

The Commission received a verbal report from Olu Idowu – Principal Solicitor, on the appeal against revocation from Bespoke. Olu advised the Committee that the appeal had been withdrawn because the Police had agreed a set of licence conditions with the licensee, details of which the Council's Legal Division had been consulted upon prior to final agreement being reached. The license was now not revoked. There had been no additional costs to the council.

Resolved to note the report.

MINUTES END