

Time commenced – 6.05pm
Time finished –7.47pm

**GENERAL LICENSING COMMITTEE
1 SEPTEMBER 2010**

Present: Councillor Skelton (Chair)
Councillors Atwal, Barker, Berry, Harwood, S Khan, Redfern,
Skelton, Whitby and L Winter

09/10 Apologies

Apologies for absence were received from Councillors Chera, Hird, Jackson, Leeming, Richards and F Winter.

10/10 Late items introduced by the Chair

There were no late items.

11/10 Declarations of Interest

There were no declarations of interest.

**12/10 Request for Views on the Consultation Document
Rebalancing the Licensing Act**

The Committee considered a report from the Strategic Director of Neighbourhoods on the consultation document on Rebalancing the Licensing Act. It was reported that the Government was planning a review of the Licensing Act 2003 with the aim to rebalance the licensing powers in favour of local communities by giving greater powers and flexibility to local authorities and encouraging greater involvement by local community groups.

John Tomlinson, Assistant Director for Environmental Health and Trading Standards informed the Committee that the government were particularly keen to receive the views of licensing authorities although also from the wide range of interested parties.

Members were provided with copies, prior to the meeting, of the 29 consultation questions and to assist them, licensing and legal officers had set out their own comments. These were generally accepted by the Committee subject to the following amendments:

Consultation Questions	Responses
6. What would be the effect of removing the requirements for interested parties to show vicinity when making relevant representations?	This proposal could lead to an increase in representations from outside of the local community, and these are likely to be based on a personal view or bias, rather than on genuine concerns about the impact on their community whilst it is appropriate to question whether a representation from a resident of one suburb or village about an application in a different suburb or village is relevant, city centres are 'owned' by everyone and wider representations may be relevant. We believe that the 'vicinity' requirement should remain but be broadened to allow some wider representations. A clear set of guidelines are required to ensure that licensing authorities make fair and consistent decisions.
21. Do you think 168 hours (7 days) is a suitable minimum for the period of voluntary closure that can be flexibly applied by police for persistent under-age selling?	Yes, we believe this is a reasonable minimum period. However, we believe that this voluntary closure power should also be available to Trading Standards authorities, who have similar enforcement responsibilities in respect of under-age selling. A clear definition of persistent is required.
22. What do you think would be an appropriate upper limit for the period of voluntary closure that can be flexibly applied by police for persistent under-age selling?	We believe that an appropriate period would be 28 days. A clear definition of persistent is required.
23. What do you think the impact will be of making licence reviews automatic for those found to be persistently	This would be a deterrent to underage selling and we support this approach, subject to clear guidelines defining relevant triggers, who may and how to activate a trigger, in order to ensure fairness and consistency. A clear definition of persistent is required.

selling alcohol to children?	
29. Would you support the measures to de-regulate the Licensing Act, and what sections of the Act in your view could be removed or simplified?	In general, the Licensing Act provisions are 'fit for purpose' and work well, although there is particular reliance upon the contribution of the responsible authorities, which has sometimes been inadequate. We feel that the proposals set out in the consultation document largely address the issues that the licensing authority would seek to change. However, this consultation does not address all licensing issues and this authority would like to make further comment about other aspects of the licensing process in due course.

The Committee welcomed the work by officers and congratulated them on their responses. However, concern was raised that the Home Office Consultation did not address some of the fundamental issues that caused problems at ground level with the Act. An example was given that there was no acknowledgement of the ease of obtaining a Personal Licence, or no suggestion of control as to the number of premises a Designated Premises Supervisor could oversee.

Members felt that these matters, amongst others, were paramount in the running of a professional and responsible licensed premises.

It was suggested that a further report setting out some Members concerns be reported for discussion at the next Committee meeting.

Resolved:

- 1. to agree the responses, subject to the proposed amendments; and**
- 2. that the Chair of the General Licensing Committee respond to the Home Office.**

MINUTES END