

Time Commenced - 6.00 pm
Time Finished - 6.50 pm

**GENERAL LICENSING COMMITTEE
14 DECEMBER 2005**

Present: Councillor Khan (Chair)

Councillors Afzal, Allen, Baxter, E Berry, P Berry, Marshall,
Jackson, Redfern, Rehman, Richards, Skelton,

12/05 Apologies

Apologies for absence were received from Councillors Brown and Dhamrait.

13/05 Minutes of the Previous Meeting

The minutes of the meeting held on 5 October 2005 were approved as a correct record and signed by the Chair.

14/05 Late items introduced by the Chair

There were no late items

15/05 Declarations of Interest

There were no declarations of interest.

16/05 Licensing Act Update

The Committee considered a report from the Director of Corporate Services that provided an update of the progress of the Liquor Licensing Act 2003. The Committee were advised that all licences issued under the new licensing system came into force on 24 November 2005 and replaced ones issued under the previous regimes. In total, the Council had issued over 750 premises licences and nearly 800 personal licences.

It was reported that dealing with the transfer to this new licensing system had been a challenge for everyone involved. In Derby, the whole process had run extremely smoothly. This was due to the hard work of licensing staff, Constitutional Services Officers, Legal Services and members, the co-operation of the local licensed trade and the response from local residents, which had been very positive.

The Committee agreed that everyone involved in the process had worked hard and asked that everyone responsible for the success be thanked on behalf of the Committee.

It was reported that the focus was now ongoing applications and to ensure all unlicensed premises and activities were dealt with.

Councillor Berry raised concern about take away establishments selling/giving alcohol with delivery orders. He asked if there were any measures in place to ensure the delivery driver did not hand over the alcohol to any person under 18 years of age.

Michael Kay, Group Leader – Health and Safety, responded that an applicant in these circumstances would have to provide evidence of how they would deal with this situation. The licensee would be within their rights to withhold alcohol from persons under 18 years of age.

Councillor Redfern advised that a similar issue had come up at a General Licensing Sub-Committee meeting and the Sub Committee were unable to put any conditions on the Licence to ensure this did not happen. The Sub-Committee included recommendations with the conditions to try to cover this.

Members also raised concern about person's under 18 being able to sell alcohol particularly if left unsupervised in a premises. Michael Kay responded that a person needed to be at least 16 years of age to sell alcohol but needed to be authorised to do so by the premises supervisor. This could cause a problem if a peer group came in to buy alcohol. If this was brought to the Council's attention the Police would be advised and the Council would speak to the Licensee.

Councillor Baxter commented that he was worried that person's under 18 could be left in charge of a premises. The Committee should advise the Government of these concerns.

Stuart Leslie, Chief Legal Officer, responded that although problems could be envisaged there was no evidence at this time to support these concerns. Eventually there would be some sort of review and it would be best to raise these concerns then.

Resolved to note the update.

17/05 Animal Boarding Establishments Act 1963 – Dog Sitting

The Committee considered a report from the Director of Corporate Services regarding the conditions for the licensing of animal boarding at domestic properties under the Animal Boarding Establishments Act 1963.

John Tomlinson, Environmental Health Manager, advised the Committee that there had been two requests for licences to undertake animal boarding (dogs only) at domestic premises.

At an earlier Committee there was a request that other local authorities were contacted to establish their policies and license conditions with regard to this type of business. Seven local authorities responded to the request for information. None of the local authorities had a policy of not issuing licences, but all attached conditions. The conditions varied enormously.

John Tomlinson advised that the proposed conditions had been re-worked based on the responses from these seven local authorities.

Councillor Baxter requested that electric fires be included at paragraph 8.3 of the conditions.

Resolved to approve the conditions, as amended, for the licensing of animal boarding at domestic properties under the Animal Boarding Establishments Act 1963.

18/05 Amusements with Prize Machines in Licensed Premises

The Committee considered a report from the Director of Corporate Services about the changes that had been made to the arrangements for obtaining permits for gaming in pubs and other alcohol licensed premises as a result of the Licensing Act 2003.

The Committee were concerned that the £32 charge for processing these applications was not commensurate to the work involved and agreed to make a representation to the Government regarding the set fee.

Resolved

- 1. To confirm that all Amusement with Prizes Machines Permits granted by the Council will be issued for three years.**
- 2. To authorise the Assistant Director – Environmental Health & Trading Standards to grant all Amusements with Prizes Permits for up to two machines and to confirm that all new Amusement with Prizes Permit applications for more than two machines are to be determined by the Council's General Licensing Sub Committee.**
- 3. To authorise the Assistant Director – Environmental Health and Trading Standards to grant all renewal Amusement with Prizes applications providing no representations have been made to the Police.**
- 4. To make representations to the Government expressing the Committee's concern that the set fee of £32 was not**

commensurate to the work involved in processing each application.

MINUTES END