

# GENERAL LICENSING COMMITTEE

## 12 OCTOBER 2011

Time commenced 6:00 pm  
Time finished 8:00 pm

**Present:** Councillor Marshall (in the Chair)  
Councillors Barker, Harwood, Jackson, Rawson and Richards

### 06/11 Apologies for Absence

Apologies for absence were received from Councillors Atwal, S Khan, Leeming, Redfern, Tuplin, Whitby and F Winter.

### 07/11 Late Items to be introduced by the Chair

There were no late items.

### 08/11 Declarations of Interest

There were no declarations of interest.

### 09/11 Confirmation of the Minutes of the meeting held on 18 July 2011

The minutes of the meeting held on 18 July 2011 were agreed as a correct record and signed by the Chair.

### 10/11 Cumulative Impact Policy Consultation

The Committee considered a report on the request from Derbyshire Constabulary to consider implementing a Cumulative Impact Policy (CIP) for the inner city area of Derby. At the meeting on 18 July 2011, Committee considered this request and decided to defer the decision pending further information from the Constabulary about the impact of City Centre off-licences on the four licensing objectives.

Inspector Fairbrother attended Committee and gave a presentation on the necessity for off licences to be included within the policy.

Members were directed by both Inspector Fairbrother and the Committee's legal advisor to the Secretary of State's guidance issued in relation to Section 182 Licensing Act 2003, which advised that it would not normally be appropriate to include off licences within such a policy and to do so would require sound evidentially based justification.

Members raised concerns that the policy may discourage good applicants to apply to the licensing authority and that responsible authorities should be tackling the problems with existing licence holders rather than setting a blanket policy.

The Committee were reminded that the introduction of the Policy did not mean that no more licences could be issued. Anyone wanting a new licence or varying an existing one within the Policy's area would need to provide more robust information during the application process.

**Resolved:**

- 1. To accept the recommendations of the Cross Party Working Group;**
  - a. to implement a cumulative impact policy within the area contained within the inner ring road, as identified on the map accompanying the report, applicable to both on and off licences but subject to the exceptions in 4.2 (b) and (c) of the report;**
  - b. to review that policy to coincide with the planned reviews of the existing Licensing Policy;**
  - c. to agree that future reviews of the licensing policy should include scope to identify whether the area of the cumulative impact zone should be retained, expanded or reduced, if appropriate, following receipt of sufficient evidence from the Police.**
- 2. To approve and adopt the draft cumulative impact policy as attached in Appendix A applicable to both on and off licences but subject to the exceptions in 4.2 (b) and (c) of the report and for such to be regarded as a supplementary document for the purposes of the Council's current Licensing Policy.**

## **11/11 Consultation on the Deregulation of Schedule One of the Licensing Act 2003**

The Committee considered a report from the Strategic Director of Neighbourhoods on the deregulation of the licensing act. It was reported that the Department for Culture Media and Sport (DCMS) had issued a consultation document on deregulation of Schedule One of the Licensing Act 2003 which covers regulated entertainment. Members were informed that the Chief Officer Group were aware of the consultation document and had requested that the Council formally responds through the Policy Co-ordination Group.

The closing date for responses to the Department for Culture Media and Sport was 3 December 2011. In an effort to assist Committee in this process, officers set out their initial comments in the report. It was suggested that the Chair in consultation with officers respond to the consultation.

Therefore, once General Licensing Committee have agreed a response, this will be forwarded to Chief Officer Group to pursue through Policy Co-ordination Group.

**Resolved to agree a response to Chief Officer Group on behalf of the General Licensing Committee to the consultation by authorising Mike Kay, Head of Environmental Health and Licensing to respond to Chief Officer Group on behalf of the Committee, after discussion with the Chair.**

## **12/11 Personal Licence Process**

The Committee considered a report from the Strategic Director of Neighbourhoods on personal licence process. It was reported that Councillor

Barker had contacted the licensing team to raise his concerns about the process for administering information relating to personal licence holders.

Councillor Barker stated that Members may recall that previously the Chair had written to the Parliamentary Under Secretary of State at the Home Office, but as yet no response had been received.

Councillor Barker suggested that the Committee again write to the Home Office and also the Local Government Association noting the concerns raised, which were echoed by the Committee. It was agreed that detail be given within the letter that there were serious concerns raised regarding the re-issue of personal licences in 2015, yet there was still not national database of holders to ensure that a full history be available. Members noted that that the “home” local authority who issued the licence could keep records of their licence holders but passing any information on the other local authorities could cause data protection issues. It was requested that clarification be sought on the renewals procedure.

**Resolved to agree that Mike Kay, Head of Environmental Health and Licensing, write to the Home Office and Local Government Association on behalf of the Committee, noting their concerns regarding the re-issue of personal licences in 2015.**

## 13/11 Sex Establishments – Fee Increase

The Committee considered a letter from a sex establishment licensee and his concerns regarding the fees set by the authority. It was noted that he had requested a hearing from Members to appeal against the fees set.

Members stated the fees had been set by the Committee for the financial year 2011/12 to be in line with other local authorities and that the particular licensee had not raised objection to the new fees at that time. Members were advised that there was no formal right for a hearing before the committee to contest the fees in such circumstances and that his refusal to pay the fee and apply for renewal of his licence had resulted in his licence not being renewed. Despite his licence not being renewed the Committee were informed that he was continuing to operate.

Members raised their concerns that the licensee was operating without a licence and requested that officers take enforcement action against the licensee and that the letter be responded to by officers stating that the fees are not.

### **Resolved:**

- 1. To agree that Mike Kay, Head of Environmental Health and Licensing, authorise the relevant officers to take appropriate enforcement action against the licensee; and**
- 2. To agree that Mike Kay, Head of Environmental Health and Licensing, write to the licensee responding to his letter, rejecting his request for informing him that he would not be entitled to a hearing with Members.**

MINUTES END