

Runnymede Borough CouncilLICENSING COMMITTEE27 November 2003 at 7.30 p.m.

Members of the Committee present: Councillor A.J. Davis (Chairman), M.J. Brown (Vice-Chairman), P.A. Greenwood, R.K. Habgood, Mrs. C.Y. Jones, A.M. Moore, C.J. Norman, Mrs. J. Norman, D.W. Parr and B.J. Relph.

Members of the Committee absent: None.

Councillor C.J. Knight also attended.

530. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive Officer of their wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

Group Requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor Mrs. F.M. Angell	Councillor R.K. Habgood
Conservative	Councillor J.R. Whiteley	Councillor C.J. Norman

The Chief Executive Officer had given effect to these wishes in accordance with Section 16(2) of the Local Government and Housing Act 1989.

531. ELECTION OF CHAIRMAN

RESOLVED that -

Councillor A.J. Davis be elected Chairman of the Committee for the remainder of the Municipal Year 2003/04.

532. ELECTION OF VICE-CHAIRMAN

RESOLVED that -

Councillor M.J. Brown be elected Vice-Chairman of the Committee for the remainder of the Municipal Year 2003/04.

533. DECLARATIONS OF INTEREST

Councillor A.J. Davis declared a personal interest under the Runnymede Code of Conduct for Members in the items on 'Terms of Reference of the Licensing Committee' and 'Licensing Act 2003' as he was a member of the Campaign for Real Ale.

534. LICENSING COMMITTEE - TERMS OF REFERENCE

The Committee noted its Terms of Reference as follows:

'Consideration of all Licensing and registration matters so far as they are not expressly committed to another Committee and determination of all matters before it, save for the Licensing Policy or other matters expressly reserved to full Council by the Constitution'.

The Committee could appoint one or more sub-committees, which had to consist of three members of the Committee. Regulations were expected dealing with the proceedings of both the Committee and any sub-committees. The Committee could delegate any of its functions (such as the hearing of applications) to a sub-committee. The Committee or sub-committee could also delegate any function

to an Officer except for a number of defined matters most of which related to the determination of applications subject to representation or objection.

535. LICENSING ACT 2003

(Ref: Minutes of the Leisure and Environment Committee, September 2003, page 677, para 339, Corporate Management Committee, October 2003, page 737, para 382, and page 738 para 383 and Council, October 2003, page 889, para 422).

The Committee was given an update on the implementation of the Licensing Act 2003 and related matters.

The Department for Culture, Media and Sport (DCMS), had recently put back its proposed timing for implementation of the Licensing Act 2003. The Guidance had been laid before the House of Lords on 14 November 2003. Legislation relating to fees, forms and plans had also been placed before Parliament in November. It was now expected that the approved Guidance would be published in January.

The DCMS had indicated there would be six months between the Guidance being issued to local authorities and the "first appointed day" which marked the commencement of the transitional period, when both regimes would run in parallel. This was likely to be June/July 2004. During this period Runnymede had to issue new licences which would come into force on the "second appointed day". The second appointed day, when the Licensing Justices' liquor licensing regime would formally end and Runnymede's new licensing regime take over, was expected to be nine months after the first appointed day, probably January/February 2005. The Licensing Justices would continue to be the Licensing Authority until the "second appointed day".

The Committee received the latest draft Licensing Policy which would be worked upon further by Officers in future months. Account would be taken of comments made by Members at the meeting on the extent of licensees responsibility for the behaviour of customers outside the licensed premises and the proposed table of delegations. The Committee considered that workshops should be held with the licensed trade and other interested persons once the Licensing Policy was in place. The revised proposed timetable for the consultation on the Council's statement of Licensing Policy was as follows:-

Early Draft Policy Agreed	Nov 2003
Consultation Commences	Feb 2004
Consultation Complete	March 2004
Licensing Committee	April 2004
Corporate Management Committee	April 2004
Council Meeting	April 2004
Policy In Force	June 2004

From an informal consultation with holders of liquor licences, it was considered appropriate for formal consultation to be undertaken with a range of specified persons or groups. For the purposes of the consultation, licence holders would be divided into four groups, namely off licensed premises, on licensed premises (public houses) and restaurants, premises with occasional permissions (for example, schools), and registered clubs.

The Committee was informed that training for Members of the new Licensing Committee and Licensing Sub-Committee was required and necessary. Officers proposed initial awareness training for Members early in the new year, followed by a one-day training course in May 2004. The Committee considered that training should be made available to non Members of the Licensing Committee as well.

The Committee considered that in due course it would be appropriate to appoint one or more sub-committees to deal with functions under the Licensing Act 2003, and another to deal with the "old" licensing functions. Officers would consider this further and report back. In the interim, the Committee considered it prudent to constitute a politically balanced single sub-committee comprising three Members for functions arising under the Licensing Act 2003.

It was unclear whether the Government intended the political balance requirements to apply to the Licensing Committee and its Sub-Committees. For the moment Officers were working on the basis that it did and advised that the Sub-Committee should comprise two Conservatives and one Runnymede Independent. For the future the Committee felt it important to be able to draw its Sub-Committees from all Members of the Committee regardless of political membership in order to

maximise flexibility and draw on any specialist knowledge available and hoped that the Law would allow for this.

The Committee noted the resource implications of implementing the Act. A Licensing Officer would join the Council in January. Half of the Licensing Clerk post had been filled internally, whilst the other half was being kept vacant. This would be reviewed in May, once the full implications of the administrative workload under the new licensing regime had been clarified. The Act provided for the setting of fees nationally in relation to licence applications on the basis of full cost recovery for the licensing authority. The Act provided for national scales or bands of fees, the details of which were yet to be worked out. It was considered unlikely that fee income would cover the full cost of the licensing function and in any event no income would be received until the new arrangements became operational. A further report would be made when the cost implications were clearer.

Officers would also quantify any additional resources needed in the Legal and Committee sections to administer the Act as soon as the guidance and regulations were published.

RESOLVED that -

- i) the proposals for Member Training in all relevant aspects of the Licensing Act 2003 be endorsed;**
- ii) Officers arrange the necessary training accordingly;**
- iii) a Licensing Sub-Committee be constituted with immediate effect; and**
- iv) the Sub-Committee consist of three Members (two Conservatives and one Runnymede Independent)**

536. PUBLIC COLLECTIONS FOR CHARITABLE, PHILANTHROPIC AND BENEVOLENT PURPOSES - A CONSULTATION PAPER ON PROPOSALS FOR A NEW LOCAL AUTHORITY LICENSING SCHEME

(Ref: Minutes of Leisure and Environment Committee, November 2002, page 778, para 443)

The Committee considered a detailed report on the Home Office Consultation Paper 'Public Collections', which detailed proposals for a new local authority licensing scheme for public charitable collections.

The Consultation Paper invited views on the following:-

- an integrated licensing scheme governing house to house and street collections;
- licensing of Face to Face fundraising;
- extension of regulation to private places where public have access;
- the concept of 'lead authority' licensing of charitable collections which covered a number of local authority areas;
- appeal processes;
- costs of administering the licensing scheme and possibility of charging for licences;
- the criteria and factors to be taken into account for allocation of collection slots;
- appropriateness of suggested checks on eligibility of applicants;
- improvement of liaison arrangements between local authorities, Police and Charity Commission;
- submission of collection returns and other information;
- safeguards and controls to be placed on organisers regarding verification and security of proceeds of collections, and suitability and age of collectors.

It was proposed that the new local authority licensing scheme would be weaved into the forthcoming Charities Bill, and at a later stage, detailed guidance for local authorities on the operation of the scheme would be formulated, consulted upon and introduced.

The Charities Bill would affect the way in which local authorities construct their policies regarding public charitable collections, and they would be obliged to review any policies already in place such as this Council's own street collections criteria.

In addition to the main consultation paper, the Home Office had also produced a Partial Regulatory Impact Assessment based upon local authorities licensing all public collections under a new integrated licensing system.

Officers had considered the implications of the proposals in the Consultation Paper and the Partial Regulatory Impact Assessment and had drawn up a detailed response to the Home Office. Members concurred with a majority of the Officer views subject to some changes to paras 6, 7, 16, 18, 20, 28, 30, 31 and 34 which have been incorporated in the detailed response at Appendix 'A'.

The Committee was keen to ensure that any new licensing system did not dissuade legitimate organisations from engaging in small scale or ad hoc fundraising activity.

It was likely that under any new regime Officers would be dealing with more applications for public charitable collections, particularly if this authority were chosen to be a 'lead authority'. There would be greater liaison with the Police, Charity Commission and other local authorities and greater contact with a larger number of fund-raising organisations and registered charities.

RESOLVED that -

- i) the responses set out in Appendix 'A' be forwarded to the Home Office as this Council's formal response to the consultation paper 'Public Collections for Charitable, Philanthropic and Benevolent Purposes'; and**
- ii) the Committee agrees to this Council's comments being disclosed by the Home Office.**

Chairman

(The meeting ended at 9.28pm)