

Runnymede Borough Council

LICENSING COMMITTEE

25 November 2004 at 7.30 p.m.

Members of the Committee present: Councillors A.J. Davis (Chairman), Mrs P.I. Broadhead (Vice-Chairman), Mrs F.M. Angell, P.A. Greenwood, A.M. Moore, Mrs J. Norman, D.W. Parr, B.J. Relph and Mrs M. Roberts.

Members of the Committee absent: Councillor Mrs F.J. Barden

363. MINUTES

The Minutes of the meeting of the Committee held on 26 October 2004 were confirmed and signed as a correct record.

364. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs F.J. Barden.

365. LICENSING ACT 2003 – DRAFT LICENSING POLICY

The Committee received and discussed at length a revised version of the Council's Draft Licensing Policy which was prepared by the Senior Licensing Officer following a period of extensive consultation within the Council and externally with the Trade, Ward Members, clubs and societies, Responsible Authorities and members of the public. A number of consultees' responses were drawn upon in the Committee's discussion of the Draft Policy and helped to inform its decisions on a number of points.

Members noted that the Draft Licensing Policy might be subject to minor amendments once the final Regulations made under the Licensing Act 2003 (The Act) had been issued.

The Draft Policy was divided into two distinct parts; firstly the Fundamental Principles and Licensing Objectives and secondly general considerations concerning areas such as Licensing Hours, Standard Conditions, Temporary Events and Administration.

Members discussed each section in detail and a number of minor amendments were made to the Policy which sought to clarify areas of uncertainty and reduce duplication across the document.

The Committee was concerned that the final document should be legally robust and sufficiently comprehensive to cover all aspects, but remain easily digestible by avoiding jargon.

In respect of the fundamental principles it was agreed that a sensible summary of the Council's position within the context of the Act had been presented.

The Committee considered that in respect of the prevention of crime and disorder it would be appropriate to make mention of relevant representations being taken into account to reduce crime and disorder in the Borough.

It was agreed that when imposing additional conditions outside the various model pools of conditions, full justification for doing so would need to be given.

The question of access to CCTV footage held at a premises was discussed. Officers agreed to confirm within the policy which rights of access and under what legislation Officers from the Council and the Police might have whilst having regard to data protection and public liability issues.

It was also agreed that Officers confirm within the policy what exactly was lawful in respect of the seizure or access by the Council to CCTV footage and usage thereof in the consideration of licence applications in respect of crime and disorder issues.

In order to allow greater flexibility in the policy revised wording was approved to address the situation where a premises had a history of its patrons being involved in any form of violent incident.

Members discussed whether a licensee could be required to provide toughened glass or plastic drinking vessels. It was agreed therefore to amend the wording to the effect that relevant conditions may be placed on the premises licence which were deemed relevant, necessary and proportionate.

Officers agreed to confirm within the Policy whether the Council could insist that a Personal Licence Holder was always or normally required to be present or available when alcohol was being sold. This would address the situation where shop assistants could be intimidated into selling alcohol to persons under the legal age. The Committee was keen to clarify that the Personal Licence Holder was responsible for the sale of alcohol whether they were actually present or not.

With regard to Public Safety the Committee was content to delete a tautologous sentence and re-word the remaining to reflect the fact that the Council would work in co-operation with Surrey Fire and Rescue to ensure that fire safety was maintained in all licenced premises.

Officers agreed to confirm the position of the Council with regard to the legitimacy of setting maximum capacity figures and the role which the Fire Authority could take in insisting that a risk assessment was carried out as part of the process of applying for a premises licence or a variation thereto.

The Committee highly valued the protection of children from harm and was keen to ensure that this fundamental principle was adequately addressed within the policy, whilst recognising that the Licence holder was responsible for ensuring that children were not exposed to inappropriate behaviour.

Members were concerned that no single organisation appeared to take responsibility for child protection issues in Surrey. Officers agreed therefore to pursue the identification of an approved Authority for such matters, and contact other local organisations, whose policies were known to be well respected, for guidance.

The Committee then discussed the issue of Children and Public Entertainment, with particular regard to proper ratios being maintained between children and supervising adults and safe numbers for ease of access and egress from places of entertainment. It was noted that there was some degree of overlap between the different pieces of legislation pertaining to cinemas, theatres and other public and private premises which should be clarified in the policy to show which took precedence.

In respect of the general conditions section of the Draft Policy, Members were keen to re-iterate the four licensing objectives, and their place within the consideration of applications. It was agreed therefore to refer to them again in the preamble dealing with requests for later terminal hours and make a specific reference to 'drinking up time' as well as the general winding down of other events. The overlap and discourse between Planning and Licensing was discussed. It was confirmed that the guidance suggested that there should be regular communication between the two committees to promote joint working. This gave rise to the question of whether Planning or Licensing Law took precedence in cases such as operating hours. It was agreed to confirm this within the policy and that Officers should liaise with colleagues in the Planning Department with regard to joint working and the desired reporting mechanism between the two committees.

Members agreed to add the following bullet point to the list of reports which might be made available during the annual Monitoring and Review process: 'Summary and/or attachment of reports from other relevant authorities'.

It was agreed that it would be sensible for the Licensing Officer to report annually towards the end of the calendar year in order to fit in with the preparation of the next year's budgetary estimates.

It was also agreed that Officers give consideration to Crime and Disorder issues and their suitability for inclusion in the Council's Local Development Framework.

In respect of Enforcement, it was agreed to add a reference to prosecution as an appropriate form of enforcement action which could be taken in the event of a licensee being in breach of conditions or not keeping to their operating schedule.

The Committee then turned its attention to open spaces. It was confirmed that the Council would need to apply for premises licences for all its open spaces where it was expected that temporary events might be held. Such events might include circuses or similar events involving the use of live animals in performance or given as prizes. The Committee was advised that this was a matter of policy for the Leisure Committee to consider and Officers were requested to raise the issue with the Head of Leisure Services.

With regard to Temporary Events generally it was noted that the Fire Authority would take an active role in the inspection of temporary structures and ensuring safe attendance figures. It was agreed to confirm within the policy the place of risk assessments and legislation pertaining to health and safety and consideration which could be given thereto in respect of temporary events.

It was also agreed to revise the wording to request notification of temporary events to the licensing authority and the Police at least a month in advance to assist with the smooth planning of such events. In doing so it was acknowledged that the minimum legal requirement was to give 10 days notice.

Members noted that the Table of Delegations made under the Act, would need minor revision to accord with the recent consultation exercise on the Draft Regulations, which was discussed at the last meeting of the Committee.

The Committee discussed what its role would be in the future. It was noted that consideration would need to be given to the constitution and political balance of the Licensing and Licensing Sub-Committee, the place of substitutions, the desirability or otherwise of the preclusion of Ward Members in the consideration of local applications and their involvement in making proper representations on applications within their own Ward.

**RECOMMEND that –**

**the draft Licensing Policy as attached at Appendix ‘A’ be approved subject to amendments as agreed between the Chairman and Officers.**

366. LICENSING SUB-COMMITTEE – MINUTES

The Minutes of the meeting of the Sub-Committee held on 26 October, as attached at Appendix ‘B’ were received and noted.

Chairman

(The meeting ended at 10.10 p.m.)