

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Tuesday, 29th January, 2013

Present:- Councillors Gabriel Batt, John Bull, Bryan Chalker, Anthony Clarke, Gerry Curran, Paul Myers (In place of Chris Watt), Douglas Nicol (Chair), June Player, Manda Rigby, Dine Romero and Tim Warren

Also in attendance: Andrew Jones (Environmental Monitoring and Licensing Manager), Sue Dicks (Community Safety Manager) and Francesca Smith (Senior Legal Adviser)

18 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

19 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Cllr Chris Watt, for whom Cllr Paul Myers substituted.

21 DECLARATIONS OF INTEREST

Cllr Myers declared a non-pecuniary interest in respect of agenda item 8 by virtue of his membership of Midsomer Norton Town Council, consultee and a resident of Redfield Road, Midsomer Norton.

22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

23 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

24 MINUTES: 9 OCTOBER 2012

These were approved as a correct record and signed by the Chair.

25 DESIGNATED PUBLIC PLACES ORDER TO CONTROL STREET DRINKING IN MIDSOMER NORTON

Cllr Myers withdrew from the Committee table in accordance with his declaration of interest.

The Community Safety Manager presented the report. She explained this was a local community- and business-led appeal and supported by Midsomer Norton Town Council, to help with the nuisance problems associated with alcohol. The proposal for a Designated Public Places Order (DPPO) was the culmination of a process that had begun with a community safety meeting in Midsomer Norton in September 2011 to discuss alcohol-related anti-social behaviour, crime and disorder. At the suggestion of the Community Safety Manager, a Community Alcohol Partnership (CAP) was established, which was the first in the South West to include adults and young people. The CAP was launched in March 2012 and it soon established over 30 local community action plans to include a night time audit survey to include local church and residents, numerous surveys and consultations, education/training sessions with schools, local businesses and community groups, attending local meetings/events and Pub Watch, which established where the community thought the main problems were located and the area identified in the DPPO reflected this. She explained that a DPPO allowed the police to confiscate alcohol in the designated area if they had a reasonable belief that it was fuelling anti-social behaviour. The law required the erection of signs in the designated area; these had to be vandal-proof and cost approximately £20 each. She showed the information leaflets about the DPPO area that had been prepared.

In discussion Members made the following points

- there were too few police on the beat; there should be no need for Street Marshalls
- there should be a total ban on street drinking in the designated area
- too much hinged on an officer's reasonable belief that a member of the public may be drinking from an open container in a public place, so it would be clearer to say no drinking in this area

It was moved by Cllr Warren and seconded by Cllr Rigby and **RESOLVED** unanimously that the area of Midsomer Norton bounding the High Street, as shown on the attached map labelled 'B' to be designated as an area where the Police and other accredited persons may use the powers granted by sections 12-16 of the Criminal Justice and Police Act 2001.

The Community Safety Manager was requested to report to the Licensing Committee on the effectiveness of the DPPO in six months.

26 CHANGE TO SCHEME OF DELEGATION

The Environmental Monitoring and Licensing Manger presented the report. He explained that a change to the Scheme of Delegation, Environmental Services, was required to ensure a separation between the Council as Responsible Authority under the Licensing Act 2003 and its role as adjudicating authority on Licensing Act 2003 applications, following the coming into force of the Police Reform and Social Responsibility Act 2011.

It was proposed by Cllr Romero and seconded by Cllr Batt and **RESOLVED** unanimously:

That the function to make representations be delegated to Officers of the Council, specifically the Environmental Monitoring and Licensing Manager. In their absence the function should be delegated to a Senior Manager within the Council's Public Protection Service and the Council's Terms of Reference and Table of Delegation Functions for the Licensing Committee be amended to reflect this change.

27 PROPOSED CHANGES TO THE LICENSING COMMITTEE TERMS OF REFERENCE

The Environmental Monitoring and Licensing Manager presented the report. He explained that the proposal was to merge the two current licensing sub-committees, the Licensing (Gambling and Licensing) Sub-Committee and the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee. He noted that there had been discussion in the past about the appropriate allocation of functions between the two sub-committees.

The Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee met on a fixed day each month, whereas the Licensing (Gambling and Licensing) Sub-Committee met only when representations had been made to an application under the Licensing Act 2003 or Gambling Act 2005. There were statutory deadlines specifying how soon hearings had to be held after the end of the representation period for applications, which might not coincide with a monthly fixed date. In that case an extra meeting would have to be held.

Members made the following points to which the Environmental and Licensing Manager responded:

Would the single sub-committee deal with all licensing applications? All, except applications relating to sex establishments, which the full Licensing Committee had to determine.

With only a single Sub-Committee it could happen that several additional meetings in a month might be required to deal with alcohol licensing. The number of applications coming to the Gambling and Licensing Sub-Committee had declined and meetings had become less frequent. He thought that it was unlikely that additional meetings would be necessary very often.

It might be helpful for the single Sub-Committee to have more than three members. A larger pool of trained members would be helpful. Training would need to be improved to cover all licensing issues and it is proposed to introduce a more formal training programme for Members on the committee.

If the new Sub-Committee still comprised three members, they should be 1 Conservative, 1 Liberal Democrat and 1 Independent or Labour. The Sub-Committee would be subject to the usual proportionality rules.

Members debated these issues and made the following points:

- the Gambling and Licensing Sub-Committee initially met three times a week when licences were being converted after the coming into force of the Licensing Act 2003. Since then there had been a significant decline in the need to hold such meetings
- the new Sub-Committee should be non-political
- the majority Group could concede a place to the Independents
- proportionality had not been observed when substitutes from the same Group had not been available
- the Council could be asked to exempt the Sub-Committee from the proportionality rules
- the workload of a single Sub-Committee and its Chair would be too great
- the decision to have only one Sub-Committee could be reviewed if it proved unworkable
- if the new Sub-Committee had 3 members, there should always be a pool of 5 who could be drawn on to make it easier to arrange a meeting
- some members did not want to sit on a Sub-Committee all the time, but if they were trained they could be substitutes occasionally
- there should be a larger pool of trained members to draw on
- all but two members indicated that they had received training
- the Sub-Committee should have a Vice-Chair

The Environmental Monitoring and Licensing Manager suggested that experience over the past two years made it unlikely that the workload of a single Sub-Committee would be too great. He suggested that with better management that the single sub-committee could deal with all the applications currently being brought before both committees.

After further discussion it was moved by Cllr Romero and seconded by Cllr Chalker and **RESOLVED** by 8 votes to 2

1. That the Terms of Reference for the Licensing Committee be amended to reduce the number of Sub-Committees from two to one.
2. That the changes to the Terms of Reference are introduced from the date of the Council's Annual General Meeting in May 2013.

It was moved by Cllr Romero and seconded by Cllr Clarke and **RESOLVED** that the Sub-Committee should have a Vice-Chair (unpaid).

It was moved by Cllr Curran and seconded by Cllr Romero and **RESOLVED** that all members of the Licensing Committee should receive training in the full range of licensing issues.

The meeting ended at 3.28 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services