

# **LICENSING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON MONDAY, 19 NOVEMBER 2018**

**Councillors Present:** Peter Argyle, Howard Bairstow, Jeff Beck (Vice-Chairman), Graham Bridgman, Paul Bryant, James Cole (Chairman), Richard Crumly, Tony Linden and Quentin Webb

**Also Present:** Charlie Fletcher (Licensing Officer), Sean Murphy (Public Protection Manager) Julia O'Brien (Principal Licensing Officer) and Moira Fraser (Democratic and Electoral Services Manager)

**Councillors Absent:** Councillor Billy Drummond, Councillor Sheila Ellison and Councillor Manohar Gopal

### **PART I**

#### **7. Minutes**

The Minutes of the meeting held on 25 June 2018 were approved as a true and correct record and signed by the Chairman.

#### **8. Declarations of Interest**

There were no declarations of interest received.

#### **9. Statement of Licensing Policy (C3431)**

The Committee considered a report (Agenda Item 4) which set out the revised Statement of Licensing Policy which was amended following a consultation exercise. The Council's policy had to be re-published by the 11 December 2018.

Prior to the item being discussed the Chairman noted that the Licensing and Gambling Policies did not follow a similar format. Charlie Fletcher explained that the documents were legally required to include different information. The Chairman requested that where possible the documents should be harmonised in future iterations.

Councillor Graham Bridgman requested some minor changes to the layout of the document. He also requested that the word 'borough' be replaced with 'district' throughout this policy and the Gambling Policy. In addition he requested that quotes be set out in italics to make them easily identifiable and that a standard format be used for setting out times. It was also requested that the words Safer Community Partnership be replaced with Building Communities Together.

It was noted that although work was being undertaken to align policies with Bracknell and Wokingham Councils each authority was required to adopt their own Statement of Licensing Policy.

The Committee considered the policy in great detail and requested that a number of typographical and grammatical changes be made to the document.

The following key changes were requested:

- Reference be made to the ability to submit electronic submissions in the 'Making an Application' section (see paragraph 3.1);

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- It be made clear in paragraph 6.3 that the provision of potable water was compulsory in premises licensed to sell alcohol;
- Amend paragraph 8.6 to state that Challenge 25 had to be included as an age-monitoring scheme except in exceptional circumstances;
- To include a list of the Responsible Authorities in the definitions which would remove the need to list them in other parts of the document e.g. paragraph 9.2;

In response to the comments made during the consultation exercise by Punch Taverns in relation to Agent of Change, the Committee noted that this concept was not currently enshrined in law. If it was legislated for the document would need to be revisited to see what, if any, changes were required. Councillor Bridgman requested that Officers ensure that the ability by Officers to make or accept minor variations to applications be covered in the Scheme of Delegation. Members noted the comments around licensing being a 'quasi judicial' or administrative process. They noted that there was a lot of debate about this by legal experts. The Committee agreed to retain the terminology 'quasi judicial' until this issue was resolved. It was agreed that Officers would send the amended policy to Punch Taverns so that they could see the impact their comments had had on the document. **(Sean Murphy to Action)**

It was noted that the comments from Holybrook Parish Council largely related to the original policy which had been amended. The Committee stated that they would not contact individual residents about licensing applications. Local Ward Members were already informed as was the Parish Council. In addition advertisements were placed in local newspapers, blue notices were put up on site and the applications were placed on the Council's website. The Committee were of the opinion that as the Council received objections to applications the system was working and they therefore decided that it would not be appropriate to add affected residents to the list of groups notified. It was agreed that Officers would respond directly to the Parish Council on the issue of the 'late night levy'. **(Sean Murphy to Action)**

The Committee noted the consultation response from Public Health and Wellbeing West Berkshire. In particular they considered the comments about the sale of 'beers, lagers and ciders over 6.5% which were sold in plastic bottles or metallic cans'. Officers stated that it would be difficult to adopt this principle without an evidence base that this issue was causing the licensing objectives to be contravened in a locality. There were other rules for dealing with the behaviours associated with this concern including not selling alcohol to people that appeared to be intoxicated.

### **RESOLVED that:**

- **The requested amendments be made to the document;**
- **The amended document be circulated to the Committee prior to it being published in the Council agenda;**
- **The amended policy be recommended to full Council for approval at the 06 December 2018 meeting;**
- **The amended document to be circulated to those that had responded to the consultation;**
- **Authority be delegated to the Head of Legal Services in consultation with the Head of Public Protection and Culture to ensure the revised document was consistent with the Scheme of Delegation.**

## **10. Statement of Gambling Principles (C3430)**

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The Committee considered a report (Agenda Item 5) which set out West Berkshire Council's Statement of Gambling Principles under the Gambling Act 2005 which was required to be reviewed and republished by 31<sup>st</sup> January 2019.

The Statement would last for a maximum of three years and could be reviewed and revised by the authority at any time.

Councillor Graham Bridgman stated that his comments in terms of layout regarding the Statement of Licensing Policy should be applied to this document as well. The Committee requested that a number of typographical errors be corrected and that a number of grammatical changes be made to the report. In particular they requested that Licensing Authority (LA) be capitalised and that it be prefaced with the word 'the'. In addition they requested that a definition of the 'five times rule' be included in the glossary.

The Committee noted the comments from the consultees that were included in the paperwork. They noted that the final paragraph of section 2.4 provided some contextual information around the definition of vulnerable persons.

- **The requested amendments be made to the document;**
- **The amended document be circulated to the Committee prior to it being published in the Council agenda;**
- **The amended policy be recommended to full Council for approval at the 06 December 2018 meeting;**
- **The amended document to be circulated to those that had responded to the consultation;**
- **Authority be delegated to the Head of Legal Services in consultation with the Head of Public Protection and Culture to ensure the revised document was consistent with the Scheme of Delegation.**

### 11. **Licensing Fees and Charges 2019 to 2020 (L3665)**

The Committee considered a report (Agenda Item 6) which stated that each service was required to review the fees and charges it levied on behalf of the Council as part of the budget process. Appendix D set out the licensing fees and charges for the current year together with proposed changes for 2019/20.

Sean Murphy explained that at the meeting of the Joint Public Protection Committee (JPPC) in December 2017 it was agreed that as a matter of principle, all fees and charges should be set on the basis of full cost recovery. It was also agreed by the JPPC that, where appropriate, the fees would be aligned over the three areas covered by the partnership. It was recognised that due to complexities associated with areas such as street trading and animal establishment the same fees could not as yet be implemented across the partnership.

In 2018/19 the rate for the service was set at £55 per hour. The previous hourly rate that had been applied was closer to £35 per hour. Time and motion studies had been undertaken as well as time recording in the service to establish how long various activities that were charged for would on average take to complete. For 2019/20 in respect of all discretionary fees and the hourly rate, an inflationary rise of 2.5% had been applied.

*(Councillor Peter Argyle left the meeting at 6.10pm).*

Members were concerned that some of the increases were significantly higher than others. Officers stated that this was due to a number of factors including the change to the hourly rate for the service, more accurate assessments of the length of time activities took, the fact that the fees in West Berkshire not realistic and were significantly lower

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than in Bracknell. Officers were confident that the changes could be justified. The Joint Management Board had looked at the methodology applied and agreed it. It was agreed that the methodology for arriving at the figures should be explained in the consultation that would be undertaken prior to the fees being presented to full Council for approval in March 2019. Councillor Graham Bridgman also felt that it would be useful to explain that the fees had not been increased for six years.

*(Councillors Graham Bridgman, Paul Bryant, Tony Linden and Howard Bairstow left the meeting at 6.20pm).*

### **RESOLVED that:**

- the new fees, save for the vehicle and private hire operator licence fees. as set out in the report be consulted on;
- that the methodology for deriving the fees be explained as part of the consultation process;
- that if necessary a special Licensing Committee be arranged for mid-February 2019 to consider the consultation responses prior to the fees and charges being discussed at the March 2019 Council meeting.
- The proposed changes for operators and vehicle licence fees be advertised and if no objections are received be implemented on the 01 April 2019;
- If objections are received that they be considered by the Chairman who will set the fees and charges for any licences commencing on the 01 April 2019.

### **12. Licensing Annual Report (L3668)**

The Committee considered a report (Agenda Item 7) which detailed the activities carried out by the Licensing Service of the Public Protection Partnership in West Berkshire during the period 01 April 2017 to 31 March 2018.

Officers noted that the 2018/19 report would be brought to Committee in June 2019. The asked that Members notify them of any additional information they would like to see included in the report in future iterations.

### **RESOLVED that the report be noted.**

*(The meeting commenced at 4.30 pm and closed at 6.27 pm)*

**CHAIRMAN** .....

**Date of Signature** .....