

## *LICENSING COMMITTEE AGENDA*

**Tuesday, 13 February 2024 at 3.00 pm in the Bridges Room - Civic Centre**

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for absence</b>
<b>2</b>	<b>Minutes</b> (Pages 3 - 4)  The Committee is asked to agree the minutes of the last meeting held on
<b>3</b>	<b>Hearings and Reports</b> (Pages 5 - 6)  Reports of the Strategic Director, Economy and Innovation and Growth
<b>4</b>	<b>Licences notifications registrations and permits issued under the Gambling Act 2005</b> (Pages 7 - 8)  Report of the Strategic Director, Economy, Innovation and Growth
<b>5</b>	<b>Licensing and Certificates Issued under the Licensing Act 2003</b> (Pages 9 - 10)  Report of the Strategic Director, Economy, Innovation and Growth
<b>6</b>	<b>Other applications and notifications processed under the Licensing Act 2003</b> (Pages 11 - 12)  Report of the Strategic Director, Economy, Innovation and Growth
<b>7</b>	<b>Update to Licensing Act Statutory Guidance</b> (Pages 13 - 16)  Report of Service Director, Climate Change, Compliance, Planning and Transport

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## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### LICENSING COMMITTEE MEETING

Tuesday, 11 July 2023

**PRESENT:** Councillor K Dodds (Chair)

Councillor(s): H Kelly, P Burns, W Dick, D Duggan,  
S Gallagher, J Gibson, B Goldsworthy, S Hawkins, L Kirton,  
M Ord, I Patterson and D Robson

**APOLOGIES:** Councillor(s): D Bradford and D Weatherley

**LC114 MINUTES**

RESOLVED – That the minutes of the meeting held on the 15<sup>th</sup> November 2022 were approved as a correct record.

**LC115 CONSTITUTION**

RESOLVED – That the constitution of the committee for municipal year 2023/24 be approved.

**LC116 HEARINGS AND REPORTS**

The committee received a report outlining the subcommittee hearings between 1<sup>st</sup> September 2022 and 5<sup>th</sup> April 2023.

RESOLVED – That the information be noted.

**LC117 LICENCES NOTIFICATIONS REGISTRATIONS AND PERMITS ISSUED UNDER THE GAMBLING ACT 2005**

The committee received a report outlining the licenses, notification registration and permits issued under the Gambling Act 2005 issued between 1<sup>st</sup> September 2022 – 5<sup>th</sup> April 2023.

RESOLVED – That the information be noted.

**LC118 LICENSING AND CERTIFICATES ISSUED UNDER THE LICENSING ACT 2003**

The committee received a report outlining the licenses and certificates Issued under the Licensing Act 2003 between 1<sup>st</sup> September 2022 – 5<sup>th</sup> April 2023.

RESOLVED – That the information be noted.

**LC119 OTHER APPLICATIONS AND NOTIFICATIONS PROCESSED UNDER THE LICENSING ACT 2003**

The committee received a report outlining other applications and notifications processed under the Licensing Act 2003 between 1<sup>st</sup> September 2022 – 5<sup>th</sup> April 2023.

RESOLVED – That the information be noted.

**Chair.....**

**TITLE OF REPORT** - **Hearings and reviews before sub-committees**

**REPORT OF** - **Strategic Director, Economy, Innovation and Growth**

The Committee is requested to consider the attached report on sub-committee hearings between 6 April 2023 and 31 August 2023.

**Licensing Act 2003**

Premises	Applicant	Date	Representations	Decision
N/A				

**Gambling Act 2005**

Premises	Applicant	Date	Representations	Decision
N/A				

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**TITLE OF REPORT - Licences, notifications, permits and registrations issued under the Gambling Act 2005**  
**REPORT OF - Strategic Director, Economy Innovation and Growth**

The following licences, notifications, permits and registrations were issued between 6 April 2023 – 31 August 2023.

**Licences**

Type of Licence	Number
Bingo Premises Licence	0
Betting Premises Licence (Grant)	0
Betting Premises Licence (Transfers)	0
Adult Gaming Centre Premises Licence	0
Family Entertainment Centre Premises Licence	0

**Notifications**

Type of Notification	Number
Notice of intention of alcohol licensed premises to make gaming machines available for use	1

## Permits

Type of Permit	Number
Unlicensed family entertainment centre gaming machine permits	0
Prize gaming permits	0
Alcohol - licensed premises gaming machine permits	0
Club Gaming permits	0
Club Machine Permits	0

## Registrations

Type of Registration	
New Small Society Lotteries	11
Small Society Lottery Renewals	11



**TITLE OF REPORT - Licences and Certificates issued under the Licensing Act 2003**  
**REPORT OF - Strategic Director, Economy Innovation and Growth**

The following number of Licence and Certificates have been issued under delegated powers between 6 April 2023 to 31 August 2023.

Page 9

<b>Premises Licences and Club Premises Certificates</b>	
New Premises Licences	7
Premises Licence Variations	1
New Club Premises Certificates	0
Club Premises Certificate variations	0
Minor Variations	3
DPS Variations	37
Change of Name and address; replacement licence etc	6
<b>Total</b>	<b>54</b>

<b>Personal Licences</b>	
New Personal Licences	45

Personal Licence changes of address/name	21
<b>Total</b>	<b>66</b>

**TITLE OF REPORT - Other applications and notifications processed under the Licensing Act 2003**  
**REPORT OF - Strategic Director, Economy Innovation and Growth**

The following number of applications and notifications have been processed between 6 April 2023 – 31 August 2023.

<b>Type of Application/Notification</b>	
Temporary Event Notices given	<b>80</b>
Premises Licence Holder Transfers	<b>14</b>
Notifications of Interest	<b>2</b>

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**TITLE OF REPORT: UPDATE TO LICENSING ACT STATUTORY GUIDANCE**

**REPORT OF: Anneliese Hutchinson - Service Director, Climate Change,  
Compliance, Planning and Transport**

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**SUMMARY**

The Home Office has issued updated Statutory Guidance under s.182 of the Licensing Act 2003 to include a definition of "spiking".

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**Background**

1. Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act.
2. This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public.
3. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
4. Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
5. The Guidance sets out that the legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
6. The licensing objectives are:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
7. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

## Government approach to spiking

8. On the 18 December 2023 the Government announced a raft of new measures to tackle spiking. The measures include changes to legislation, research, training for door staff and raising awareness amongst young people of the threat that spiking presents.
9. As part of these measures the statutory guidance issued under section 182 of the Licensing Act 2003 has been updated to include information about spiking and to clarify that it should be a consideration under the crime and disorder licensing objective
10. Paragraph 2.7 of the guidance now states:

*"The objective to [prevent] crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:*

- *Putting alcohol into someone's drink without their knowledge or permission*
- *Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission*
- *Injecting another person with prescription or illegal drugs without their knowledge or permission*
- *Putting prescription or illegal drugs into another person's food without their knowledge or permission*
- *Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission"*

11. Gateshead Licensing Authority will have immediate regard to this new provision of the guidance when carrying out its functions under the Licensing Act 2003 and the issue of spiking as a specific consideration under the prevention of crime and disorder objective will be incorporated into the next version of the Council's Statement of Licensing Policy.

## **Recommendations**

12. It is recommended that Members note the content of this report

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