

GATESHEAD METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE MEETING

Wednesday, 2 November 2016

PRESENT: Councillor K Dodds (Chair)

Councillor(s): W Dick, M Charlton, D Duggan,
B Goldsworthy, M Ord and N Weatherley

APOLOGIES: Councillor(s): C Bradley, J Graham, J Kielty, R Mullen,
B Oliphant and A Thompson

LC12 APOLOGIES FOR ABSENCE

LC13 CONSTITUTION

RESOLVED - That the Constitution of the Committee for the municipal year
2016-2017 be noted.

LC14 MINUTES

RESOLVED - That the minutes of the meeting held on 12 February 2016 be
approved as a correct record.

LC15 HEARINGS AND REVIEWS BEFORE SUB-COMMITTEE

The following hearings and reviews were held between 1 January 2016 and 25 October
2016.

Licensing Act 2003

Applicant / Premises	Representations	Decision / Date
Steven Davies The Hanlon Public House Birtley DH3 2PQ	Northumbria Police Environmental Health Officer	Counter Notice to Temporary Event Notice Served 21 March 2016
Skender Lata but with Oli & Joe's 1 Dean Terrace Ryton NE40 3HQ	4 Members of the Public	To grant premises licence condition added 27 April 2016

Premises	Applicant	Date	Representations	Decision
The Hanlon Public House Talbot Terrace Birtley DH3 2PQ	Steven Davies	21 March 2016	Northumbria Police Environmental Health Officer	Counter Notice to Temporary Event Notice Served
Oli & Joe's 1 Dean Terrace Ryton NE40 3HQ	Skender Lata	27 April 2016	4 members of the public	To grant premises licence but with condition added
319-321 High Street Gateshead NE8 1EQ	Kai Foods Ltd	29 April 2016	Northumbria Police	To adjourn applications to transfer licence and vary DPS
319-321 High Street Gateshead NE8 1EQ	Kai Foods Ltd	12 May 2016	Northumbria Police	To refuse applications to transfer licence and vary DPS
Ye Olde Cross Public House Barmoor Lane Ryton NE40 3QP	Environment al Health Officer	12 May 2016	Northumbria Police Licensing Authority Local Safeguarding Children Board Director of Public Health 5 members of the public Enterprise Inns plc	To remove the DPS To reinstate conditions on the licence relating to regulated entertainment To impose a further condition on the licence

Gambling Act 2005

Premises	Applicant	Date	Representations	Decision
N/A				

RESOLVED - that the information be noted

LC16 APPEALS AND PROSECUTIONS

There are no appeals or prosecutions to report for the period.

LC17 LEGISLATION AND CASE LAW UPDATE

The Committee received a report to update on recent cases and amendments to legislation affecting the Licensing and Gambling Acts.

There are a number of amendments to the Licensing Act 2003 that are expected to come into force in coming months-

- a) the introduction of light touch control for the sale of alcohol at community events and sales that are ancillary to other business activities, by introducing a new Part 5a to the Act.
- b) that a licence will automatically lapse if the holder is no longer entitled to work in the United Kingdom
- c) the ability for the Secretary of State to object to certain applications where he/she is satisfied that if granted it would be prejudicial to the prevention of illegal working in licensed premises
- d) that Licensing Authorities will have the power to suspend or revoke personal licences
- e) to add further offences to the list of relevant offences that should be taken into account in respect of an applicant for a personal licence, and once a licence has been granted.
- f) to place cumulative impact policies on a statutory footing
- g) to increase the flexibility of late night levies

There are currently no amendments scheduled to the Gambling Act 2005; however the DCMS has indicated that it will be considering the current allowances for fixed odds betting terminals with a view to establishing stricter control.

The Committee received updates on the following case law:-

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) and Scotch Whisky Association and others v Lord Advocate and Advocate General for Scotland.

RESOLVED - that the information be noted.

LC18 NORTH EAST STRATEGIC LICENSING GROUP UPDATE

The Committee received a report to inform them of the recent activity of the North East Strategic Licensing Group in respect of the Licensing Act.

In February this year, Public Health England launched a pilot project for an analytical toolkit designed to support Directors of Public Health in making best use of available data sources. Eight authorities participated in the pilot project, including Gateshead and Durham Councils in the North East.

As well as looking to make best use of available data within the parameters of the existing licensing objectives, the pilot project sought to gather evidence as to the likely consequences of adding a further public health related licensing objective into the Act.

A mock hearing took place in Gateshead, chaired by Councillor Dodds and with representatives of Gateshead and Durham Councils, to examine a scenario where this hypothetical fifth licensing objective would apply. The mock hearing was attended by regional and national representatives of Public Health England, officers and members from the North East Councils, and colleagues from the University of Sunderland who have produced an academic report setting out the outcomes of the national project.

The mock hearing highlighted:-

- a) the willingness of members to have regard to all information that is relevant to their determination
- b) the practical difficulties in the effective presentation of standalone public health data; and
- c) the strength that is brought by responsible authorities working together

the processes that were developed in Gateshead through the pilot project have continued after the completion of the project, which is assisting the Director of Public Health to play an active role in the licensing regime through a joined up approach with the other responsible authorities. This is enabling concerns to be identified and addressed at an early stage, so that resources can be appropriately channelled.

The outcome of the project is now being discussed with the Home Office.

Additionally, Gambling Act training has been organised through the North East Strategic Licensing Group to take place in Middlesbrough on 9 November 2016. Further work is being undertaken at present to identify shared learning requirements and to facilitate training opportunities in the coming months.

RESOLVED - that the information be noted

LC19 UPDATE ON FIXED ODDS BETTING TERMINALS

The Committee received an update on Fixed Odds Betting Terminals, which have been controversial since their introduction and remain the subject of national debate.

Much of the ongoing controversy concerns the role of the B2 gaming machines in problem gambling. Some of the relevant issues highlighted by participants in the debate were also presented to Committee for information.

On 24 October 2016 the government launched a call for evidence on aspects of the

gambling industry including considering the maximum stakes and prizes for gaming machines. This will include looking at Fixed Odds Betting Terminals and concerns about the harm they cause, to the player and the communities in which they are located.

Evidence will also be sought on measures to protect against gambling related harm including the impacts of gambling advertising and whether the right regulations are currently in place to protect children and vulnerable people.

The call for evidence period begins immediately and will close on 4 December. Government will then consider proposals based on robust evidence.

RESOLVED - that the information be noted.

LC20 LICENCES AND CERTIFICATES ISSUES UNDER THE LICENSING ACT 2003 - 1 JANUARY 2016 TO 30 SEPTEMBER 2016

The following number of Licence and Certificates have been issued under delegated powers between 1 January 2016 and 30 September 2016.

Premises Licences and Club Premises Certificates

New Premises Licences	21
Premises Licence Variations	0
New Club Premises Certificates	0
Club Premises Certificate variations	0
Minor Variations	12
DPS Variations	105
Change of Name and address; replacement licence etc.	17
Total	155

Personal Licences

New Personal Licences	108
Personal Licence changes of address	66
Total	174

RESOLVED – that the information be noted.

LC21 OTHER APPLICATIONS AND NOTIFICATIONS PROCESSED UNDER THE LICENSING ACT 2003 - 1 JANUARY 2016 - 30 SEPTEMBER 2016

The following number of applications and notifications have been processed between 1 January 2016 and 30 September 2016.

Type of Application/Notification	
Temporary Event Notices given	171
Premises Licence Holder Transfers	28
Notifications of Interest	1

RESOLVED - that the information be noted.

LC22 LICENCES NOTIFICATIONS, PERMITS AND REGISTRATIONS ISSUED UNDER THE GAMBLING ACT 2005 - 1 JANUARY 2016 TO 30 SEPTEMBER 2016

The following licences, notifications, permits and registrations were issued between 1 January 2016 and 30 September 2016.

Licences

Type of Licence	Number
Bingo Premises Licence	0
Betting Premises Licence	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	8

RESOLVED – that the information be noted.

LC23 HOUSE OF LORDS SELECT COMMITTEE ON LICENSING ACT 2003

The Committee were provided with an update on the progress of the House of Lords Select Committee on the Licensing Act 2003.

A public call for written evidence was made on 30 June 2016 from anyone with an interest in the operation of the Licensing Act 2003. Gateshead Council contributed to a regional response through the North East Strategic Licensing Group which then fed into the Local Government Association response.

In particular the Committee were interested in a number of issues including:

- Should there be additional objectives e.g. the protection of health and wellbeing
- Does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?
- Do local communities engage effectively in the licensing regime, and if not, what could be done?
- How effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services?
- Should the Government introduce minimum unit pricing in England?
- Do licence fees need to be set at national level?

Some of the additional issues raised through the region include:

- The lack of a national database of personal licence holders, allowing

unsuitable applicants to move between councils as and when their premises gets shut down

- The absence of many Designated Premises Supervisors (DPS) from the premises itself and the general weakness of this role
- Weaknesses in the review/appeals system that allows unscrupulous operators to transfer the licence or delay closure for significant periods of time
- Concerns around enforcing the duty plus VAT mandatory condition
- The fact that a licence cannot be refused where a business owes the council unpaid business rates
- The fact that licences cannot be removed where a premises has ceased trading and, in some cases, where it has been turned into a car park. This means a council has to carry the debt from unpaid fees in perpetuity, and distorts the national picture of how many licences are in existence.

Public evidence sessions began on 5 July 2016⁷ and since then eight sessions have taken place, the most recent on 1 November 2016.

The Select Committee has to report by 31 March 2017. Progress made and any available outcome will be reported to the next Licensing Committee.

RESOLVED - that the information be noted.

Chair.....