

LICENSING COMMITTEE

14 September 2015

PRESENT: Councillors K Dodds (Chair), C Bradley, M Brain, A Thompson, N Weatherley

LC01 Apologies for Absence

Apologies for absence were received from Councillors B Dick, B Oliphant, P Maughan, B Goldsworthy and P Ronan

LC02 Constitution

RESOLVED - That the Constitution of the Committee for the municipal year 2015 – 2016 be noted.

LC03 Minutes

RESOLVED - That the minutes of the meeting held on 6 February be approved as a correct record.

LC04 Licences and Certificates issued under the Licensing Act 2003

The following number of Licence and Certificates have been issued under delegated powers between 24 January 2015 and 1 September 2015.

Premises Licences and Club Premises Certificates	
New Premises Licences	18
Premises Licence Variations	97
Premises Licences Transfers	21
New Club Premises Certificates	0
Club Premises Certificate variations	0
Total	136

Personal Licences	
New Personal Licences	74
Personal Licence changes of address	39
Total	113

Temporary Event Notices	
Temporary Event Notices given	25
Counter Notices Services	0
TOTAL	25

RESOLVED - That the information be noted.

LC05 Other Applications and Notifications processed under the Licensing Act 2003

The following number of applications and notifications have been processed between 24 January 2015 and 1 September 2015.

Type of Application/Notification	
Temporary Event Notices given	25
Designated Premises Supervisor Variations	59
Premises Licence Holder Transfers	21
Amendment applications (eg change of name, change of address etc)	43
Notifications of Interest	14

RESOLVED - That the information be noted.

LC06 Licenses, notifications, registrations and permits processed under the Gambling Act 2005

The Committee is asked to note the following Licences and Certificates which have been issued under delegated powers between 24 January 2015 and 1 September 2015.

Type of Licence	
Bingo Premises Licence	0
Betting Premises Licence	4
Adult Gaming	0
Family Entertainment Centre Premises Licence	0

Type of Notification	
Notice of intention of alcohol licensed premises to make gaming machines available for use	0

RESOLVED - That the information be noted.

LC07 Hearings and Reviews under the Gambling Act 2005 / Appeals and Prosecutions under the Gambling Act 2005

There were no hearings, reviews, appeals or prosecutions to report.

RESOLVED - That the information be noted.

LC08 Hearings and Reviews under the Licensing Act 2003

The following hearing and reviews were held between 24 January 2015 and 1 September 2015.

New Applications and Variations	Application	Representations	Decision
7 April 2015 313 High Street Gateshead	Trading Standards, review Suathayini Ambikaibalan – transfer of license and variation to nominate Designated Premises Supervisor	LSCB Director of Public Health Licensing Authority Northumbria Police Kathiravel Ushanathan (Premises License Holder / DPS)	Revoke Licence, refuse transfer and variation
25 August 2015 195 High Street	Sajaad Ali – transfer of licence and variation to nominate Designated Premises Supervisor	Northumbria Police	Refuse transfer and variation

RESOLVED - That the information be noted.

LC09 Appeals and Prosecutions under the Licensing Act 2003

The Committee was presented with the following appeals and prosecutions.

Appeals of Committee Decisions

Appellant	Court	Date	Court's decision
N/A			

Prosecutions

Defendant	Court	Date	Offence	Description	Result
Mahmood Ahmed	Gateshead Magistrates Court	23 June 2015	Section 146(1) Licensing Act 2003	Sale of Alcohol to a child – Discount Wine Centre, 253 Shields Road, Pelaw	Guilty - £628 fine, £250 costs, £62 Victim surcharge

RESOLVED – That the information be noted.

LC10 Update on Case Law and Legislation

The Committee received a report to update on recent case law affecting the interpretation and application of the Licensing Act 2003 and Gambling Act 2005; and incoming legislation that will affect licensed premises.

In respect of the Licensing Act 2003, from 1 January 2016 the maximum number of temporary events that can be held in any particular premise in one year will increase from 12 to 15.

Guidance is awaited from the Home Office in respect of the Community Ancillary Sellers Notices that will come into effect from 1 October 2015. CANs will enable prescribed bodies such as community organisations or bed and breakfasts to sell alcohol without the need to obtain a premises licence.

There were no specific judgements in respect of licensing matters to bring to the Committee's attention since the last report.

RESOLVED - that the information in the report is noted

LC11 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 relation to licensing matters.

A training event took place jointly with the Gambling Commission on 3 March 2015 which was attended by approximately 50 people; and looked in particular at the Commission's guidance which is in the process of being updated, and access to gambling by children and young people.

The majority of North East Authorities have been in the process of reviewing and updating their Statements of Licensing Policy and work is being undertaken to draw together examples of good practice from around the region.

A training event is taking place in the Council Chamber on 19 October 2015 where a brief presentation will set out some of policy examples. Presentations will also be delivered by leading licensing lawyers John Coen of Weightmans LLP and Charles Holland of Trinity Chambers. Councillors are welcome to attend.

Tim Briton has been appointed as National Lead Licensing Officer for Lawyers in Local Government. This enhances the representation of the North East Strategic Licensing Group and in particular Gateshead, with the Local Government Association Licensing Policy Forum and Public Health and Licensing Network.

RESOLVED - that the information in the report is noted

LC12 Gambling Statement of Principles 2016 – 2019. Gambling Act 2005

The Committee were advised that the Council is currently in the process of drafting a new statement of principles for 2016 to 2019. This is a requirement every 3 years.

The draft consultation sets out the policy that Gateshead Licensing Authority will apply when making decisions about gambling in the Borough and both applicants and those that currently hold authorisations under the Gambling Act 2015 are expected to have regard to it.

The Statement of Principles is relevant to all those involved directly with the gambling industry as well as interested parties including, local partnership groups, residents' associations, faith groups and youth organisations.

Although the draft document is aimed mainly at industry, including those that operate arcades, betting shops, bingo halls pubs and clubs, it is also really important that the final statement accurately reflects the views of all those who have an involvement with, or interest in, gambling in Gateshead.

There have not been any significant amendments in terms of the Gambling Act, the Statement of Principles does have to be looked at every 3 years, on this occasion it has coincided with the Licensing Act which has required much more amendments.

The Gambling Policy has not been amended as such, although certain approaches have been updated to bring the principles in line with the Gambling Commission guidance.

The Council does not have an awful lot of problems in relation to premises and gambling, the cases are very much one off. This doesn't mean however, that the issue should not be kept a close eye on. Officers are trying to look at area profiles for gambling, although the figures are not as significant as for the Licensing Act. Development Control has recently just refused an application for a new betting shop in Gateshead.

RESOLVED - that the information in the report is noted

LC13 Licensing Policy Update, Licensing Act 2003

Local Authorities are required to update their Statement of Licensing Policy every 5 years. Gateshead is required to have its revised policy for 2016 to 2021 in place by the end of 2015.

The draft consultation sets out the policy that Gateshead Licensing Authority will apply when making decisions about the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment, and both applicants and license holders are expected to have regard to it.

Gateshead Council is seeking views of councillors, relevant officers and are working with neighbouring authorities. The policy will take into account the 4 licensing

objectives and the sub-committee will have regard to Home Office Guidance and our Policy when making decisions in regards to licenses.

Applicants will also be expected to have regard to the Act, Home Office Guidance and Gateshead Council's policy.

In terms of the proposed changes to the policy, it is shorter with less guidance and more strategy. It identifies the new role for public health and also refers to "Local Licensing Guidance". At this stage it sets out the framework for Local Guidance to fit around.

Public Health will produce the Local Licensing Guidance and will bring this to a future meeting of this committee.

There will be local problems to address and there will be intelligence led decisions around crime and disorder. The Local Government Declaration on Alcohol will be embodied into the policy.

The Policy addresses the types of activity which heighten concerns. Alcohol delivery is one area of particular concern. Takeaways who are licensed to sell hot food after 11pm, petrol stations are now selling more alcohol and pubs with outside areas.

The policy supports the Minimum Unit Pricing, control of super strength products and promotions aimed at young people. The policy will include a model pool of conditions but these will be tailored to individual circumstances.

RESOLVED - that the information in the report is noted.