

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing and Regulatory Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 22 September 2015 commencing at 6.30 pm.

Present: Councillor Jessie Milne (Chairman - In the Chair)

Councillor Mrs Sheila Bibb
Councillor Steve England
Councillor Mrs Pat Mewis
Councillor Judy Rainsforth
Councillor Thomas Smith
Councillor Lewis Strange

In Attendance:

Phil Hinch	Licensing Team Manager
Katie Coughlan	Governance and Civic Officer
Claire Vessey	Support Officer

Apologies :

Councillor David Cotton
Councillor Mrs Angela Lawrence
Councillor Mrs Diana Rodgers
Councillor Richard Oaks

Membership : No substitutes were appointed for the meeting

15 ELECTION OF VICE CHAIRMAN

Nominations were sought and received for the position of Vice-Chairman. On being proposed and seconded it was : -

RESOLVED that Councillor Mrs Sheila Bibb be appointed Vice-Chairman of the Committee for the remainder of the 2015/16 civic year.

16 PUBLIC PARTICIPATION PERIOD

There was no public participation.

17 MINUTES FOR APPROVAL

(a) Licensing and Regulatory Committee – 9 June 2015 (LR.12 15/16)

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 9 June 2015 be confirmed and signed as a correct record.

18 MEMBERS' DECLARATIONS OF INTEREST.

No declarations of interest were made at this point in the meeting

19 MATTERS ARISING SCHEDULE (LR.13 15/16)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 14 September 2015.

With Regard to the green item entitled “investigating the installation of cameras” the Licensing Team Manager verbally updated Committee. It was noted that this matter had been discussed in depth with Mr Alan Tolley and on balance it had been deemed such a requirement would not be appropriate. The reasons for this were outlined to the Committee, during which it was noted that in considering implementing additional requirements / conditions the first questions Officers had to ask themselves was “What are we trying to achieve?”, “Is it reasonable?”, “Is it proportionate?” It had further been deemed that such a condition / requirement would be difficult to enforce and thus should not be included. Committee had recently introduced the requirement for all Taxi Drivers to sign up to and abide by a Code of Conduct and resolved to the implementation of an on-line training module specifically in relation to safeguarding for all drivers (once developed) which was considered to be a more appropriate way to manage such matters. The outcomes of all discussions had been shared with the Committee Chairman and based on this there was view that this matter should not be pursued further.

RESOLVED that progress on the Matters Arising Schedule as set out in report LR.13 15/16, be received and noted, and in light of the information set out above, the green action entitled “investigating the installation of cameras” be deemed closed.

20 REVIEW OF THE GAMBLING ACT 2005 POLICY (LR.14 15/16)

Consideration was given to a report which set out the consultation process which had been undertaken and the comments which had made as a result, in reviewing the Gambling Policy (Statement of Principles), which was a mandatory requirement.

In presenting the report Officers outlined at length the consultation process which had been undertaken, the nature of the comments received (which were set out in full within the report), and as a result of these, the changes which had been made to the Policy, namely one to page 38 of the Policy regarding local risk assessments.

In responding to Members questions, whilst every attempt was made to have a county-wide approach, and whilst each district had adopted a similar approach and underlying principles there were differences from one to another. It was explained that this was primarily because of the differences between the areas, the example cited being that of East Lindsey in light of its seaside establishments.

The Committee placed on record their thanks to the Licensing Team Manager for the work he had undertaken.

RESOLVED that the amended draft Policy be approved and **RECOMMENDED** to Full Council for formal adoption as the Gambling Policy (Statement of Principles) at their meeting on 16 November 2015.

21 REVIEW OF THE LICENSING ACT 2003 POLICY (LR.15 15/16)

Consideration was given to a report which set out the consultation process which had been undertaken and the comments which had made as a result, in reviewing the Licensing Policy, which was a mandatory requirement.

In presenting the report Officers outlined at length the consultation process which had been undertaken, the nature of the comments received (which were set out in full within the report), and as a result of these, the changes which had been made to the Policy, namely one to paragraph 6.2.3 in relation to the use of door supervisors.

Making reference to page 16 of the Policy, second paragraph, Members questioned, its intention and whether or not this should be a delegated function or remain a Member decision. Officers apologised for this oversight and indicated this paragraph should have been removed, giving assurance that arrangements would remain as present in the event of objections being received against a TENS application.

With regard to paragraph 9.18 of the Policy, at the request of Members the Licensing Team Manager outlined how non-payment of annual fees was managed, confirming that the number of such cases could fluctuate from month to month.

Finally referring to one of the consultation responses, which related to legal highs, a number of members expressed concerns and enquired as to whether this was issue within the District, making reference to the recent actions of Lincoln City Council.

In response the Licensing Team Manager confirmed that whilst the concern raised regarding this matter was an important one, legal highs / drugs did not fall within the control of the Licensing Act 2003. That being said, should the use of legal highs / drugs become an issue such that the operation of any licensed premise was failing to promote one or more of the licensing objectives then an application for a review of that licence could be applied for. The most appropriate piece of legislation to control such was the Anti-Social Behaviour Crime and Policing Act 2014 and assurance was given that this was a piece of legislation the licensing authority would have regard to.

Whilst accepting the comments of the Licensing Team Manager, Members sought reassurance that the District Council were managing this issue and would, if necessary, use all powers available to it.

In light of Members concerns, despite being outside of the remit of the Committee, Officers undertook to raise this matter informally with the Chair of the Prosperous Communities Committee and Officers within the Anti-social behaviour team and ask that they report back informally to Members of this Committee setting out a position statement on legal highs across the District and powers available to the Council.

RESOLVED that the amended draft Policy be approved, subject to the removal of the second paragraph on page 16, referred to above, and **RECOMMENDED** to Full Council for formal adoption as the “The Statement of Licensing Policy” at their meeting on 16 November 2015.

22 WORK PLAN

Members considered their work plan for remaining meetings during the ensuing civic year.

RESOLVED that the work plan as at 14 September 2015 be noted.

The meeting concluded at 7.15 pm

Chairman