

Full Licensing Committee

Wednesday, 2nd September, 2020

4.00 - 5.00 pm

Attendees	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Wendy Flynn, Diggory Seacome, Roger Whyborn and Simon Wheeler
Also in attendance:	Louis Krog (Licensing Team Leader) and Vikki Fennell (OneLegal)

Minutes

1. APOLOGIES

Councillor Harman sent apologies. Cllrs. Boyes, Collins and Stafford were absent.

2. DECLARATIONS OF INTEREST

There were none.

3. PUBLIC QUESTIONS

There were none.

4. MINUTES OF THE PREVIOUS MEETING

Members noted that a duplicate set of minutes had been included in the pack, and one set of minutes were missing. It was agreed that the missing set would be considered at the next meeting instead.

The Legal Officer moved to a vote on the 21st July minutes. Cllrs. Seacome and McCloskey, who were present at that meeting, were in favour. The Legal Officer noted that the 'also in attendance' section ought to include the Legal Officer and Licensing Officer. PM suggested that the names of the police officers involved should be included, as they had been very helpful. The Legal Officer clarified that the officers were Rich Smith and Steve Kiernan.

The Legal Officer moved to a vote on the 5th August minutes. Cllrs. Wheeler, Whyborn and Willingham, who were present at that meeting, were in favour.

The Legal Officer moved to a vote on the 24th June minutes. Cllrs. McCloskey, Seacome, Whyborn and Willingham, who were present at that meeting, were in favour.

The Legal Officer moved to a vote on the 2nd July minutes those who were present at that meeting, were in favour.

5. MINUTES OF SUB-COMMITTEE MEETINGS

6. APPOINTMENT OF VICE-CHAIR OF "MISCELLANEOUS" SUB-COMMITTEE

The Licensing Officer introduced the item, noting that the previous vice-chair of the committee (Councillor Parsons) had stood down in July 2020. Cllr. Flynn had been nominated to replace him on the full Licensing Committee, and the report sought to appoint her to the Miscellaneous Sub-Committee as well and appoint her as vice-chair.

Members unanimously agreed with the recommendations.

For: 5

Against: 0

Abstain: 0

7. CONSULTATION ON REVISED LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

The Licensing Officer introduced the report, noting that under the provisions of the Licensing Act 2003, the council had to produce a policy statement every 5 years. With the last one having been published in December 2015, it was time to consult with a view to producing a new statement. Licensing Committee members were the lead consultee to the Cabinet Member Development and Safety, and were recommended to note the proposed changes shown in the appendix as tracked changes.

He explained the general outline of the policy, which followed case law and national guidance as it set out various matters and provided guidance to licence holders covering premises licenses, temporary event notices and much more.

He cited alcohol as a crucial area of licensing policy, weighing up the potential adverse community impact with the economic and leisure benefits. The policy sought to shape the licensing landscape in the town by promoting greater diversity in the night-time economy and proactively approaching the regulation of licensable activities.

He emphasised that the current policy statement was of a good standard, as it drew on CBC's significant licensing experience since the passing of the 2003 Act. He clarified that most changes were very minor, though part 4.3.1. onwards detailed the more significant changes, including the addition of equalities statements and the removal of references to the late night levy, which was no longer in effect.

The Chair added that the report was to go out for consultation, so any wider issues could be brought to the committee's attention at a later date. The Licensing Officer added that the consultation was open until 5th October.

Members made the following points:

- praised particular elements of the town's licensing policy, such as takeaway restaurants being open later than establishments selling alcohol, and asked the Licensing Officer how effective he felt the policy statement was as a strategy. The Licensing Officer emphasised that he felt it was a very helpful tool that informed potential applicants exactly what was expected of them.
- There were further questions about the night-time economy, particularly the section of the policy relating to 'designated areas of concern' and

'cumulative impact areas' (paras. 6.8-6.11). The Licensing Officer responded that the council had been careful in its wording, referring to parts of the town with a particularly large number of establishments serving alcohol as 'areas of concern'. He suggested that significant evidence would be required for the council to go down the route of deploying this tool. It was a robust mechanism that had not been required so far. The Licensing Act 2003 gave authorities plenty of scope. He added that it would ultimately come down to the quality of representations or objections received on an application.

- One Member raised that on page 68, alcohol sales priced by volume/avoiding promotions which encourage excessive alcohol consumptions. Lots of conditional language like 'should' and 'can' – less concrete policy than he would like. The Chair agreed with RW's suggestion that the policy should say 'must' rather than 'should' in the examples cited, in order to increase clarity. The Legal Officer warned that this might be seen as a more specific condition
- Is the council was legally allowed to put a minimum price on alcohol, like in Scotland? Licensing Officer responded that he believed this was not the case, and it was not within the council's legal scope – English authorities have not gone down this route. He added that there was a minimum price per unit in England, set at the level of alcohol duty plus VAT. However, in March 2020, the UK govt. stated that there were no plans to implement minimum alcohol pricing, although it was monitoring the situation in Scotland. The Chair added that the policy would monitor areas where proxy sales might be common

– vendor required to display clear notices stating that it was an offence to purchase alcohol under the age of 18.

- The Chair made a number of further suggestions, which the Licensing Officer responded to. He suggested monitoring the disposal of glass recycling, and enhancing the wording in part 6.9, which referred to shops selling alcohol. The Licensing Officer agreed that these would be useful additions. DW also suggested monitoring the use of 'creamer' cartridges (NO₂), although the Licensing Officer suggested that this could not be restricted through licensing protocols except in the context of an event.

The Legal Officer moved to a vote, which was carried unanimously.

For: 6

Against: 0

Abstain: 0

8. AMENDMENT TO POLICY ALLOWING PARTITION SCREENS IN LICENSED VEHICLES

The Licensing Officer introduced the item, which related to the partition screen policy recently approved by Cabinet, which sought to reduce the potential for transmission of Covid-19 between drivers and passengers. He noted that the quality of screens had improved since the policy was implemented, and that the policy was thus being amended to broaden its scope to take this into account.

The proposed amendment essential boiled down to removing two words from the sentence: 'constructed with PVC or polycarbonate and be of firm or solid design'. He explained that 'or solid' ought to be removed, since the authority had viewed vehicles whose screens would not be considered 'solid', but were entirely appropriate anyway. The minor amendment to the policy would allow these vehicles to operate in a safe way and aid public health.

One Member welcomed what she saw as a sensible amendment, and stressed that the council needed to continue being flexible and adapting to a fast-changing environment

The Legal Officer moved to a vote, which was carried unanimously.

For: 6
Against: 0
Abstain: 0

9. REVIEW OF PREVIOUS DECISIONS

There were none. The Chair asked members who had chaired the previous meetings, as referred to in item 4, to give their comments with regards to the script provided to Democratic Services prior to the next Licensing meeting.

10. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

There were none.

11. DATE OF NEXT MEETING

The next meeting is scheduled for 2nd December 2020.

David Willingham
Chairman