

**LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 1 NOVEMBER 2006**

Present:- Councillor J I Loughlin – Chairman.
Councillors H D Baker, R F Freeman, E W Hicks and
B M Hughes, A Marchant, D J Morson and A R Row.

Officers in attendance:- M Hardy, M Perry, C Roberts and A Turner.

LC30 COUNCILLOR C A BAYLEY

The Chairman referred to the work Councillor C A Bayley had carried out for the Committee and Members agreed that their thanks to the late Councillor Bayley be recorded in the minutes.

LC31 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors K R Artus and R M Lemon.

Councillors J I Loughlin and A Marchant declared personal interests insofar as they were members of the Stansted Mountfitchet Parish Council.

LC32 MINUTES

The Minutes of the meeting held on 13 September 2006 were received and signed by the Chairman as a correct record.

LC33 BUSINESS ARISING

(i) Minute LC25 – “Approved manufacturer’s temporary repair kit”

The Executive Manager (Corporate Governance) said that the staff who carry out the vehicle tests had requested confirmation as to what was meant by the expression “manufacturer’s approved”. Members

RESOLVED that this expression referred to the manufacturer of either the vehicle or the tyre but not to the manufacturer of the kit.

LC34 GAMBLING ACT POLICY

The Committee considered a report on the licensing policy which the Council was required by the Gambling Act 2005 to propose, consult on and adopt.

Broad consultation on the proposed policy had taken place and a detailed account of consultation and response was given to the meeting by Mrs C Nicholson solicitor. She explained the reasons in each case for adopting or not adopting amendments requested by consultees.

The Essex Licensing Officer's Forum, which included representatives of the Police and Child Protection section of the Social Services Department, had suggested the addition and amendment to the draft policy in paragraphs 26.2 and 28.2. This introduced a requirement for the applicant and/ or person in day to day control of the premises to undergo a basic CRB check or equivalent and a requirement that training should also cover dealing with suspected truant children as this type of premises would attract children and young people.

In addition, in paragraph 28 (prize gaming permits) a suggestion had been incorporated requiring that an applicant could demonstrate their understanding of the law on the gaming permitted by the permit and the relevant stake/prize limits.

Mrs Nicholson also set out the options concerning any casino resolution and it was noted that no consultation response had been received on this subject.

The Executive Manager (Corporate Governance) added that major departures from the draft would create a need to consult again, and that cogent reasons should be given for any resolution relating to casinos as judicial review was possible.

RESOLVED that the Committee recommends the policy as annexed to the report for adoption by the Council.

LC35

CONSULTATION ON PROPOSED MANDATORY AND DEFAULT CONDITIONS UNDER THE GAMBLING ACT 2005

The Committee considered the report of the Solicitor Mrs C Nicholson on a consultation paper of the Department of Culture Media and Sport about conditions to attach to the Premises Licence under the Gambling Act 2005.

The Act allowed for two kinds of conditions to be attached to Premises Licences by the Secretary of State through regulations; (i) mandatory conditions setting out the minimum requirements to which all premises licence holders should adhere. Once in place these could be removed or varied only by further regulations, not by the Licensing Authority;(ii) default conditions which would be attached in the same way, but could be amended or removed by Licensing Authorities on the issue, variation or review of a licence.

The Gambling Commission expected default conditions to be the industry norm so limiting or removing them had to be done with reference to the Commission's Code of Practice, the licensing objectives, or a licensing authority's policy statement. The DCMS did still allow the licensing authority some flexibility by allowing the conditions to be amended or removed to respond to local circumstances. Further, there would be exemptions for very small-scale bingo type games eg at village hall events.

RESOLVED that the Council respond to the Government as suggested in the report.

TABLES AND CHAIRS ON PAVEMENTS (UPDATED REPORT)

Members considered the report of the Executive Manager (Corporate Governance) which referred to their request for (i) delegated powers from full Council to set policy, conditions and fees for permissions to place tables and chairs on pavements for use by persons consuming food and drink purchased from adjoining premises and (ii) advice from Environmental Health and Development Control on potential policy and draft conditions for such permissions. The Council had agreed to delegate to the Licensing Committee the power to grant consent under Part VII A Highways Act 1980 and to fix the fees in respect thereof.

The Executive Manager (Corporate Governance) referred to the draft Policy and draft Standard Conditions presented for possible adoption in the report and explained that officers' estimates indicated an appropriate licence fee of £125 per application.

He also asked Members to determine how far (if at all) they wished to delegate power to grant permissions to Area Panels. Councillor Row suggested that it would be best to keep this matter within the purview of one Committee (the Licensing Committee) and this was accepted by Members who felt the Area Panel Members could have input when the Licensing Committee Members considered the applications.

RESOLVED that

- 1 the draft Policy be adopted subject to the amendment in Para 1.1 of "pavements" to read "pedestrian areas of highway" and in Para 4.2 the amendment of "toughened glass or plastic" to read "ceramics, toughened glass or plastic".
- 2 the draft Standard Conditions be adopted as set out in the report.
- 3 the application fee for permissions be set at £125
- 4 the Executive Manager (Corporate Governance) and those authorised by him have delegated authority to refuse applications which do not accord with policy and to grant permissions subject to standard conditions which fall within policy.

EXERCISE OF DELEGATED POWERS

The Executive Manager (Corporate Governance) reported on exercise of delegated powers. He said that the first batch of renewals had been completed in September. There was an issue of non-reporting of convictions between renewals. A firm warning had been given about this stressing that the licence conditions must be adhered to.

LC38

APPEALS

The Executive Manager (Corporate Governance) gave a verbal report on two pending appeals, one case of failure to stop in which the driver had no recollection of the accident, and one regarding the use of the garden at the "Mia Rosso".

LC39

URGENT BUSINESS

The Licensing Officer gave details of arrangements made for Member training and for the next hearing.

The meeting ended at 8.30pm.