

**LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN on 7 MARCH 2007**

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

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

**LC67 STATEMENT BY A MEMBER OF THE PUBLIC**

Mr B Drinkwater, the Chair of the Uttlesford Licensed Operators and Drivers Association made a statement which is annexed to the Minutes below.

The Chairman thanked him for his information which would be noted.

**LC68 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H D Baker, R M Lemon and A R Row.

**LC69 MINUTES**

The Minutes of the meetings held on 17 January 2007, 24 January 2007, 7 February 2007, and 20 February 2007 were received and signed by the Chairman as a correct record.

**LC70 BUSINESS ARISING**

**(i) Minute LC58 – Saffron Walden Conservative Club: Review of Club Premises Certificate.**

The Assistant Chief Executive said a pre trial submission would be made as to the validity of the appeal since appeal fees had not been paid on time.

**(ii) Minute LC59 – Delegated Powers**

The Assistant Chief Executive explained that the requested delegated power would be able to be used later in March.

**LC71 REVISION OF LICENSING ACT 2003 – GOVERNMENT GUIDANCE**

Members were invited to consider guidance of the Secretary of State intended to aid licensing authorities in carrying out their functions under the 2003 Act. They were reminded that regard must be had to this guidance by the Licensing Authority in the exercise of its functions and asked to determine what response if any they wished to make.

The report set out the key substantive policy issues to be considered and the questions to be answered in each case. The issues related to :-

- the term 'in the vicinity'
- the term 'incidental music'
- cumulative impact policies
- pools of conditions which could be applied to licences in promotion of each of the licensing objectives
- the role of Councillors
- the role of Designated Premises Supervisor and Personal Licence Holder
- the term 'major' describing variations. The DCMS proposed to remove the term 'major', explain the exceptions that were subject to a simplified process and clarify when a new licence was required.
- variations –interested parties were not required to provide supporting evidence for representations The DCMS considered that any further advice on evidence required and the weight to be given to it should be included in guidance for interested parties, rather than statutory guidance for licensing authorities
- disclosing names of those making representations. The DCMS considered that the Guidance should include advice on how isolated fears of intimidation may be managed.
- control of nuisance outside the premises
- longer hours

The following questions were considered:-

1: Do you agree that the current Guidance on vicinity should remain unchanged? *Members recommended that "the vicinity" should be defined as "being affected by activities carried on at the premises".*

2: If not, what factors do you think should be considered and why?

3: Do you agree that the current Guidance on incidental music should be amended to expand on the factors that licensing authorities might wish to consider in determining what is incidental? *Proposed amendments accepted*

4: If not, please explain why and outline any alternative.

5: Do you agree that the current Guidance on cumulative impact policies should remain unchanged? *As the district does not have such a policy and is unlikely to need such a policy in the foreseeable future Members declined to comment.*

6: If not, what amendments do you think should be made, and why?

7: Do you agree that the pools of conditions in Annexes D-H should be:

Option 1: Removed from the current Guidance, but consider establishing an alternative central source of good practice advice? Or

Option 2: Retained and updated/expanded as necessary. *Members supported Option 2*

8: Do you think that there are any other options that should be considered?  
*No*

9: Do you think that, if retained, there is a risk that the pools of conditions may increasingly be considered exhaustive and therefore inhibit the promotion of

- innovative conditions by the police, other responsible authorities and interested parties to address emerging problems? If so, why? *No*
- 10: Do you think that the pools of conditions have value in promoting consistency and/or best practice? *Yes*
- 11: Do you agree that the current guidance on the role of ward councillors should be further clarified and expanded as proposed? *Yes*
- 12: If not, please explain why and provide brief details of any alternative proposal.
- 13: Do you agree with the proposed amendments to the guidance on authorisation of sale? *Yes*
- 14: If not, please explain why.
- 15: Do you agree that the Guidance on variations should be amended as proposed? *Yes*
- 16: If not, please explain why.
- 17: Do you agree that the Guidance on evidence to support representations should remain unchanged? *Yes, representations should be considered and the Committee decide what weight to give them, and also Environmental Health should be consulted.*
- 18: If not, please explain why.
- 19: Do you agree that it would be useful to add guidance on how licensing authorities might manage concerns about potential intimidation of interested parties? *Yes. Members envisaged a number of situations where this might arise, discussed the matter at length and decided that it would be appropriate for the Assistant Chief Executive to deal with these matters as they arose subject to any further Guidance using for these purposes the strategies contained in section i of the report*
- 20: If not, please explain why.
- 21: Do you agree that guidance on the control of nuisance/crime and disorder outside licensed premises should be clarified/expanded as proposed? *Yes*
- 22: If not, please explain why.
- 23: Do you agree that the Guidance on longer hours should be amended to reflect the Secretary of State's letter of 30 September 2005 and the current situation? *Yes*
- 24: If not, please explain why and outline any alternatives.

RESOLVED that the responses set out above be forwarded to the Secretary of State.

LC72

## **DELEGATION OF RESPONSIBILITIES UNDER THE GAMBLING ACT 2005**

The Committee considered the report of the Solicitor which explained that a scheme of delegation was required under the Gambling Act 2005 to devolve powers from the Licensing Committee to officers. In addition certain powers in relation to the Gambling Act which had been reserved for Full Council, could be delegated to the Licensing Committee. The report set out which powers which could be delegated and to what level and incorporated a proposed Scheme of Delegation for Members' consideration.

RECOMMENDED that the Council approve the Scheme of Delegation as set out in Appendix One to the report, the fee levels referred to in the report for the first year of operation subject to a review thereafter and that the responsibility for setting future licence fees under Section

212 of the Gambling Act 2005 be delegated to the Licensing Committee.

**LC73            GAMBLING ACT 2005 – CONSULTATION ON GAMING IN CLUBS AND ALCOHOL LICENSED PREMISES.**

The Committee considered the report of the Solicitor which explained that the Gambling Act 2005 provided for regulations to be made specifying detailed limits and qualifying criteria for gaming to be carried on in clubs and alcohol licensed premises. The Government had produced a consultation paper on their proposals on which Members' views were sought.

Members felt the consultation was aimed at Clubs. They noted the caveats set out in the risk analysis and decided not to submit a response.

**LC74            EXERCISE OF DELEGATED POWERS**

The Assistant Chief Executive reported that there had been no exercise of delegated powers since the last scheduled meeting.

**LC75            APPEALS**

The Assistant Chief Executive gave further details on the possible appeal by Saffron Walden Conservative Club, informed the meeting that no appeal was to happen following the Queen Elizabeth public house closure and explained that the Council was appealing to the High Court a costs decision of the magistrates court arising from an appeal about a licence at Audley End.

**LC76            END OF MUNICIPAL YEAR**

The Chairman thanked Members and all officers for their support to the work of the Committee during the past year and commented that she had found the year fulfilling in view of the work achieved under new legislation, as well as enjoyable.

Members and officers expressed their appreciation for her leadership.

The meeting ended at 9.12pm.

**STATEMENT BY A MEMBER OF THE PUBLIC**

Mr B Drinkwater, the Chair of the Uttlesford Licensed Operators and Drivers Association, again reminded the meeting of the Association's concerns regarding provision of taxi ranks in the High Street and informed them of the views of other organisations he had consulted.

The Chairman thanked him for this information.

Councillor Freeman commented that there were doubts whether hackney carriages used the existing rank and concerns about loss of precious car parking space.

Mr Drinkwater said he would encourage his members to ply for hire properly on ranks.