

LICENSING AND GAMBLING ACTS COMMITTEE

Monday 12th October 2009

COUNCILLORS PRESENT: The Chair (Councillor Cook), The Vice-Chair (Councillor Sareva), The Sheriff (Councillor Goddard), Councillors Brundin, Humberstone, Keen, Royce and Williams.

OFFICERS PRESENT: Tony Payne and Selina Pilgrim (Environmental Development); William Reed and Daniel Smith (Legal and Democratic Services).

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell and Young.

17. DECLARATIONS OF INTEREST

The Vice-Chair (Councillor Sareva) declared the following personal interests that, depending upon the circumstances, might also be prejudicial interests in respect of the work of the Committee:-

- Holder of a Security Industry Authority licence;
- Holder of a personal licence issued by the City Council under the provisions of the Licensing Act 2003

18. MINUTES

Resolved to confirm as a correct record the minutes of the meeting of the Committee held on 15th June 2009.

19. LICENSING AUTHORITY ACTIVITY UPDATE – MARCH-AUGUST 2009

The Head of Environmental Development submitted a report (previously circulated, now appended)

The Committee received an oral update on the outcome of Magistrates' Court hearings on appeals against the licensing authority's decision to revoke licences held by Westgate stores, Botley Road and Mood Music Cocktail Bar, George Street (paragraph 11 of the report refers).

On the Westgate appeal, the Head of Legal and Democratic Services reported that the Magistrates' Court had allowed the appeal with an additional condition upon the premises licence, namely that all members of staff at the

premises shall seek credible photographic proof of age evidence from a person who appears to be under the age of 25 and who is seeking to purchase alcohol. In reaching this decision to allow the appeal the Magistrates had felt that improvements had been made to the premises since the licensing authority had revoked the licence. For example, the Magistrates had been advised that there was now a register kept of refusals to serve, the required notices were in place, there was a member of staff responsible for staff training and at least one test purchase attempt had been refused by staff at the premises.

The Head of Legal and Democratic Services explained that the Magistrates' Court consideration represented a fresh hearing. Whereas at the time of the licensing authority's revocation of the licence there had been concerns that had resulted in the decision then made, the matters of concern to the licensing authority had been addressed between then and the Magistrates' Court hearing. The Police (who had requested the licensing authority review) were not able to indicate any further improvements they wanted to see in place.

On the Mood Music appeal, the Head of Legal and Democratic Services reported that the Magistrates' Court had allowed it upon the following basis and conditions:-

- The licence holder undertaking to change the name of the premises upon reopening after suspension of the premises licence.
- To suspend the premises licence from 1st December 2009 to 31st January 2010.
- Two additional conditions to be attached to the premises licence, namely that there be ten small secure lockers installed somewhere in the premises for the deposit of customers personal effects, and that the CCTV cameras be repositioned to locations approved by Thames Valley Police and the licensing authority.

Resolved:-

- (1) To receive the report and to note its contents;
- (2) Arising from the Westgate appeal, to ask the licensing authority to:-
 - (a) Arrange to discuss the outcome with the Police to see what lessons had been learnt from the process generally;
 - (b) Advise the police that the Committee would want the police to be more pro-active in terms of seeking reviews and that, in particular, the Committee would expect the Police to contemplate review requests when two instances of under-age sales had occurred;

- (3) Arising from the Mood Music appeal:-
- (a) To record that the Committee was unhappy with the outcome and that the circumstances in which it had been achieved had not enabled the licensing authority to convey to the Magistrates all of its concerns that had led to the revocation;
 - (b) Further to record that a full hearing before the Magistrates' Court, depending upon the outcome, would have had benefits in terms of the Council's Saturation Policy for the Central Area;
 - (c) To ask both the licensing authority and the Chair to express the Committee's concerns to the Police over the way in which the outcome had been achieved.

20. STATEMENT OF GAMBLING LICENSING POLICY

The Head of Environmental Development submitted a report (previously circulated, now appended).

Resolved:-

- (1) To agree the proposed amendments to the Statement of Gambling Licensing Policy as set out in Appendix 1 to the report;
- (2) To authorise the Head of Environmental Development and the Head of Legal and Democratic Services to carry out textual alterations to the Policy in the light of the new Government guidance and, in consultation to with the Chair of the Committee, to finalise the statement;
- (3) To note that the new Statement would be recommended to full Council and, subject to that, would apply from 31st January 2010 to 30th January 2013.

21. LICENSING ACT 2003 – PROPOSALS FOR ONLINE APPLICATIONS AND NOTIFICATIONS

The Head of Environmental Development reported that the Government was at present consulting, to a very short timescale, on proposed changes to the Licensing Act 2003 and associated Regulations to enable online licensing applications and notifications to be made. This was needed in order to comply with an EU Services Directive that required, by 28th December 2009, all EU Member States to put in place a system to allow service providers located in the EU to apply for, vary and pay for licences and permits online.

The Consultation Paper sought views on 15 questions and the Head of Environmental Development had drafted a response.

Resolved to authorise the Head of Environmental Development and the Head of Legal and Democratic Services, in consultation with the Chair of the committee to agree a response to the Government.

22. LAP DANCING CLUBS – REGULATIONS – CONSULTATION ON TRANSITIONAL ARRANGEMENTS

With reference to minute 13 (CODE OF CONDUCT FOR PROMOTERS OF ADULT ENTERTAINMENT) the Head of Environmental Development reported that the Government was consulting upon transitional arrangements in respect of existing lap dancing clubs, following the Government's intentions to reclassify lap dancing clubs as sex establishments. The consultation period closed on 4th December 2009.

Resolved to authorise the Head of Environmental Development and the Head of Legal and Democratic Services, in consultation with the Chair, to agree a response to the Government.

14. DATE OF NEXT MEETING

Resolved to note that the Committee would next meet on 8th February 2010.

The meeting commenced at 5.00 pm and closed at 5.36 pm.