

Licensing Committee Minutes

Date: 28 March 2018

Time: 7.04 - 8.20 pm

PRESENT: Councillor A E Hill (in the Chair)

Councillors Ms A Baughan, M Clarke, S Graham, A R Green and N B Marshall.

In attendance: Councillor M Hanif.

Apologies for absence were received from Councillors: C B Harriss, D Knights, I L McEnnis, R J Scott and A Turner.

1 MINUTES OF THE PREVIOUS MEETING

RESOLVED: that the minutes of the meeting of the Licensing Committee held on 12 November 2015 be approved as a correct record and signed by the Chairman.

2 DECLARATIONS OF INTEREST

There were none.

3 REVIEW OF STATEMENT OF LICENSING POLICY

Members considered the report on the Review of the (Draft) Statement of Licensing Policy and noted it had been five years since the last review. They noted that only a few changes had been suggested most notably that the Anti-Social Behaviour, Crime and Policing Act 2014 had brought changes to the Designated Public Places Order and had now become, as referred to at paragraph 3.11 of the policy, a Public Spaces Protection Order (PSPO) which was currently under review. It was proposed that a power would be created which would prohibit at any time, consumption of alcohol or having an open alcohol container within the restricted area of the town centre. If a person who, without reasonable excuse, continued to drink intoxicating liquor in their possession when asked to stop by a police officer or an authorised person or failed to surrender anything in the person's possession which was believed to be alcohol or a container of alcohol, they would commit an offense under the legislation and was liable, on summary of conviction, to a fine (standard scale £500), or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100. The legislation also gave powers to police officers to dispose of any open can of alcohol once it had been surrendered.

The proposed revised PSPO would be subject to a consultation and had to be agreed by Cabinet before it was adopted later in 2018.

Members expressed some concern that this could potentially move the issue to areas out of the town centre, particularly from the Frogmoor area. Concern was raised that people were beginning to congregate in the children's play area behind Desborough Street.

It was noted that PSPO's were just one method of enforcement. Police had powers of dispersal which could be carried out anywhere. Public Order Offences were another method of enforcement. It was noted that pressure should come from people / residents reporting incidents to the police as they had the relevant powers.

It was confirmed that licensed premises would be exempt from any PSPO.

If a premise was found to be selling alcohol either inappropriately or unlawfully, and reported to the WDC Licensing Team, site visits would be carried out to investigate further and for appropriate action to be taken.

It was proposed that the White Cider Initiative, which had generally been very successful, referred to in the policy be amended to create an accreditation for responsible retailers who agreed not to sell super strength alcohol products. This would also include other forms of alcohol than white cider but would exclude craft speciality products. It would be seen as a 'pat on the back' of those adhering to the scheme.

It was noted there had been a number of incidents of illicit alcohol or cigarettes being found on licensed premises which had prompted a number of review applications to be considered. Therefore paragraph 3.13 had been added to the policy to clarify that review applications would be considered in those circumstances and that the sale of unlawful alcohol and cigarettes would be a serious matter.

As a result of compliance checks on the issue of child sexual exploitation carried out at hotels within the district, specific reference to a licence holder's responsibilities had been added at paragraph 3.16.

Some concern was raised in relation to modern day slavery as Members and Licensing Team members had recently received training on this issue. It was noted that this was rare in the taxi industry but that should any suspicions be aroused in relation to modern day slavery, the police should be notified as they were the responsible body to look into any suspicious, reported activity.

Provisions within the Immigration Act 2016 came into force in April 2017 which prohibited premises and personal licences being issued to anyone who did not have the right to live and work in the UK. The Home Secretary (Home Office Immigration) had also become a responsible authority who could comment on licence applications or request licence reviews. These matters were referred to in paragraphs 3.35 to 3.37 and 3.43 to 3.44 of the draft revised Policy. Members suggested that in reference to "Appendix 2 – List of Consultees Section 5 Licensing Act 2005", the following two bodies be added:

Home Office (Immigration)
Public Health Team, Bucks County Council

It was noted that while the Licensing Team was not required to see original documents in terms of Right to Work, it was rare that forged documents were seen.

It was finally noted that even though it was unusual to be requested to classify films, it had been done in the past and therefore it was proposed to include this within the Scheme of Delegation.

Following some discussion, the following amendments were agreed:

- Paragraph 3.13 should read “...Where illicit goods, such as tobacco, have been found the authority shall consider....”
- Paragraph 3.35 should read “...licences cannot be issued to an individual who does not have permission to work in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity”.
- Paragraph 7.2; wording should be substituted with – “Any party aggrieved by decisions of the licensing authority may make a written appeal to the Clerk of the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire, MK9 2AJ. The procedure on appeals is set out in paragraph 7.3 below.”
- Appendix 2 – List of Consultees Section 5 Licensing Act 2003; the following two bodies should be added –
 - Home Office (Immigration)
 - Public Health Team, Buckinghamshire County Council

With these changes agreed, the Committee voted unanimously to approve the draft policy for the purposes of a consultation exercise.

RESOLVED: that the draft policy be subjected to a consultation exercise.

4 TRAINING

Members received training from Ms Caroline Steven, WDC Licensing Team Leader, Mr Brian Whittall, WDC Licensing Officer and Mrs Kiran Khanna, WDC Principal Solicitor (Licensing).

5 SUPPLEMENTARY ITEMS (IF ANY)

There were none.

6 URGENT ITEMS (IF ANY)

There were none.

Chairman

The following officers were in attendance at the meeting:

- | | |
|-----------------|--------------------------------------|
| Kiran Khanna | - Principal Solicitor |
| Caroline Steven | - Licensing Team Leader |
| Brian Whittall | - Licensing Officer |
| Liz Hornby | - Senior Democratic Services Officer |