



Minutes of the meeting of the **Alcohol and Entertainment Licensing Committee** held in Committee Room 1 - East Pallant House on Wednesday 23 March 2016 at 9.30 am

**Members Present:** Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr G Barrett, Mr P Budge, Mr J W Elliott, Mr P Jarvis, Mr L Macey, Mr G McAra, Mrs P Plant, Mr N Thomas and Mr D Wakeham

**Members not present:** Mr R Barrow, Mr J Connor, Mrs D Knightley and Mrs S Westacott

**In attendance by invitation:**

**Officers present all items:** Mrs K Jeram (Member Services Officer), Mr D Knowles-Ley (Licensing Officer), Mr N Bennett (Legal and Democratic Services Manager) and Mr L Foord (Licensing Manager)

**7 Chairman's announcements**

The Chairman did not make any announcements.

**8 Minutes**

**Resolved**

That the Minutes of the meeting held on 17 June 2015 be approved and signed by the Chairman as a correct record.

**9 Urgent items**

The Chairman advised that there were no urgent items to be considered at this meeting.

**10 Declarations of Interests**

No interests were declared at this meeting.

**11 Public Question Time**

The Chairman advised that no public questions had been submitted.

**12 Gambling Act 2005 - The Council's Proposed Draft Statement of Policy 2016-2019**

The Committee considered this report (copy attached to the official minutes).

Mr Foord introduced a report on the Council's proposed draft Statement of Policy under the Gambling Act 2005 for the period 2016-2019, requesting members approve the commencement of a six week public consultation exercise, subject to approval by Full Council.

Members were informed that there was a statutory requirement to carry out a three yearly review and consultation of the Council's Statement of Policy, which set out the Licensing Authority's general principles when determining matters under the Gambling Act 2005. Details of the amendments that officers had made to the draft Statement of Policy, which included revisions following legislative changes and changes made following officers experience of implementing the Gambling Act 2005, were set out on page 3 of the report.

A more streamlined process was proposed by officers to consider any representations received, which would be delegated to the Head of Housing and Environmental Services to consider, if significant amendments were not required.

During the discussion of the Statement of Policy, various comments were made by members.

In response to a question about the South Downs National Park Authority's (SDNPA) involvement, officers informed the Committee that the SDNPA would be involved in the application process as a statutory consultee. Although compliance and enforcement was the responsibility of the Licensing Authority, the SDNPA would be able to request a review of a licence.

With regard to the Council's "No Casino" resolution, Mr Foord reported that this resolution was a member decision, which had been agreed by Full Council each time the Statement of Policy had required reviewing. Mr Knowles-Ley confirmed that the Licensing Authority had not received any applications for a casino in the District.

Mr Bennett explained the definition of a Casino and advised that there were different rules for bingo halls. A Casino was defined by the type of games played, such as the roulette wheel, and the larger stake of the game. Mr Foord undertook to further expand in the Policy the definition of "Casino".

The Council's "No Casino" policy could be challenged and the Chairman commented that if applications were received in the future the Policy could be reconsidered.

## **Resolved**

- (a) That the draft revised Statement of Policy for the period 2016 – 2019 for the Chichester District is approved for public consultation;
- (b) That authority be delegated to the Head of Housing and Environment Services to consider any representations arising from the consultation

exercise and, provided the representations do not require significant amendments to the draft Policy, to recommend adoption to Council on 17 May 2016 (with minor amendments if considered appropriate) following consultation with the Cabinet Member for Environment; and

- (c) In circumstances where significant amendments to the Policy are required that these are reported back to the Alcohol and Entertainment Licensing Committee for further consideration.

### **Recommended**

That the Policy (as amended in accordance with 3.2 and/or 3.3 above) be approved by Full Council and published.

### **13 Deregulation Act 2015 - Power to exempt the supply of late night refreshment from requirements of the Licensing Act 2003**

The Committee considered this report (copy attached to the official minutes).

Mr Foord reported that certain provisions of the Deregulation Act 2015 gave licensing authorities powers to exempt the supply of late night refreshment from the requirements of the Licensing Act 2003. The Committee was asked to consider if they wished to use the new powers to exempt the need for the licensing of late night refreshment in certain situations or at certain premises. He pointed out that there was no statutory requirement for the Licensing Authority to use the new powers.

He referred to the Guidance produced by the Home Office, that stated exemption decisions were best made by Licensing Authorities who had local knowledge. Exemptions should only be made in instances where it would be helpful to businesses and where there were no anti-social behaviour or problems associated with the night time economy. It also highlighted that the provision of late night refreshment was regulated primarily because violence was often linked to alcohol fuelled crime and disorder at late night refreshment premises. Of the 284 premises authorised to provide late night refreshment in the District just 19 provided late night refreshment as their only licensable activity. Therefore, if an exemption was supported by members, the majority of premises would still require licensing, but would result in a slight reduction in income and to the Licensing Team's workload. However, deregulation of these potential 'hotspots' would mean that current controls afforded through the attachment of appropriate conditions and the review mechanism would be removed, which was a concern to Sussex Police as it would remove their ability to request the attachment of conditions such as the provision of CCTV.

Members discussed the report and, having noted that it was not possible to exempt only some premises within a premises category, concurred with the officers recommendation that the mechanism for requiring regulation of late night refreshment venues should be kept in place in order to protect the interests of the public.

### **Resolved**

- (a) That amendments to the Licensing Act 2003 in terms of the provision of 'late night refreshment' and content of this report be noted; and
- (b) Based on an officer recommendation of no deregulation, the Committee agreed not to exempt, certain premises from the requirement to obtain permission authorising 'late night refreshment'.

#### 14 **Sussex Police Withdrawal of Licensing Support**

Mr Foord reported that a decision had been made by the Sussex Police Command Team to no longer involve uniformed officers in the licensing process, as they were being re-deployed due to budget cuts and there were no longer enough police officers to fill this role. He outlined the Council's experience of working with uniformed licensing officers and explained that when District Council officers entered a licensed premises the fact that officers were with a uniformed officer gave a necessary kudos with regard to officer's authority when dealing with issues and assisted their safety. An email had been received from the Sussex Police Acting Superintendent explain the work that would continue to be carried out and to reassure the Council that Sussex Police were still interested in licensing issues.

The Committee agreed that a letter should be sent to Sussex Police signed by the Chairman on behalf of the Committee setting out their concerns regarding the withdrawal of uniformed licensing officers. The letter would advise that the members of the Committee very much regretted the withdrawal of uniformed officers and the loss of their specialist knowledge and the Committee's concern that civilian officers would be disadvantaged when dealing with licensing matters.

#### **Resolved**

That a letter from the Chairman on behalf of the Alcohol and Entertainment Licensing Committee be sent to Sussex Police setting out their concerns following the withdrawal of uniformed officers to deal with licensing matters.

The meeting ended at 10.00 am

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CHAIRMAN

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Date: