

Licensing Committee

Meeting of held on Thursday, 23 November 2017 at 6.30 pm in F10, Town Hall, Katherine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Jane Avis (Chair);
;
Councillors Margaret Bird, Maddie Henson, Michael Neal, Steve O'Connell, Andrew Pelling, Sue Winborn, David Wood and Callton Young

Also Present: Councillor

Apologies: Councillor Patricia Hay-Justice and Bernadette Khan

PART A

1/17 **Minutes of the Previous Meeting**

The minutes of the meeting held on 13 September 2017 were agreed as an accurate record.

2/17 **Urgent Business (if any)**

There were no items of urgent business.

3/17 **Disclosure of Interests**

There were no disclosures made.

4/17 **Minutes of the last Licensing Sub-Committee meetings**

The Committee **RESOLVED** that the minutes of the Licensing Sub-Committee meetings held on 12 September 2017 and 25 September 2017 were a true and accurate record of those meetings.

5/17 **Review of Statement of Licensing Policy**

The Licensing Manager introduced the item and took the Committee through the covering report and appendices. It was explained that there was a statutory requirement to review the Licensing Policy Statement every five

years but that the Council could review the policy in the interim should it wish to. The current policy was last reviewed in 2013 and published in 2014. It was stated that there were only two substantive changes to the current policy proposed.

The first was the removal of the Cumulative Impact Zone (CIZ) in a particular area of the town centre. This was proposed on the basis that the area had seen a reduction in pubs and alcohol-centred premises and this meant there was a lack of justification for the particular CIZ in that area. This proposal did not affect the rights of people to apply for a licence and for local residents and responsible authorities to make representations on applications or to apply for reviews of premises licences in the area.

The second key change proposed was the removal of specific reference to the Metropolitan Police 696 risk assessment form. The Police had recently reviewed the form and had subsequently taken the decision to withdraw it from use, thus reference to it in the Council policy would no longer be appropriate. It had been replaced with broader terminology reminding licence applicants and holders of the need to risk assess events at their premises.

In response to questions from the Committee it was confirmed that there were four other CIZ's in other parts of the borough and that these all related to off licences. It was confirmed that objections to such applications had to relate to one or more of the four licensing objectives; an objection that there were already other existing off-licences was not something that the Licensing Sub-Committee could consider as it related to commercial need.

A question was raised on what effect the removal of the CIZ would have on the application process. The Licensing Manager confirmed that applications for the area would still only be heard by a Sub-Committee if representations were drawn. The main difference would be that the Sub-Committee would no longer have a presumption to refuse.

A Member of the Committee stated that a scrutiny review he had been involved with the previous year had prompted the Police withdrawal of the 696 review and wished it placed on record that the scrutiny review had made a number of recommendations that had been included in the revised policy statement.

Councillor Wood arrived at the meeting at 18.58pm.

Another Member of the Committee expressed concern over the suggestion that a report, that the Committee had not had sight of, had fed into the proposed changes of the policy statement. It was proposed that in light of this claim, the decision should be deferred to allow Members an opportunity to see the report in question. Concern was raised that representatives of the legal department and the Police were not present to advise on the matter.

Another Member of the Committee stated that the current policy was not fit for purpose and therefore the decision should be taken at the meeting to approve the submitted revised version.

Responding to a question from the Committee, the Licensing Manager confirmed that the statutory deadline for publication of a revised policy statement would be early 2019.

A Committee Member stated that the revised policy had been out to public consultation, those representations received had been published in the appendices to the report along with the responses. The correct processes had been followed and thus consideration could not be considered to a report that had not been published.

The Committee Manager, responding to a question from the Committee, stated that the report submitted for decision had been reviewed by the legal department and the comments of the Council Solicitor had been included within the covering report. A legal advisor was provided to the Committee when undertaking quasi-judicial powers in application hearings; however for the item in question the Committee was using powers as a non-executive committee.

A Committee Member stated that the Committee must be seen to be acting reasonably and on that basis further legal advice should be sort on the report, based on the claim that the revised policy statement was influenced by an unseen report.

Councillor Pelling proposed and Councillor O'Connell seconded a motion that the decision be deferred pending legal advice on whether the unpublished scrutiny report should be considered as part of the decision on the proposed Licensing Policy Statement.

The motion was put to the vote.

Councillors Young, Pelling, Winborn, O'Connell, Neal and Bird voted in favour of the motion.

Councillors Wood, Avis and Henson voted against the motion.

The motion was carried.

6/17

Gambling Act 2005 – Delegation of Decision Making Authority

The Licensing Manager introduced the report stating that the recommendations looked to address an inconsistency within the Council delegation of powers. Specifically, where there was an intention to cancel or withdraw a Club Gaming or Club Machine permit, and there were no objections from the permit holder, the matter would still be heard by a Licensing Sub-Committee. The recommendations to the Committee were to

amend this anomaly and where there are no objections in such cases, and thus no matters to be considered, the decision be delegated to the Director of Safety.

There were no questions from the Committee and the recommendations in the report were put to the vote and passed unanimously. The Committee **RESOLVED** to delegate authority to the Director of Safety to undertake functions pertaining to the cancellation or withdrawal of Club Gaming & Club Machine Permits, including issuing notification of intention to withdraw/cancel Permits, consideration of representations and making a final determination on the matter. Such delegation in relation to the final determination on cancellation or withdrawal is subject to there not having been a request by a Club Gaming or Club Machine Permit holder for a hearing with regard to a proposal to cancel/withdraw their permit.

7/17 **Exclusion of the Press and Public**

Not required.

The meeting ended at 7.25 pm

Signed:

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Date:

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