

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room, Council Offices, Coalville on WEDNESDAY, 21 JANUARY 2004.

Present: Councillor PA Hyde (Chairman) (In the Chair)

Councillors J G Coxon, R A Evans, P Holland, D Howe, J T Male, E J Purver, A C Saffell and D H Wintle.

Officers: Messrs R Eaton and J E Peters.

An apology for absence was received from Councillor G Tacey.

There were no declarations of interest.

585. MINUTES

... Consideration was given to the minutes of the meeting held on 12 November 2003 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting held on 12 November 2003 be approved and signed as a correct record.

586. HACKNEY CARRIAGE AND PRIVATE HIRE GROUP

... Consideration was given to the minutes of the meeting held on 22 September 2003 (copy previously circulated and retained with the official copy of the minutes).

Mr Eaton gave an update on the Group's resolutions and follow up action in respect of a traffic regulation order on Ashby Road, Osgathorpe (outside the Stockyard and Jimmy Deans Club), a request to review the operational times of the Market Street taxi rank and action arising from a meeting held to discuss the problems of private vehicles parking on the taxi rank/bus clearway in Marlborough Square, Coalville.

RESOLVED:

That the minutes be received and noted.

**587. GAMBLING BILL
SUMMARY OF PROPOSALS**

... Consideration was given to a summary of the Government's proposals contained in the recently published Gambling Bill (copy previously circulated and retained with the official copy of the minutes).

Mr Eaton addressed members on the proposals to consolidate all gambling legislation into a single comprehensive Act of Parliament.

Chairman's initials

Members noted that unlike the Licensing Act, the Government was submitting the proposals to pre-legislative scrutiny by a joint committee of the two Houses of Parliament. In addition the Department for Culture, Media and Sport (DCMS) had invited comments on the proposals by 28 February 2004.

Mr Eaton highlighted the main provisions for members to note and consider. The proposals included provisions for a new national regulator, the Gambling Commission, which would exercise its functions under the Act in pursuit of set licensing objectives. Operating licences and personal licences could be issued by the Commission and it would have the authority to assess the integrity, financial standing and competence of applicants before granting operating licences.

The draft bill proposed that local licensing authorities would license gambling premises. They would also be required to pursue the three licensing objectives and the Gambling Commission would issue guidance on the exercise of their powers under the Act. Authorities would be required to have regard to this guidance. It was noted that the draft bill proposed that licence fees would be set by the Secretary of State.

Members expressed some concern that local licensing authorities were expected to take on additional licensing functions and responsibilities without clear information on resourcing implications. Local authorities would be required to license gambling premises and enforce licensing objectives but without being able to set licence fees to cover their costs.

There was some concern over the possibility of potential conflict between the Gambling Commission, which would issue personal licences to individuals and local licensing authorities who would license gambling premises.

A member referred to the various recognised forms of gambling covered in the draft gambling bill and stated that he would like to see the bill provide for a percentage of gambling profit go to charitable purposes, similar to the National Lottery.

Finally, members commented that the new licensing framework would result in the District Council taking on a major responsibility for the issue of premises licences in relation to bingo, betting offices and alcohol licensed premises and it was vital that local authorities could set their own licence fees in order to cover start-up and ongoing costs and to achieve a self financing licensing system.

RESOLVED:

That the view expressed above be forwarded to the Department for Culture, Media and Sport.

588. GENERAL PROGRESS - LICENSING ACT 2003

Mr Eaton gave a verbal update on arrangements for implementation of the new Licensing Act.

Chairman's initials

The guidance for local authorities which would allow them to begin full consultation on formulating their policies had still not been published. It was now expected by the end of January 2004. This delay meant that the first appointed day when applications may begin to be made for the new style personal and premises licences had slipped back and the more likely start date was now July/August 2004. A more realistic time for the second appointed day when the new system finally took over was now April 2005.

Members noted that when the Government had issued the guidance in its final form then the District Council would be able to finalise its licensing policy, produce application documentation, finalise training and have a clearer picture on Licensing Committee delegation and procedures.

Mr Eaton reported that five authorities in Leicestershire were preferring to use the same draft licensing policy document and it was still the intention for those authorities to engage consultants to manage the consultation process with the identified consultation groups. Consultation would be by a mix of focus groups, face to face meeting and surveys.

Members noted that officers were preparing an enforcement protocol with Charnwood Borough Council and Leicestershire Constabulary and were waiting for data from the County Council's research unit to help members in their decisions on saturation policies.

Members discussed the police's enforcement role under the Licensing Act and sought clarification on how the police would make sensitive evidence available to the Council's Licensing Committee. Members recognised the need for liaison and the exchange of information between the licensing authority and police.

Members were concerned that applicants could be confused by the initial transition process because applications would need to be made for public entertainment licences and for the new style personal and premises licences. Mr Eaton accepted that there may be confusion during transitional arrangements particularly when the local authority was also going to have to cope with an increased amount of work once the legislation was brought into effect. He also pointed out that a number of current licensees may make variation applications under the existing licensing regime before the first appointed day in order to benefit from "grandfather rights".

Councillors E J Purver and A C Saffell entered the meeting at 6.31pm during consideration of the Hackney Carriage and Private Hire Group minutes.

The meeting terminated at 7.14pm.

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Chairman's initials