
LICENSING ACT 2003 COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 3 December 2015 from 7.00 - 7.12 pm

PRESENT: Councillors Cameron Beart, Bobbin, Tina Booth, Roger Clark, Paul Fleming, Lesley Ingham (Chairman), Prescott (Vice-Chairman), Ben Stokes, Ghlin Whelan and Ted Wilcox

OFFICERS PRESENT: Mohammad Bauluck, Kellie MacKenzie, Mark Radford and Angela Seaward

ALSO IN ATTENDANCE: Councillors

APOLOGIES: Councillors Lloyd Bowen and Anita Walker

368 MINUTES

The Minutes of the Meeting held on 22 July 2015 (Minute Nos. 120 – 123) were taken as read, approved and signed by the Chairman as a correct record.

The Minutes of the following Sub-Committees were taken as read, approved and signed by the Chairman as a correct record:

11 August 2015 (Minute Nos. 144 – 146)
30 September 2015 (Minute Nos. 246 – 248)
9 October 2015 (Minute Nos. 261 – 263)
20 October 2015 (Minute Nos. 285 – 287)
20 November 2015 (Minute Nos. 352 – 354)

369 DECLARATIONS OF INTEREST

No interests were declared.

370 REVISED STATEMENT OF LICENSING POLICY

The Chairman introduced the report which presented the revised Statement of Licensing Policy at Appendix I of the report and detailed the consultation response.

The Senior Licensing Officer explained that following the consultation Members were asked to recommend to Council that the revised 'Statement of Licensing Policy' be adopted.

The Corporate Services Director reported that the Committee were asked to 'adopt' the policy, not approve it, so the recommendations in the report needed to be amended accordingly. Members agreed to these amendments.

In response to a query from a Member, the Corporate Services Director confirmed that the December 2016 dates mentioned on page 3 and page 5 of the report should read December **2015**.

Resolved:

- (1) That the revised 'Statement of Licensing Policy' as set out on Appendix I of the report be adopted.**

Recommendation:

- (1) That Council adopts the revised 'Statement of Licensing Policy' under the Licensing Act 2003, as set out on Appendix I of the report be adopted.**

371 STATEMENT OF PRINCIPLES UNDER GAMBLING ACT 2005: CONSULTATION RESPONSE AND FINAL REVIEW POLICY

The Chairman introduced the report which set out a revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) attached at Appendix I of the report, with a view to incorporating the new Gambling Commission guidance and conducting a full review of the policy at the earliest opportunity. She explained that a fresh consultation would be undertaken at that time and it was anticipated that this would be done within the next 12 months.

The Senior Licensing Officer reminded Members that at their meeting on 22 July 2015, the Committee agreed a consultation but that new guidance was anticipated. She explained that the Gambling Commission had only recently published this guidance. It was therefore recommended that the policy be adopted, as set out in the report, and that a further consultation incorporating the new guidance be commenced in the new year.

The Corporate Services Director reported that the Committee were asked to 'adopt' the policy, not approve it, so the recommendations in the report needed to be amended accordingly. Members noted the amendments.

Resolved:

- (1) That the revised 'Statement of principles under the Gambling Act 2005 (Gambling Policy) as set out at Appendix I of the report, be adopted.**

Recommended:

- (1) That Council adopts the revised 'Statement of principles under the Gambling Act 2005 (Gambling Policy) as set out at Appendix I of the report.**

372 DE-REGULATION OF LATE NIGHT REFRESHMENTS

The Chairman introduced the report which advised of the De-regulation of Late Night Refreshments under the Licensing Act 2003 which came into force for local authorities on 5 November 2015, and set out the implications of this for Swale Borough Council as the licensing authority.

The Corporate Services Director explained that it was important to note that the Council had discretion about whether to de-regulate a geographical area. The legislation was not supported by the Police as it potentially weakened local authorities' ability to ensure licences were being complied with. Therefore, at this stage it was recommended that the change in legislation be noted and kept under review.

In response to queries, the Corporate Services Director advised that there would be a loss in revenue of approximately £4,000 if the de-regulation was introduced. The Senior Licensing Officer confirmed that it was the premises that was licensed, not the person.

Resolved:

(1) That the change in legislation be noted and that at present there is no evidence to suggest that a geographical area be designated.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel