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LICENSING ACT 2003 COMMITTEE

Wednesday, 25 March 2015

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|------------------|-------------|-------------------|------------|
| <u>Present:</u> | Councillor | WJ Davies (Chair) | |
| | Councillors | S Niblock | M Sullivan |
| | | D Roberts | G Ellis |
| | | J Salter | P Williams |
| | | H Smith | D Mitchell |
| <u>Apologies</u> | Councillors | E Boulton | M Hornby |
| | | A Hodson | |

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

7 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 18 June 2014 be approved.

8 PERIODIC REVIEW OF GAMBLING ACT 2005 LICENCE FEES

The Strategic Director of Regeneration and Environment reported upon the Gambling Act 2005 and the Regulations made under this Act which prescribe that the Licensing Authority may determine the fees for Premises Licences up to a maximum level set out in the Regulations.

The Licensing Manager outlined the Premises Licence fee levels as set out within Appendix 1 of the report. Members were advised that the Gambling Act 2005 states that the Licensing Authority:

‘...shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates...’

It was reported that in 2007 the fees were set at 20% below the maximum fees that could be applied to reflect the projected cost of providing the service at that time. These fees, which were the fees currently charged, were set out in Appendix 2 of the report.

The Gambling Act 2005 requires the Licensing Authority to ‘...publish the amount of the fee as determined from time to time...’. A review of the costs of providing

services required under The Gambling Act 2005 had been undertaken and it had been identified that the income received from Gambling fees showed a small projected excess over expenditure in the sum of £908.22 for the financial year 2014-2015.

From January 2015 the licensing function would be subject to at least a 2.2% increase in staffing costs. Members were therefore asked to maintain the current fees for Premises Licences as set out in the Table in Appendix 2 of the report.

In response to questions from Members, the Licensing Manager confirmed that the projected excess of £908.22 should be sufficient to cover the 2.2% increase in staffing costs. It was acknowledged that staffing was only one element of the costs. In response to questions from Members, the Committee were advised that the fees varied in comparison with other Local Authorities, however, it was important that fees were set in line with costs.

It was moved by Councillor S Niblock and seconded by Councillor J Salter that

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“under the Gambling Act 2005, the Premises Licence fees be approved as set out within Appendix 2 of the report”.

Resolved – That, under the Gambling Act 2005, the Premises Licence fees be approved as set out within Appendix 2 of the report.

9 PERFORMANCE UPDATE

The Strategic Director of Regeneration and Environment reported upon the number of licences that had been issued and varied under the Licensing Act 2003 since 1 April 2014. Members were provided with details of the number of licences that had been surrendered, lapsed or been subject to Review as well as the number of Temporary Event Notices that had been submitted to the Licensing Authority since 1 April 2014.

The Licensing Manager reported upon the number of licences that had been granted or varied from 1 April 2014 to 5 March 2015 and the total number of licences that were currently in force. It was reported that 497 Temporary Event Notices had been given to the Licensing Authority during the period 1 April 2014 to 5 March 2015 and that 21 applications had been considered by the Licensing Act 2003 Sub-Committee during this financial year which included 15 new Premises Licence applications which were granted, one new Premises Licence which was refused and three variations to Premises Licences which were all granted.

Members were further advised that applications to Transfer a Premises Licence and to change a Designated Premises Supervisor had both been refused. A Temporary Event Notice had also been listed but had been withdrawn during the proceedings and an application for a Personal Licence had been refused.

It was reported that there had been a total number of 30 Premises Licences that had been surrendered or lapsed during the period 1 April 2014 to 5 March 2015. This figure included six Premises Licences that lapsed after the Open Golf Championship. Details were also provided in respect of two premises which had been subject to

review. Three applications to Review Premises Licence that had been received from Merseyside Police would be considered by the Licensing Act 2003 Sub-Committee during March/April 2015.

The Licensing Manager advised that statutory timescales had to be met when applications must be considered and thanked Members for their support in sitting on Licensing Act 2003 Sub-Committees.

Members also expressed their thanks to the Licensing Manager and the Licensing Team, Solicitors and Committee Clerks.

In response to questions from Members, the Licensing Manager advised that she would provide regular updates to the Committee in order that Members may compare trends with licensed premises.

The Licensing Manager also provided some clarification regarding issues that had arisen in respect of Temporary Event Notices. She informed Members that these Notices were not granted by the Authority but were served on Merseyside Police and Environmental Health who could object to the Notices which would result in the matter being considered at a hearing. The Licensing Manager advised that licensing and planning were two separate processes and confirmed that the Licensing Department notified the Planning Department in respect of any Temporary Event Notices that had been received. The Licensing Manager advised that she would provide an update of the legislation to the first meeting of this Committee to be held in the forthcoming municipal year.

Resolved – That the report be noted.

10 **COUNCILLORS HARRY SMITH AND MIKE HORNBY**

The Chair expressed his thanks to Councillors Harry Smith and Mike Hornby for their work on the Committee in view of their impending retirement from the Council.

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