

Runnymede Borough Council

LICENSING COMMITTEE

5 April 2017 at 4pm

Members of the Committee present: Councillors Mrs J Gracey (Chairman), J Broadhead, Mrs D V Clarke, R J Edis, Mrs E Gill, Mrs M T Harnden, Mrs Y P Lay and P Sohi.

Members of the Committee absent: D W Parr (Vice Chairman) and N M King.

642 FIRE PRECAUTIONS

The Chairman read out the fire precautions.

643 MINUTES

The Minutes of the meeting of the Committee held on 15 November 2016 were confirmed and signed as a correct record.

644 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D W Parr.

645 TIMING OF SCHEDULED LICENSING COMMITTEE MEETINGS

The Committee reviewed the commencement time of the scheduled Licensing Committee meetings.

Since the last review the make-up of the Committee had changed and the Chairman had indicated that daytime meetings were no longer considered feasible in terms of being able to get sufficient Members who were able to attend the training and get time off work to attend daytime meetings.

It was important to have a good cross-section of Members on this Committee and Regulatory Committee for them to be able to be trained to deal with reviews of licensed premises or the possible suspension or revocation of a Hackney Carriage and/or Private Hire Driver's licence. If all the Members were not trained or could attend meetings, the work would fall to a small pool of the Committee which was not really equitable. Furthermore, newer Members would be more likely to volunteer for meetings if held in the evenings.

The majority of those present agreed to the change, although a small number did have concerns over increased costs associated with evening meetings. The Group Leaders had given their informal approval to the change, but formal confirmation from them would be sought.

However, ad hoc meetings of the Licensing Sub-Committee and the Regulatory Committee would still be held in the daytime to consider individual cases such as the review of a premises licence under the Licensing Act 2003 or the revocation of a driver's licence under the Local Government (Miscellaneous Provisions) Act 1976. It was considered that members of the public, licensees, hackney carriage and/or private hire drivers and their representatives found daytime hearings more convenient.

**RESOLVED that –**

**Subject to the formal approval of Group Leaders, the scheduled meetings of Licensing Committee be held at 7.30pm from the Municipal Year 2017/18.**

646 AMENDMENTS TO THE LICENSING ACT 2003

The Committee received a report which set out the amendments to the Licensing Act 2003 (the 'Act') brought about by the introduction of the Immigration Act 2016 (IA2016) and the Policing and Crime Act 2017 (PCA 2017).

The Immigration Act 2016 made amendments to the Licensing Act 2003 in relation to:

- entitlement to work
- the Secretary of State becoming a new responsible authority
- prohibition on applying for or holding a premises licence
- restrictions on the use of Interim Authority Notices
- restrictions on Transfer of Premises Licence
- personal Licence Restrictions
- existing Personal Licence Alterations

The Policing and Crime Act 2017 made amendments to the Licensing Act 2003 in relation to:-

- amending the meaning of alcohol
- amending the provisions for Summary Reviews
- providing a new power for the Licensing Authority to suspend or revoke a personal licence when notified of a conviction for a relevant offence
- expanding the list of relevant offences for personal licences holders, and removing the need for the Secretary of State to lay statutory guidance before Parliament.
- simplifying the process for issuing S182 guidance.
- placing cumulative impact policies on a statutory footing.

No amendments were required to Runnymede's Licensing Policy as a result of this new legislation.

Some of these amendments were minor in nature, such as the change to the meaning of alcohol, changes to the way statutory guidance was published and adding relevant offences for personal licences. The changes brought about the Immigration Act 2016 would impact on how Runnymede as Licensing Authority undertook its functions associated with premises and personal licence applications. This would entail more checks and more officer time. This would be in addition to the extra resources which might be devoted to checking those personal licence holders who were convicted of a relevant offence and when considering, determining and defending appeals for summary review applications. Careful management of time and resources would be needed to ensure the necessary checks were not carried out to the detriment of other licensing functions.

The Government had produced amended forms to take account of the changes to the Licensing Act 2003 by the two Acts. These forms had been published under The Licensing Act 2003 (Miscellaneous Amendments) Regulations 2017 and would take effect from 6 April 2017.

Officers would replace existing versions with the new forms and amend the Council website so that the new forms were available.

The Chairman reminded Members that Licensing fees were fixed and consequently any additional costs associated with these changes was not recoverable. In future, the actual cost of additional work arising from the Immigration Act would be included in the Licensing Annual Report.

Chairman

(The meeting ended at 4.15pm)