

**LICENSING AND REGULATORY COMMITTEE**

**MEETING HELD AT THE TOWN HALL, BOOTLE  
ON 22 FEBRUARY 2010**

PRESENT: Councillor Bigley (in the Chair)  
Councillor Papworth (Vice-Chair)

Councillors Blackburn, Bradshaw, Dodd, Fenton,  
Friel, Gustafson, Hands, Pearson, B Rimmer and  
D Rimmer

**76. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mahon, Kerrigan, and Sir Watson.

**77. DECLARATIONS OF INTEREST**

No declarations of interest were received.

**78. MINUTES**

The Committee considered the minutes of the meeting held on 18 January 2010.

RESOLVED: That subject to:

(1) Minute No 75 (2) being amended to read:

“the proposed criteria for determining any lapsed licences from within the existing restricted 271 hackney carriage vehicles licences that Sefton currently issue, be referred to the Committee for approval.”; and

(2) following being added to Minute No 74:

(6) “the Engagement and Consultation Standards Panel be requested to make a presentation to the Committee outlining the process across Sefton for public consultation at the next appropriate meeting”

the minutes of the meeting held on 18 January 2010 be confirmed as a correct record.

**79. SOUTH ROAD WATERLOO – ESTABLISHMENT OF LICENSING LIQUOR FORUM**

Further to Minute No 68 of the Council Meeting held on 14 January 2010, the Committee considered the petition of Ian Hamilton Fazey, Chairman of the Waterloo Residents' Association, which had been deferred by Full Council to the Licensing and Regulatory Committee for consideration.

The submitted petition was signed by 1,015 residents of the Borough and outlined its purpose in the following terms:

“We, the undersigned, bearing in mind Sefton Council’s ‘Duty to Involve’ the community in the policy making process under the Local Government and Involvement in Health Act 2007, and having regard to the Council’s policy on alcohol and health, call upon Sefton Council and the Council’s, Licensing Committee, to accept the Secretary of State’s strong recommendations in the Guidance to the Licensing Act 2003, to

- (1) Hold a series of well publicised Open-Meetings to obtain the views of the public concerning the Licensing Policy;
- (2) Set up a standing ‘Licensing Liaison Forum’ involving all interested parties in which community groups and the public can be represented, and;
- (3) Grant no new alcohol licences and adjourn all current licence applications in the Waterloo (L22) area until such Open Meetings have been held and such a ‘Licensing Liaison Forum’ has been established.”

RESOLVED: That

- (1) the petition be noted; and
- (2) the Environmental Protection Director be requested to write to Mr Hamilton-Fazey and highlight the following responses to the petition on behalf of the Licensing and Regulatory Committee:
  - existing Area Committees are a series of well publicised Open-Meetings and the most appropriate forum to obtain the views of the public concerning the licensing policy;
  - it would be difficult to establish one or several ‘Licensing Liaison Forums’ involving all interested parties to adequately tackle the issues of licensing, given the variations in the night time economies across the Borough, however the Council were looking to establish a number of Focus Groups through the Area Committees to obtain more specific views on the current licensing policy during its consultation as part of the review of Sefton’s Licensing Policy; and
  - the Act and its accompanying statutory instruments lay down the time frames in which matters have to be dealt with by the licensing authority. As the licensing authority is constrained by the legislation, it would be unlawful “to grant no new alcohol licences and adjourn all current licence applications”.

**80. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003:  
PERIOD COVERING 2 JANUARY 2010 TO 5 FEBRUARY 2010**

The Committee considered the report of the Environmental Protection Director updating on the applications made under the Licensing Act, 2003 which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 182 of the Licensing Act 2003"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or club premises certificate, or Police objections to an application for a personal licence, then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general licensing situation.

For the period 2 January 2010 to 5 February 2010 the Environmental Protection Director had received and determined: 21 applications for Premise Licences; 13 applications for Personal Licences; and 19 notifications of Temporary Event Notices.

RESOLVED:

That the report and the fact that further update reports would be submitted, as necessary, be noted.

**81. DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005:  
PERIOD COVERING 2 JANUARY 2010 TO 5 FEBRUARY 2010**

The Committee considered the report of the Environmental Protection Director, updating on the applications, made under the Gambling Act 2005, which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 25 of the Gambling Act 2005"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or a permit then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general gambling situation.

For the period 2 January 2010 to 5 February 2010 the Environmental Protection Director had received and determined: 3 applications for Premise Licences; 1 applications for Gaming Permits; and 2 notifications for licensed premises automatic gaming.

RESOLVED:

That the report and the fact that further update reports would be submitted, as necessary, be noted.

**82. APPROVAL OF PREMISES FOR THE CONDUCT OF CIVIL MARRIAGES AND CIVIL PARTNERSHIPS - AINTREE SUITE, PARK HOTEL, DUNNINGSBRIDGE ROAD, NETHERTON**

The Committee considered the report of the Legal Director regarding an application from Mrs Lydia Forshaw, General Manager of Park Hotel, for the Aintree Suite, Park Hotel, Dunningbridge Road, Netherton, to be licensed for civil marriages and civil partnerships.

The report indicated that the premises had been inspected and conformed to all the guidelines issued to local authorities for the General Register Office, and that no objections had been received to the official notices published in local newspapers or from Merseyside Police and Merseyside Fire and Rescue Service.

RESOLVED:

That the application from Mrs Lydia Forshaw, General Manager of Park Hotel to license the Aintree Suite, Park Hotel, Dunningbridge Road, Netherton be approved for a three year period with effect from 1 March 2010.

**83. COMMON ACT 2006 - REGISTRATION OF A VILLAGE GREEN - HIGHTOWN**

The Committee considered the report of the Legal Director (acting on behalf of the Council as the "Local Registration Authority"), seeking approval for authorisation to request that the Land Charges Department, have the Village Green at Hightown formally recognised and registered as a Village Green.

RESOLVED:

That the Legal Director be authorised to request that the Land Charges Department, have the Village Green at Hightown formally recognised and registered as a Village Green.

**84. LICENSING ACT 2003 - NEW CATEGORY OF "INTERESTED PARTY"**

Further to Minute No 44 of the meeting held on 19 January 2009, the Committee considered the report of the Environmental Protection Director regarding the additional category of "interested party" in relation to the Licensing Act 2003 inserted by the Police and Crime Act 2009 (PCA09).

The report indicated that whilst certain provisions of the PCA09 were introduced on 29 January 2009, Section 33 was tabled and accepted at the Lords Report stage on 5 November 2009 and as such did not form part of the proposed provisions reported to Members at the meeting held on 19 January 2009; that with effect from 29 January 2010 the PCA09 had added to the list of "interested party" with the new category 'a member of the relevant licensing authority'; and that the amendment meant that members of the licensing authority could now make representations or seek a review in their own right.

RESOLVED:

That the report be noted.

**85. PROPOSED RESPONSE TO DCMS CONSULTATION -  
"PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS FROM  
THE LICENSING ACT 2003"**

The Committee considered the report of the Environmental Protection Director on the consultation by the Department for Culture, Media and Sport and seeking views on proposals to make live music between the hours of 8am and 11pm, held inside buildings, and to an audience of 100 or less not a licensable activity; that the proposals would create a 'revocable exemption', i.e. small live music events, at either licensed and unlicensed premises, would be exempt provided that they complied with the requirements above; and that the last submission for responses was 26 March 2010.

A copy of the consultation document was attached as an annex to the report.

RESOLVED: That

- (1) the report be noted; and
- (2) the proposed response contained in Annex 2 be endorsed.

**86. PROPOSED RESPONSE TO DCMS CONSULTATION -  
"PROPOSAL TO AMEND LICENSING ACT 2003 (PERSONAL  
LICENCE: RELEVANT OFFENCES)"**

The Committee considered the report of the Environmental Protection Director on the consultation by the Department for Culture, Media and Sport and seeking views on proposals to amend the Licensing Act 2003 (the Act) to update the list of offences that were treated as relevant offences for the purposes of obtaining and holding a licence under Part 6 of the Act and indicating that the last date for submission of responses was 12 March 2010.

A copy of consultation document was attached as an annex to the report.

RESOLVED: That

- (3) the report be noted; and
- (4) the proposed response contained in Annex 3 be endorsed.

#### **87. GENERAL LICENSING - FEES AND CHARGES 2010/2011**

Further to Minute No 70 of the meeting held on 18 January 2010, the Committee considered the report of the Environmental Protection Director on the fees and charges for general licensing for 2010/2011 and seeking approval for proposed increases to fees and charges for general licensing services 2010/2011.

The report indicated that unlike licensing fees which were set by central government, Gambling Act Premise Licences were determined by the relevant licensing authorities; that for Sefton, these fees were initially agreed by Members at the meeting held on 26 March 2007 and it was also agreed not to increase these further in 2008/2009 and 2009/2010 in order to allow the new regime to 'bed in'; that in formulating the original fees, certain assumptions were made with regard to the extent of the work that would be involved for the Authority in carrying out its functions under the new regime; that these assumptions had been revisited and after the Authority had carried out its functions under the Gambling Act 2005 in 2010/2011 a surplus of £3,969.24 was forecasted for year end; and that given the forecasted position it was recommended that fees not be increased at this time.

It was clarified by the Environmental Protection Director that he understood the concerns of Councillors regarding the slippage as to the targets set for the inspection regime and that this was attributable a staff vacancy and long term sickness absence. The long term absentee had now returned to work and an appeal before the vacancy panel was to be heard next week with a view to resolving the current vacancy. The Environmental Protection Director was confident that staffing could be delivered through existing budgets, and targets for the next financial year would be achieved.

RESOLVED: That

- (1) the proposed fees and charges for 201/2011 as listed in the Annex be endorsed; and
- (2) Cabinet be recommended to approve the proposed fees and charges for 2010/2011 as listed in the annex attached to the report.

#### **88. PUBLISHING SENTENCING OUTCOMES**

The Committee considered the report of the Environmental Protection Director seeking endorsement of the publication of sentencing outcomes for Council initiated prosecutions; and indicating that a decision on this

matter was required as the Government had issued guidance advising Councils of their expectation that local authorities would take such a course of action. A copy of the Criminal Justice System Guidance - Publishing Sentencing Outcomes was attached as an annex to the report.

The report indicated that publication of sentencing outcomes should reassure the public that they and their interests were being protected by the work of Local Authority regulatory services and also act as a reminder and deterrent to traders and business operators that there was a sanction if minimum legal standards were not observed; and that in light of the clear Government guidance, it was proposed that the results of sentencing outcomes from regulatory cases be published on the Council's internet as soon as possible after the Court hearing.

RESOLVED:

That in line with national guidance, the publication of sentencing outcomes from cases brought to Court by the Council be endorsed.

#### **89. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public.

#### **90. THE DETERMINATION OF LAPSED HACKNEY CARRIAGE VEHICLE LICENCES AND ALLOCATION OF VACANT LICENCES**

Further to Minute No 75 of the meeting held on 18 January 2010, the Committee considered the report of the Environmental Protection Director on the determination of lapsed Hackney Carriage Vehicle Licences and the allocation of vacant licences and seeking approval for the proposed basis for determining any appeals against the refusal to allow the "renewal" of a lapsed Hackney Carriage Vehicle Licences and the methodology of any vacant licences from within the existing restricted 271 Hackney Vehicle Licences issued by Sefton Council.

RESOLVED: That

- (1) the contents of the report be noted;
- (2) the criteria, defined in paragraph 11 of the report, which would be used in the determination, by the Environmental Protection Director, of any appeals relating to the refusal to "renew" a lapsed Hackney Carriage Vehicle Licence, be approved;

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- (3) the agreed methodology on a first come first serve basis, for allocating any vacant licences from within the restricted 271 Hackney Carriage Vehicle Licences that Sefton currently issue, to be on a first come first serve basis, be approved; and
- (4) the intention to inform the Joint Trade Stakeholder Group of the criteria for determining appeals, as referred to in 2 above, and the methodology for allocating vacant licences, as referred to in 3 above be noted.