

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON 23 SEPTEMBER 2013**

PRESENT: Councillor Kerrigan (in the Chair)

Councillors Robinson, Ball, Bradshaw, Carr,
K. Cluskey, Dorgan, Hands, Keith, Kermode, Mahon,
Preece, Rimmer and Welsh

ALSO PRESENT: Councillor L Cluskey

1. COUNCILLOR GUSTAFSON

Councillor Kerrigan opened the meeting by asking everyone to observe a minute's silence in remembrance of Councillor Carol Gustafson who had sadly passed away on Saturday 7 September 2013.

Accordingly, a minute's silence was observed by everyone present, following which, Councillor Kerrigan paid tribute to Councillor Gustafson, stating that her funeral on 17 September 2013 had been attended by herself and many other Members and Council Officers.

She added that Councillor Gustafson had been a long standing Member of the Council having represented Church Ward from 3 May 1990 until 10 June 2004 and Derby Ward from 1 May 2008 until her death and had always worked tirelessly for the people she represented.

She had also been a valued and much respected member of the Licensing and Regulatory Committee.

Councillor Kerrigan concluded that Councillor Gustafson would be very much missed by her fellow Councillors, Council staff and local residents and that everyone's thoughts were with her family at this very sad time.

Councillors Ball and Hands also paid tribute to Councillor Gustafson.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. MINUTES

RESOLVED:

That the Minutes of the meeting held on 3 June 2013, be confirmed as a correct record.

5. FINAL DRAFT REVISED LICENSING POLICY - LICENSING ACT 2003

Further to Minute No. 37 of 11 March 2013, the Committee considered the report of the Director of Built Environment on the Licensing Act 2003 - Draft Statement of Licensing Policy, as indicated in Annex 1 to the Report.

The report indicated that a consultation exercise had taken place between 1 May 2013 and 24 July 2013 and a full list of responses to the consultation exercise together with the officer appraisal of those responses was provided at Annex 2.

The report also indicated that following the meeting of 11 March 2013 further amendments had been made to the Policy as detailed in paragraphs 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the report.

The Senior Licensing Officer presented the report and answered questions thereon.

The Chair concluded by advising the Committee that the Policy would be submitted for final approval by the full Council at its meeting on 21 November 2013, following which the Final Draft Statement of Licensing Policy would come into effect on 9 December 2013.

RESOLVED: That

- (1) the Final Draft Revised Statement of Licensing Policy be agreed;
and
- 2) the Final Draft Revised Statement of Licensing Policy be referred to the Council for approval on 21 November 2013.

6. PROVISIONS CONTAINED WITHIN THE LICENSING ACT 2003 (DESCRIPTIONS OF ENTERTAINMENT) (AMENDMENT) ORDER 2013

Further to Minute No. 31 of the meeting held on 9 November 2013, the Committee considered the report of the Director of Built Environment informing Members of the provisions contained within The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

A summary of the Order, which came into force on 27 June 2013, was detailed in paragraphs 2.1 to 2.9 of the report.

The Senior Licensing Officer presented the report and answered questions thereon.

RESOLVED:

That the report be noted.

7. ESTIMATED START-UP COSTS OF IMPLEMENTING STREET TRADING LEGISLATION

Further to Minute No. 10 of 3 June 2013, the Committee considered the report of the Director of Built Environment on the estimated start up costs of implementing Street Trading legislation and the options available to help deter rogue traders in the Borough and in particular touting problems experienced at the Grand National Meetings in Aintree.

The report provided details of three options that had been considered, together with cost breakdowns for each option as follows:

Option 1 – The Status Quo

To maintain the current status quo and not implement any form of street trading scheme would have no additional cost implications for the Authority

Option 2 – the designation of further streets under the County of Merseyside Act 1980.

The report indicated that In 1981 the Council had adopted provisions under The County of Merseyside Act 1980 to designate a number of town centre streets and holiday areas as prohibited streets where trading was not allowed.

Under this Option, Members could decide whether to designate further streets within the Borough if appropriate and there would be a requirement for officers to identify and draw up a list of the new roads to be designated.

The total estimated cost for this option would be in the region of £2,300 and it was considered that the work would be undertaken within existing staff resources and would therefore have no additional budgetary implications. A breakdown of estimated staff hours spent on this activity was indicated in Annex 1 to the report.

Option 3 – Local Government (Miscellaneous Provisions) Act 1982

Details of the implications for Option 3 were set out in paragraphs 4.1-4.17 of the report. The total cost of this option, including advertising was estimated to be in the region of £25,150. A breakdown of estimated staff hours spent on this activity was indicated in Annex 2 to the report.

The report concluded that in order to ensure its effectiveness, enforcement would be a crucial component to a street trading regime and that this would engender additional costs to the Licensing Authority.

The Senior Licensing Officer presented the report and answered questions thereon.

RESOLVED: That

- (1) Option 2 - the designation of further streets under the County of Merseyside Act 1980, be adopted in order to address the issue of ticket touting at the Grand National Meetings in Aintree;
- (2) the Director of Built Environment be requested to provide Members with details of existing roads/areas already designated under the County of Merseyside Act 1980; for their information; and
- (3) the Director of Built Environment be commended for his comprehensive report.

**8. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003
AND THE GAMBLING ACT 2005: PERIOD COVERING 18 MAY
2013 TO 29 AUGUST 2013**

The Committee considered the report of the Director of Built Environment updating on applications made under the Licensing Act, 2003 and the Gambling Act 2005, which had been determined by Licensing Officers.

The report indicated that Sefton Council's Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Policy (issued under the Gambling Act 2005), both followed the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005 and that where there were no relevant representations to applications, then these matters would be dealt with by Officers in order to speed matters through the system. The Guidance also recommended that where powers had been delegated, the Committee would receive regular reports on decisions made by Officers in order to maintain an overview of the general licensing situation.

The report indicated that during the period 18 May 2013 to 29 August 2013 the Director of Built Environment had received and determined the following numbers of applications:

Under the Licensing Act 2003:

• Premise Licences	103
• Personal Licences	37
• Club Premises Certificates	1
• Temporary Event Notices	75
• Notification of Late Temporary Event Notices	28

Under the Gambling Act 2005:

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- Gambling Premise Licences 4
- Licensed Premises Gaming Permits 6
- Licensed Premises Automatic Gaming 4

Details of the determinations were indicated in Annexes 1 and 2 of the report.

RESOLVED:

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