

LICENSING COMMITTEE
30th October, 2017

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Elliot, Hague, Jones, Napper, Reeder, Senior and Vjestica.

Apologies for absence were received from Councillors Taylor and Williams.

1. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY 2018 - 2021

In accordance with the provisions of Section 5(1) of the Licensing Act 2003, the Licensing Committee undertook a review of the Council's Licensing Statement of Policy. This Statement of Policy had originally become effective from 7th January, 2005 and this review was the third one to be undertaken (the first having been undertaken by this Committee on 7th November, 2007 and the second on 16th March, 2011).

The Committee noted the following matters highlighted within the Policy:-

- The Licensing Policy (upon review and approval) will cover the period 2018 to 2021 and is expected to be submitted to the full Council, for approval, during 2018, after conclusion of the period of public consultation;
- The Licensing Act 2003 has been amended by Section 36 of and Schedule 4 to the Immigration Act 2016 and such amendment applies to licensing applications made in England and/or Wales on or after 6th April, 2017;
- The revised guidance issued by the Home Office in accordance with the provisions of Section 182 of the Licensing Act 2003 came into effect on 6th April, 2017;
- Further amendments to the Licensing Act 2003 have been made by the Live Music Act 2012, the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, the Legislative Reform Order 2014 and the Deregulation Act 2015;
- With effect from 1st April, 2017, businesses which sell alcohol (eg: retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HM Revenues and Customs under the Alcohol Wholesaler Registration Scheme;
- The cumulative impact (as described in the submitted report) of licensed premises on the promotion of the Licensing Objectives will be considered by the Licensing Authority, where appropriate; and

- Borough Councillors are considered as “interested parties” and may make representations (either for or against an application) on any application, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

Discussion took place on the following matters:-

- (i) Prevention of Crime and Disorder (Policy Section 6) – to clarify the references to the Rotherham town centre;
- (ii) The arrangements for Temporary Events (and Notices);
- (iii) The Protection of Children from Harm (Policy Section 9) – to include child sexual exploitation and grooming as a particular concern in respect of children, together with the expectation that the staff of hotels, hot-food takeaways and other licensed premises should avail themselves of training opportunities in respect of the awareness of such exploitation and also to co-operate with any voluntary schemes promoted by the Local Authority to safeguard children and vulnerable adults;
- (iv) To consider (in the light of relevant legislation) the responsibilities of licence holders, as well as the statutory agencies, in respect of the prevention of such issues as modern-day slavery;
- (v) The Licensing Committee agreed that Town and Parish Councils should be invited to make representations in respect of applications for premises’ licences (including variations and reviews) in their areas.

Resolved:- That the revised Statement of Licensing Policy (Licensing Act 2003), as now submitted, be approved insofar as the Licensing Committee is concerned and, after conclusion of the period of public consultation, the Cabinet be requested to recommend to Council the adoption of this Policy.

(Councillor Hague declared a personal interest in the above item because he is the holder of a personal licence issued in accordance with the provisions of the Licensing Act 2003 and his wife is the owner of a restaurant which has a premises licence issued by this Authority under the same Act. As this meeting involved consideration of a general review of the contents of the Authority’s Licensing Policy, prior to public consultation, Councillor Hague remained in the meeting and took part in the discussion and voting on this matter)

2. GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY 2016 - 2019

Further to Minute No. 4 of the meeting of the Licensing Committee held on 16th March, 2011, the Licensing Manager submitted a report concerning the provisions of the Gambling Act 2005. The report stated that Section 349 of the Act required the Council to prepare and publish a

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Statement of Licensing Policy before carrying out any function in respect of applications made under the Act. The Council's current Statement of Licensing Policy required reviewing and re-publishing in accordance with the requirements of the Act.

Members of the Committee heard the explanation that, after consultation with the Gambling Commission, the revised Policy would cover the period 2016 to 2019 and that a further review would commence during the latter few months of 2018, in preparation for the Statement of Licensing Policy for the period 2019 to 2022.

Details of the forthcoming public consultation process, about the revised Policy, were included within the submitted report.

Members discussed issues concerning the number of betting shops/premises being opened on high streets, as well as the welfare of animals at licensed tracks and noted that such matters could be the subject of other legislation.

The Licensing Committee agreed that Town and Parish Councils should be invited to make representations about applications for licences issued under the provisions of the Gambling Act 2005 in respect of premises in their areas.

Resolved:- That the revised Statement of Licensing Policy (Gambling Act 2005), as now submitted, be approved insofar as the Licensing Committee is concerned and, after conclusion of the period of public consultation, the Cabinet be requested to recommend to Council the adoption of this Policy.