

Licensing Committee

Tuesday, 2 November 2021

7.30 pm

Present:

Cllr Steve Thompson (Chair)
Cllr Jenny Wallace (Vice-Chair)

Councillors: Derek Ashenden
 Helen Ashenden
 Ejaz Aslam
 John Caller
 Emma Elliott
 Brian Francis
 Baljit Hayre
 Leslie Hoskins
 Leslie Pearton
 Denise Tiran
 Frank Wardle

Mark Lees Regulatory Services Manager
Emily Lane-Blackwell Senior Licensing Officer
Julie Francis-Beard Committee Services Officer (minutes)

12. Apologies for absence

An apology for absence was received from Cllr Jordan Meade. Cllr Ejaz Aslam will be his substitute.

13. To sign the minutes of the previous meeting

At the previous meeting, the correct date of the set of minutes to be signed should have read Monday, 14 September 2020. This was amended.

The minutes of the meeting held on Monday, 13 September 2021 were agreed and signed by the Chair.

14. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.

Cllr Baljit Hayre and Cllr Steve Thompson declared non-pecuniary interests as they were both Personal Licence Holders.

15. Review of Statement of Licensing Policy under the Gambling Act 2005

The Committee were presented with feedback on the responses received during the public consultation on the review of the Gravesham Borough Council Statement of Licensing Policy under the Gambling Act 2005.

The Senior Licensing Officer explained that at the last meeting on 13 September 2021 the Committee considered the draft policy and proposed consultation and a few amendments were made.

Additional information had been added in the report which clarified that the council expected applications to demonstrate that staff are appropriately trained in safeguarding awareness, including in relation to CSE training.

The consultees list included the local Licensed Victuallers Associated.

Enquiries with all Kent and Medway licensing authority colleagues indicated that only one other authority was aware of the enforcement protocol, and that Gravesham were the only council still referring to it. In light of this, and given the outdated nature of the protocol, it was agreed by the Chair of the Licensing Committee that the Kent and Medway Licensing Steering Group Enforcement Protocol would not be included within the Statement of Gambling Policy and that all reference to it would instead be removed.

The Senior Licensing Officer researched other Kent and Medway Councils regarding a 'No Casino Resolution' and Thanet was the only Council that licenced a casino. They have three within their area that were all converted from the 1968 Act. Converted casino licenses can be relocated, but only within the same borough that originally granted the licence.

Under the Gambling Act 2005 across the whole country, no more than eight large and eight small casino premises are permitted and these were listed in the report. Gravesham currently have a 'No Casino Resolution' which requires ratification if it is to continue, otherwise it will automatically lapse.

The consultation commenced on 14 September 2021 and ran for 4 weeks until 12 October 2021. One response was received from Gambleaware and their response was not specific to the policy, just advisory.

A new webpage had been added to the Gambling Licensing pages of the council's website which signposts service users to established treatment and support groups as well as the NHS Help for Problem Gambling page.

The Chair thanked the officers for all the work they had done incorporating the comments the Licensing Committee had made at very short notice.

In response to Members questions concerning the Policy, the Senior Licensing Officer and Regulatory Services Manager explained that:

- The Committee were asked to note the report and make any amendments before this Policy goes to Full Council on 7 December 2021 and if approved will be published on the council's website by 3 January 2022.
- The Committee discussed whether there was any evidence of the presence of casinos in other districts having posed any risk to the first Licensing Objective, which was preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. The question was asked whether reference to the objective should be kept if there was no such supporting evidence. The Regulatory Services Manager explained that this was one of the statutory objectives set out within the Gambling Act 2005 and is purely reiterated

within the Statement of Licensing Policy and there was no specific data held on the levels of crime and disorder associated with casinos in other districts.

The Chair confirmed with the Licensing Committee that Gravesham has a 'No Casino Resolution'.

Resolved that Members recommend that Full Council approve the updated draft Statement of Licensing Policy. Members recommend that Full Council ratify the existing no-casinos resolution for a further three years.

16. Pavement Licences and Off-Sales of Alcohol - Business and Planning Act 2020. Amendment to Temporary Event Notices under the Licensing Act 2003

The Committee were presented with an update on the provisions of the Business and Planning Act 2020 relating to pavement licences and associated off-sales of alcohol, and temporary amendments made to the Licensing Act 2003 with regard to Temporary Event Notices.

The Senior Licensing Officer advised that on 25 June 2020 the Government introduced the Business and Planning Bill into the House of Commons. Within just four weeks, and following a series of amendments, the Bill received Royal Assent on 22 July.

The provisions of the Business and Planning Act 2020, which seek to promote economic recovery and growth, came into effect immediately and included:

- The introduction of a new, temporary, fast-track process for businesses selling (or proposing to sell) food and drink to obtain a 'Pavement Licence' from their local authority for the placement of furniture, such as tables and chairs, on the pavement outside their premises.
- An associated amendment to the Licensing Act 2003 to allow premises with a licence authorising 'on-sales' only (sales of alcohol for consumption on the premises) to automatically have 'off-sales' added to their licence.

Both provisions were intended to be temporary only until 30 September 2021. These provisions have since been extended to 30 September 2022.

All the businesses that had obtained a 'Pavement Licence' from Gravesham that expired on 30 September 2021 have applied again and that licence will now expire on 30 September 2022. The Council charged a fee of £100 for each 'Pavement Licence'.

The Government has brought in an amendment to the Temporary Event Notice (TEN) which changed the number of TENs a single premises can be given in a calendar year. Under the current regulations premises can hold 15 event notices covering up to 21 days. The new regulations permit a premise to hold 21 events covering up to 26 days. This easement is currently in place for 2022 and 2023 only.

If a premises requests a TEN from 11pm – 1am that will count as 2 days. The premises does not have to request a TEN for one whole building, it could be a specific area within those premises.

The Licensing Team are currently working with the Digital Team to update the application form for TEN to go live from 1 January 2022.

In response to Members questions concerning the report, the Senior Licensing Officer and Regulatory Services Manager explained that:

- In response to a Member's question about whether there is any evidence to show if more TENs were issued are there more incidents reported with people drinking outside. The Senior Licensing Officer explained that licensed premises apply to extend their hours for a specific reason, when the application is received the Police and Environmental Protection Team are consulted and they can put in any objections.
- A Standard TEN and a Late TEN were discussed. A standard temporary event notice is one which is submitted to the Council, Police and Environmental Health at least 10 clear working days before the event takes place. If the Police or Environmental Health put in any objections, a licensing panel hearing will take place where it will be considered. If the premises holds a Premises Licence under the Licensing Act 2003 conditions from the licence may be attached to their temporary event notice. A late TEN is one that is submitted between 5 – 9 clear working days before the event. If the Police or Environmental Health put in any objections, the TEN is refused and there is not the option to appeal the decision.
- The Senior Licensing Officer explained that they did not think more outdoor drinking would take place. A number of the TEN applications are currently for indoor activities and for Christmas events.
- A TEN for each event you hold on the same premises is required. A non-personal licence holder can submit up to 5 TENs a year. If you have a personal licence to sell alcohol, you can submit up to 50 TENs a year. A single premises can currently have up to 15 TENs submitted in one year, as long as the total length of the events is not more than 21 days. If the premises are organising separate but consecutive events, there must be at least a 24 hour gap between them. One event if permitted to last for a maximum of 168 hours.
- The 'Pavement Licence' that is currently being dealt with by Gravesham will last until September 2022 anything after that (if the rules do not change) will be processed by Kent County Council Highway's Authority.
- The 'Pavement Licences' that have been issued in Gravesham are to allow the use of seats and tables to expand premises to recover from COVID.
- The Chair explained that if someone buys alcohol from an off-licence and drinks it outside a premises they are not breaking the law but the licensee could be breaking the law for supplying the alcohol.

Resolved that Members noted the content of the report.

17. Any Other Business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency.

The Chair reminded the Committee that it had been agreed there would be a standing item and the Committee would receive a report of any Licensing Panels that had taken place since the last Committee.

The Regulatory Services Manager gave a verbal update on two Licensing Panels that had taken place. The Police submitted an expedited review following incidents that had

happened at the Kings Head, King Street, Gravesend. The Council had 48hrs to convene a Licensing Panel. The panel watched the CCTV and heard the police evidence on 15 October and the decision was made to suspend their licence as an interim step pending a full hearing. The Kings Head appealed which triggered another hearing to be heard within 48hrs. On 25 October, the Panel heard the premises defence and the Police's evidence. The Panel removed the interim step of suspension and added licensable activities to stop at 11.30pm and shut completely by midnight.

This amendment to the interim steps was made on the basis that, as the crime and disorder incidents reported by the police were in the early hours of the morning, amending the conditions of the licence by closing the premises by midnight, would theoretically help this situation.

Those steps are still in place until a full hearing on Monday 8 November. The full hearing will take place like a normal Licensing Panel where both sides and any interested parties who submitted valid representations will be able to attend.

The Chair thanked the Panel Members for the short notice of the two Licensing Panels and for the decisions that were made.

Close of meeting

The meeting ended at 8.15pm