

Licensing Committee

Monday, 16 September 2019

7:30pm

Present:

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

Cllrs: Derek Ashenden
 Conrad Broadley
 Brian Francis
 Sarah Gow
 Baljit Hayre
 Leslie Hoskins
 Nirmal Khabra
 Lyn Milner
 Leslie Pearton
 Emma Morley
 Alan Ridgers
 Denise Tiran
 Frank Wardle

Mark Lees	Regulatory Services Manager
Mandy Francis	Licensing Manager
Ben Clarke	Committee & Scrutiny Assistant (Minutes)

73. Apologies for absence

Apologies of absence were received from Cllr John Caller, Cllr Emma Elliott, Cllr Diane Marsh and Cllr Tony Rana. Cllr Sarah Gow, Cllr Conrad Broadley, Cllr Alan Ridgers and Cllr Baljit Hayre substituted respectively.

74. Minutes

The Minutes of the meeting held on 05 December 2018 were signed by the Chair.

75. Declarations of Interest

No declarations of interest.

76. Three-Yearly Review of SEV Policy

The Committee was presented with the proposed draft Statement of Licensing Policy for Sex Establishments and Sexual Entertainments Venues. The Committee were advised that there were currently no sex establishments or sexual entertainment venues in the borough since the closure of the one remaining shop on Queen Street and nor had any applications been received for the same.

The Regulatory Services Manager informed the Committee that there was no statutory requirement to have a licensing policy for sex establishments including sexual entertainments venues; however it was considered best practice. A modern, effective policy document ensures that the trade and public alike have a document that fully explains the elements of the regulatory process which includes the principles to be applied when considering applications for such premises. It also ensured consistency of approach by officers thus ensuring fairness and transparency for both the trade and public alike.

Since the last policy revision, there had been no changes to legislation or statutory guidance. Consequently, no changes were proposed and it was considered that there was no need for a public consultation.

A Member questioned whether a motion agreed by the Council a number of years ago that prohibited any sex cinema, strip clubs, sex venues etc in Gravesham was still valid.

The Regulatory Services Manager advised that all applications were dealt with on their merit; there was no policy at Gravesham that explicitly prohibited any sex establishments. An application that was received would be judged on its merits and what was being applied for at the time.

The Chair added that he thought that the Licensing Policy for Sex Establishments and Sexual Entertainments Venues was brought into force after that motion was passed; he asked the Regulatory Services Manager to investigate and circulate a response.

Resolved that Members:

- Approved and adopted the draft Gravesham BC Statement of Licensing Policy for Sex Establishments and Sexual Entertainment Venues (as attached at Appendix 2 to the report)
- Agreed to the revised policy being published and made effective starting on 01 April 2020

77. Update on Licensing Web-Content and Forms

The Regulatory Services Manager updated the Committee on the new Licensing web-contents and associated forms in order to help them assist with signposting constituents and understanding the information/resources/processes in place, and plans for future expansion of the services being offered online.

As Gravesham have a shared service with Medway, rather than having to maintain two sets of web-content, the licensing webpages will be designed to cater for both areas and the service users visiting the Medway website will simply be diverted to the Gravesham site.

The Regulatory Services Manager showed Members how the various Licensing forms and services worked on the website, highlighting the following key points:

- The forms were written in plain English making them easier for service users to complete than the many prescribed forms
- They included additional information to assist users in understanding what was required of them and of the processes that will be carried out by the licensing team

to manage expectations and reduce avoidable contacts, for example, from users calling to enquire about their application

- They have automatic safeguards built in to prevent users from inputting incorrect information or applying for something they cannot have, and provide pop up explanations when this happens
- When the form is prescribed by statute, the system creates a version of the application form in the prescribed format to satisfy the legal requirements
- Applicants can attach any associated documents to their applications, either on a computer or by taking a photo on their smartphone or other device, to save them having to come into the Civic Centre unnecessarily or send/email them in separately:
- Applicants pay online at the time of submitting their forms
- With online application facilities, people can submit applications at their convenience from anywhere in the world – so if they go on holiday and then realise their licence will expire, they can quickly and simply apply to renew it from their sun lounger.
- Using the connector module, information submitted on a form is input directly into our back office system to avoid the need for officers to have to manually input it; thereby saving time and reducing the likelihood of errors
- Automatic post-application processes can be set up to reduce the burden on officers and ensure that customers are provided with the relevant information, on time, every time.
- It has proved cheaper due to reduced postage and printing costs
- Digitising the service was more environmentally friendly and created a far happier workforce due to the more onerous work being carried out automatically online

The Regulatory Services Manager stated that the first forms to be amended and uploaded to the website were primarily, Taxi and Private Hire Licensing and Customers could now apply and pay online for:

- a new or renewal driver, vehicle or operator licence
- their enhanced DBS check
- their place on our street knowledge tests
- a change to any of their licences
- the regrade of a vehicle licence
- the transfer of a vehicle licence
- replacement badges, licences or plates

So far the feedback from the Taxi trade has been very positive with many users understanding the new digital service; there were a few taxi drivers that needed extra help but they were invited to the Civic Centre where officers demonstrated to them how to use the online service confidently.

The Regulatory Services Manager further went through online forms demonstrating how to fill out a Temporary Event Notice and the process for applying for a Premises Licence; the benefits of digitising the application process were made clear to the Committee.

The Regulatory Services Manager fielded questions from Members and explained that:

- Each TEN application had to be submitted individually, there was no block submission allowed, as there were limits to how many TENs could be permitted:

annually 50 TENs were allowed for a personal licence holder, 15 for a premises and a different number for non-personal licence holders. The back office system IDOX Uniform alerts the Licensing Team when the limit of TEN's is nearing its set limit; the limitations are clearly set out on the website for the public to see

- Village halls did not have to apply for an alcohol licence if they weren't selling alcohol
- Accuracy had improved exponentially as online forms removed human error and reminders were sent out periodically to all drivers when their licence was coming to an end to ensure prompt reapplication
- Currently, there is no online public licensing register however it is being looked into for the future.

The Chair thanked the Licensing Team and the Digital Team for their hard work and future plans as the online service was most helpful and beneficial to the public users.

78. Pro-Active Review of Premises Licences with Outdated Embedded Conditions

The Regulatory Services Manager explained that there were a number of premises licences with old, ambiguous, irrelevant and/or unenforceable embedded conditions that were automatically carried over from the previous Magistrates' licences (prior to premises licensing becoming a Local Authority function under the Licensing Act 2003). It would be useful to try and 'clean-up' those licences to both assist licence holders to be compliant/understand their conditions and to assist officers with compliance and enforcement work.

The Chair of the Committee and Regulatory Services Manager thought that it would prove beneficial to promote the review and seek to try and tidy up as many of the remaining 'old-style' licences as possible. It was proposed to proactively engage with the holders of premises licences that still include embedded conditions and invite them, within a specified time scale, to apply to tidy up their licences by way of submitting a minor variation application following informal consultation with the relevant authorities to ensure that doing so will not present any risks to the promotion of the licence objectives. The North Kent Police Licensing Team were supportive of the proposal. In order to encourage applications, it was proposed the prescribed £89 fee be waived which will be a small loss of income compared to the benefits the review would create.

The Chair clarified that he suggested that the item be brought to the Committee due to the recent bout of Licensing Panels that had been called through various Premises Licence breaches. Being proactive in renewing old Licences will enable the Council to root out any hidden conditions which are irrelevant and allow for the Licence to be updated and more easily followed by the Licence Holder.

The Regulatory Services Manager responded to a Members questions regarding statistics, adding that Gravesham currently had 24 licences with old conditions and there were a further 60 licences with old opening/closing times which were less of a concern than outdated licensing conditions.

The Committee welcomed the intended review and thanked the Regulatory Services Manager for bringing the matter to their attention.

Close of meeting

The meeting ended at 8:11pm.