

Licensing Committee

Monday, 2 September 2024

7.30 pm

Present:

Cllr Baljit Hayre (Chair)
Cllr Jo Hart (Vice-Chair)

Councillors: Derek Ashenden
 Helen Ashenden
 Rajinder Atwal
 Gurdip Ram Bungar
 Deborah Croxton
 Lee Croxton
 Gary Harding
 Jordan Meade
 Alan Metcalf
 Leslie Pearton
 Tony Rana
 Ektaveen Thandi

Mark Lees	Head of Community Protection
Mandy Francis	Licensing Manager
Emily Lane-Blackwell	Assistant Licensing Manager
Karen Gingles	Committee Services Officer (Minutes)

1. Apologies for absence

An apology for absence was received from Cllr Frank Wardle.

2. To sign the minutes of the previous meeting

The minutes of the meeting held on Wednesday 15 November 2023 were signed by the Chair.

3. Declarations of Interest

Cllrs Jordan Meade, Leslie Pearton, Derek Ashenden and Helen Ashenden declared an 'other interest' in that they were all members of Higham Village Club.

Cllr Gary Harding declared he was now a director of company Driving Mrs Daisy.

4. Annual Review of the Licensing Shared Service

The Committee were presented with the Annual Review of the Licensing Shared Service. The purpose of the report was to provide Members with a copy of the annual review that had been conducted in respect of the Licensing Shared Service with Medway Council.

The Annual Review had been presented to the Operational Services Cabinet Committee on 20 March 2023 and it had been requested to be presented to the Licensing Committee to update on the progress of the shared service.

The Licensing Manager outlined key areas of the report and highlighted that:

- The shared service began on 1 January 2019 with the team responsible for licensing functions for both Councils, outlined on page 1 of appendix 1 of the report.
- The team became fully staffed in November 2022 enabling progress to be made with compliance and enforcement activities including fee collections and associated interventions following nonpayment.
- In November 2022 a temporary staff structure (appendix B) was introduced with the acting up of 2 Members of staff. The loss of 2 other members of staff in summer 2023 had impacted the team, resulting in a greater focus on statutory duties pending recruitment to the vacant posts. These posts had now been filled with the previously acting up roles becoming permanent. The current structure of the team could be seen in appendix C. The restructure kept the same number of staff which was essential to manage the work of both authorities.
- The Licensing department were actively involved with multi agency groups such as the Kent and Medway Regulatory Licensing Steering Group and the Safety Advisory Groups for both authorities.
- Licensing Team members were all highly qualified having achieved professional licensing practitioners' qualifications and had completed other training courses.
- Debt collection and visits to licensed premises continued monthly to collect unpaid annual fees. Enforcement and compliance had resumed, including visits to licenced premises and vehicle inspections at taxi ranks.

The Chair welcomed questions from the Committee:

- Members noted that the reason the shared service was initially formed was to achieve financial savings but acknowledged that the report did not express how robust these savings were, especially in the current financial situation for both authorities. The Head of Community Protection advised there had been approximately £50K of savings obtained when the initial structure of the shared service was created, which had been retained. Since that time the number of staff remained the same, meaning no savings had been made in addition. Every year under the annual fees and charges review process, the locally set fees were implemented for cost recovery. Licensing was required to operate as a cost neutral function and could not collect surplus funds in the collection of fees. The shared service offered a robust service, even during the pandemic there was no impact to service provided with no complaints received. New burdens were frequently put on the team due to additional licensing regimes, which had been absorbed with no request for additional staffing.
- Members asked whether the report would be presented to Cabinet and if so whether some financial clarity could be included into the review. The Head of Community Protection informed Members the team would take that recommendation on board.

The Chair thanked the team for their work with the shared service.

The Committee noted the report

5. Review of Statement of Gambling Policy under the Gambling Act 2005

The Committee were presented with the Review of Statement of Gambling Policy under the Gambling Act 2005. The purpose of the report was to present Members with a draft of the revised Statement of Gambling Policy under the Gambling Act 2005 and the proposed consultation methodology, for their approval prior to consultation.

The Assistant Licensing Manager outlined key points from the report:

- The Gambling Act 2005 required every local authority to have a statement of gambling policy and for it to be reviewed every 3 years. Legislation required the new policy to be published 4 weeks prior to it coming into effect. The current policy expired on 30 January 2025, meaning the new policy needed to be published no later than 3 January 2025.
- The Gambling Commission published a statutory guidance document for licencing authorities, as prescribed by the Gambling Act 2005. All authorities were required to consider any amendments made to the guidance when reviewing their policy. However, the Gambling Commission had informed authorities that they have ongoing consultations, and it was unlikely new guidance would be implemented in time for the requirement of the new policies. Therefore, there were no amendments proposed by the Gambling Commission.
- The Assistant Licensing Manager has carried out a review of the current policy and proposed some minor changes:
 - To ensure the document was fully accessible to all persons once published on the website
 - To replace the appendices containing the responsible authorities contact details with a link to the website.
- Gravesham had a no casinos resolution within the policy which was also reviewed every 3 years.
- The consultation would involve letters and emails being sent to all those outlined in section 6.3 of the report and advertised via the Council's website. The consultation was proposed to last 4 weeks. The results of the consultation would be brought back to the committee for consideration.

The Chair noted that the item would come back to the Licensing Committee meeting on 5 November 2024 followed by Full Council on 3 December

The Chair invited questions from the Committee:

- Members queried what a banned casino would be identified as in Gravesham. The Assistant Licensing Manager explained that there were two types of casinos under the Gambling Act, small and large, with a restriction on how many were permitted throughout the country. Gravesham was not permitted to have one on this basis.

The Committee noted the report.

6. Update on Licensing Panel hearings and decisions since the last Committee meeting

The Assistant Licensing Manager updated Members that since the last Committee meeting on 11 November 2023, four licensing panel hearings had taken place.

- 11 December 2023 - New Premises Licence - Dover Local, 44 Dover Road East, Gravesend:
Decision - The panel were satisfied with the objections raised could be allayed by the reduction in hours on the Friday and Saturday.
- 3 April 2024 - New Premises Licence – Dizz Hubb, Ebbsfleet Rainbow Centre, Rose Street, Northfleet:
Decision - The panel decided to reduce the opening hours to 8am until midnight every day at both venues with Kent Police and licensing conditions added. There was also an additional condition set for sound proofing.
- 13 June 2024 - Review of the premises licence - Kings News and Wine, 21C King Street, Gravesend:
Decision – The panel decided to revoke the licence as no conditions could be imposed to ensure that the objectives could be upheld. The decision has been appealed to the Magistrates’ Court by the licence holder. The first legal hearing would take place on 18 October 2024. Due to the appeal the premises were legally able to trade until the final decision by the Magistrates’ court.
- 21 June 2024 – Full variation of premises licence – The Page, 1-2 Parrock Street, Gravesend:
Decision – The panel decided to grant the variation but with some amendments – the licensable hours for live music, recorded music, sale of alcohol and late-night refreshments were altered. The overall opening hours of the premises were amended also. Conditions were added to stipulate that the rear garden closed at midnight with the clear up beginning at 11.30pm. There was also a requirement for door supervisors to be on duty on a Friday, Saturday and Sunday until closing.

The Chair thanked Members for their time during the recent panel hearings and invited any comments.

There was confusion regarding the Dizz Hubb application, as Members understood that Planning Permission had not been granted for the required use. The Assistant Licensing Manager explained that although this may have been the case, planning and licensing were separate regimes. The only way planning would be involved would be if they submitted a representation relating to one of the licensing applications, which was not received. It was noted that anything approved by Licensing did not supersede planning law, so would not be able to carry out the activities applied for, if the necessary planning permission was not in place.

Clarification was sought regarding the appeal process in relation to the Kings News and Wine hearing. The Assistant Licensing Manager explained that once a decision was made at a panel hearing the applicant or objector had 21 days to appeal to the Magistrates’ court. If the appeal took place within the 21 days, the outcome of the hearing would not take effect and would be determined by the outcome of the Magistrates’ court hearing.

Members discussed the case of Kings New and Wine in some depth:

- Members were disappointed to hear that Kings News and Wine were permitted to continue trading until the decision of the Magistrates' court but understood the legal position. It was felt that Members should lobby the MP for a change in licensing law, to prevent trading during the appeal period when a licence had been revoked, especially considering the current wait time for Magistrates' hearings.
- In order to ensure a robust case was put forward to the Magistrate, Members requested that the best legal officers be present at the hearing as there was concern that potentially losing the case sent a poor message to others and undermined the work of the licensing authority. The Head of Community Protection explained that the Magistrates' hearing was set in statute and would be dealt with under the expertise of the legal team. He would pass on the message to the legal team, expressing the importance of this case.
- Members queried how many visits the licensing team had been carried out to ensure Kings News and Wine were not continuing to breach the conditions. The Assistant Licensing Manager updated that the licensing team had visited twice since and would continue to check.
- Members asked whether an injunction was possible to stop trading whilst waiting for the Magistrates' hearing. The Head of Community Safety advised that he was not speaking on behalf of the legal team, but he believed it would not be appropriate or viable.
- The Committee wondered, if it was noted that the premises were still breaching the licensing law prior to the hearing, if further action could be taken. The Head of Community Safety advised that if there was any new evidence, legal advice would be sought, to see if any additional options were available.
- Members all agreed that the Magistrates' case would be strengthened by having Members of the panel present at the hearing, to relay why the licence was revoked. The Chair agreed and suggested having the case as an agenda item at the next Licensing Committee meeting to discuss in greater depth.

Close of meeting

The meeting ended at 8:15pm