



LEIGH-ON-SEA TOWN COUNCIL

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Chairman: Cllr. Pat Holden

Vice Chairman: Cllr. Carole Mulroney

Town Clerk: Paul Beckerson



MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD ON WEDNESDAY 11th AUGUST 2010 AT COUNCIL OFFICES, 67 ELM ROAD, LEIGH-ON-SEA

Present: Cllrs: Mike Dolby, Peter Dolby, Fraser, Carole Mulroney and Mrs Jean Rowswell (from min. 6)

In Attendance: Paul Beckerson (Town Clerk)

The meeting opened at 7.03pm

1. ELECTION OF CHAIRMAN
Cllr. Mike Dolby was elected Chairman
2. ELECTION OF VICE CHAIRMAN
Cllr. Donald Fraser was elected Vice Chairman
3. APOLOGIES FOR ABSENCE
None
4. DECLARATION OF MEMBERS' INTERESTS
None
5. MINUTES OF PREVIOUS MEETING WERE AGREED AND SIGNED BY THE CHAIRMAN
The minutes of the meeting of the 4th May were agreed and signed as a true record by the Chairman
6. LICENCE APPLICATION

a) Jay's Off Licence, 954 London Road, Leigh-on-Sea

Application for a new Premises Licence to supply alcohol for consumption off the premises, daily without restriction, (effectively this replaces the existing licence but to extends the licensed area), and to amend the current conditions.

No Objection

7. SOUTHEND BC DRAFT LICENSING POLICY 2011-2013 – CONSULTATION

- 4.3 In addition, the Licensing Authority chose to consult additional local groups and individuals namely:
 - Responsible Authorities under the Act
 - Other elements of local government

- Organisations, including faith groups and voluntary organisations, the Primary Care Trust and the Citizens' Advice Bureau;
- Groups which have an influence on the night time economy.

Amendments:

Other elements of local government should include Leigh-on-Sea Town Council.

It was thought that schools should also be added to the list.

7.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 9am and 4.45pm. Regulations prescribe what information should be kept in the register.

This register should be available on line (published on the Council's Website) to give members of the public easy access.

12.5 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.
- Appropriate instructions, training and supervision of staff.
- Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery.
- Adoption of best practice guidance.
- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.
- Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.
- Liaison with transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for the collection and disposal of litter.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

Add to list after 6th bullet point:

Premises should display signage requiring customers to leave the premises quietly.

14.4 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations the application will be considered by the Licensing subcommittee at a public hearing.

The Sub-Committee questioned whether Borough Ward Councillors were given details of all applications before delegation. Publication of the applications in the press should be in type big enough for people to read.

This revision of licensing policy should take account of changes in behaviour due to the smoking ban and licenses should differentiate between activities undertaken inside and outside the premises.

The committee **RESOLVED** that the foregoing should be forwarded on to SBC as its **formal response to the consultation.**

8. REBALANCING THE LICENSING ACT (HOME OFFICE CONSULTATION)

Consultation Question 3: Do you have any suggestions about how the licence application process could be amended to ensure that applicants consider the impact of their licence application on the local area?

Applicants should be required to provide Impact Statements with proposed control measures.

Consultation Question 5: How can licensing authorities encourage greater community and local resident involvement?

New applications should be distributed to all consultee groups by the applicant.

Consultation Question 6: What would be the effect of removing the requirement for interested parties to show vicinity when making relevant representations?

On balance it was felt this condition should be removed, but that objectors must be specific about what they are objecting about and how it will affect them i.e. no generalizations such as we don't want any licensed premises. The Licensing Authority should be given the power to ignore vexatious objectors.

Consultation Question 7: Are there any unintended consequences of designating health bodies as a responsible authority?

Health bodies should be included but objections must relate to the specific premises and how it is managed.

Consultation Question 8: What are the implications in including the prevention of health harm as a licensing objective?

This would be unworkable.

Consultation Question 9: What would be the effect of making community groups interested parties under the Licensing Act, and which groups should be included?

Community groups should be included if they represent a broad section of the population, such as a residents association.

Consultation Question 11: What would be the effect of amending the legislation so that the decision of the licensing authority applies as soon as the premises licence holder receives the determination.

It was felt that this could lay the authority open to compensation claims and that instances of abuse were relatively low.

Consultation Question 13: Do you have any concerns about repealing Alcohol Disorder Zones?

No.

Consultation Question 14: What are the consequences of removing the evidential requirement for Cumulative Impact Policies?

It was felt this was a good idea and that there would be no adverse consequences.

Consultation Question 15: Do you agree that the late night levy should be limited to recovery of these additional costs? Do you think that the local authority should be given some discretion on how much they can charge under the levy?

Yes and that there should be discretion.

Consultation Question 17: Do you agree that the additional costs of these services should be funded by the late night levy?

Yes.

Consultation Question 18: Do you believe that giving more autonomy to local authorities regarding closing times would be advantageous to cutting alcohol-related crime?

Yes.

Consultation Question 21: Do you think 168 hours (7 days) is a suitable minimum for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?

Yes and that a notice be affixed to the building stating the reason for closure.

Consultation Question 22: What do you think would be an appropriate upper limit for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?

1 Month.

Consultation Question 23: What do you think the impact will be of making licence reviews automatic for those found to be persistently selling alcohol to children?

Beneficial

Consultation Question 25: Would you be in favour of increasing licence fees based on full cost recovery, and what impact would this have?

Yes, but this should not apply to community groups and charities.

Consultation Question 28: Would you support the repeal of any or all of the mandatory conditions?

(e) Ensure they are able to offer smaller servings of beer, wine and spirits.

Yes (e)

Consultation Question 29: Would you support measures to de-regulate the Licensing Act, and what sections of the Act in your view could be removed or simplified?

A relaxation of the rules regarding TEN's when they are applied for by community groups, perhaps some exemptions should be considered. There should be a differentiation between non-profit making events and existing premises applying for additional activities. The cost and paperwork surrounding variations to a Premises Licence should be less onerous.

The committee **RESOLVED** that the foregoing should be forwarded on to the Home Office as its formal response to the consultation.

The meeting closed at 8.09pm