



**MINUTES
OF THE MEETING OF THE
ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE
WEDNESDAY 7 JULY 2010**

Held at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West
Bridgford

PRESENT:

Councillors J E Fearon (Chairman), Mrs D M Boote, B Buschman,
T Combella, G Davidson, Mrs C E M Jeffreys, I I Korn, G R Mallender,
F J Mason, G S Moore, E A Plant, P Smith, J A Stockwood and B Venes

ALSO IN ATTENDANCE:

Sergeant Billington	Nottinghamshire Police
J Maher	Nottinghamshire Trading Standards
R Turnell	Nottinghamshire Police

OFFICERS PRESENT:

B Adams	Principal Environmental Health Officer
D Banks	Head of Environment and Waste Management
D Collings	Senior Licensing Officer
A Goodman	Member Support Officer

APOLOGIES FOR ABSENCE:

Councillor R L Butler
Inspector Khan, Nottinghamshire Police

1. Declarations of Interest

There were none declared.

2. Minutes of the Previous Meeting

The minutes of the meeting held on Monday 2 November 2009 were accepted as a true record, subject to the following amendment;

Minute number 3: The Revised Statement of Licensing Principles – Gambling Act 2005 – would be published on 3 January 2010.

3. Annual Reports

At its meeting on 7 November 2007, the Committee requested that the Responsible Authorities, The Police, Fire Service, Trading Standards and Environmental Health, provide a report annually, and a presentation to the Committee every two years, on a rotational basis.

a) **Nottinghamshire Trading Standards**

Mr Maher, a representative from Nottinghamshire Trading Standards, one of the Responsible Authorities, gave a verbal report to the Committee. He informed Members that Trading Standards was a department of Nottinghamshire County Council and as well as dealing with underage drinking, they were responsible for many other areas including: advice, animal welfare, food safety, consumer products, counterfeit goods and all age restricted products.

Before October 2009 Trading Standards thought that the problem was “irresponsible retailers selling alcohol to kids for profit”. In response to this, test purchases were carried out based on complaints, weeks of action and requests from the Police. However the test purchase indicators showed that this method was not an effective way to see what the problem was.

Post October 2009, Trading Standards view was that the overall problem was “young people under fifteen years old drinking alcohol and irresponsible unsupervised drinking between fifteen to eighteen years old”. The issues in relation to the underage supply of alcohol had been identified as; parents and family, proxy purchasers, older friends, retailers who deliberately sell, well and poorly managed retailers, booze monkeys and fagins.

Mr Maher informed Members that the underage supply of alcohol was a complex problem that required a complex solution. In response to this, Trading Standards had set up an intelligence driven enforcement process and introduced a range of new enforcement tools to target the problems. These included;

- joint Police and Trading Standards surveillance operations to catch proxy purchasers and retailers that deliberately sell
- alcohol licence compliance audits of licensed retailers in hot spot ASB areas to identify poor management and encourage use of Challenge 25
- volunteer test purchasers using covert cameras and lying about their age
- action planning as precursor to licensing reviews
- preventative intervention in licensing application process

In response to questions, Mr Maher explained that all the retail premises that had been tested had failed the compliance audit. As a priority officers were now working closely with these shops to educate staff and ensure that they fully complied with the conditions of the license. If however, they failed to comply, only the Police or Local Authority had the power to take action.

b) **Nottinghamshire Police**

Mr Turnell, from Liquor Licensing at Nottinghamshire Police, attended the meeting to answer any questions that Members had arising from the Responsible Authorities Annual Report from the Police.

He reported that although there were still some problems, the number of incidents each year was reducing. The police had an intelligence led approach and a range of methods for dealing with underage drinking including covert operations, joint working with Trading Standards, Pub Watch Scheme, Challenge 21 and 25, test purchasing, underage drinking and anti-social behaviour patrols, and joint operations with the Security Industry and Local Authority Licensing departments. He reminded Members that under Section 19, the Police had the ability to close premises if there were found to be breaches of the license.

In response to questions, Mr Turnell confirmed that alcohol test kits were used widely to detect alcohol disguised in soft drink bottles drunk in the street by juveniles.

Councillor Combella raised the issue that, under the current legislation, there was no requirement for checks to be carried out on staff that served alcohol to ensure that they were “fit to serve” and not under the influence of alcohol or drugs. Members of the Committee were concerned by this and requested that this issue be raised at the next Licensing Chairmen’s meeting.

Action the issue of ensuring that staff who serve alcohol are “fit to serve”, to be raised at the next Licensing Chairmen’s meeting

Members were informed that at busy events such as the cricket Test Match at Trent Bridge all temporary staff that were employed to serve alcohol had received training and the police and licensing officers personally checked that pricing policies and the other conditions were adhered to.

The Senior Licensing Officer explained that although the Challenge 21 and 25 schemes were not currently in place at all licensed premises, they would become compulsory through the mandatory conditions from October 2010.

The Chairman thanked Sergeant Billington, Mr Maher and Mr Turnell from the Responsible Authorities for attending the meeting and presenting their reports.

c) **Environmental Health Service**

The Committee considered the Annual Report 2009/10 that provided an overview of the Environmental Health Responsible Authority’s input into the licensing process and the action taken to ensure the promotion of the ‘Public Nuisance’ licensing objective.

During 2009/10, there were 27 consultations received, 8 of which were objected to. Where objections were made because of concerns that the public nuisance objective might be undermined, appropriate conditions were agreed with the applicant without the need to go to a formal hearing in all cases.

In the majority of cases Environmental Health Officers had concerns regarding the provision of live or amplified music after 23:00hrs in close proximity to residential premises. As a result, the common condition that was applied to the licence stated 'that any music would not be audible at any residential premises after 23:00hrs'.

In respect of Public Nuisance, only 32 complaints were received relating to 21 separate licensed premises, compared to 57 complaints the previous year. Of these, 24 related to music, 5 concerned noise from people and 3 from other sources.

Temporary Event Notices (TEN's) continued to be of concern to Environmental Health Officers as under the Act only the police can formally object to these types of events. However, the close working relationship between the Licensing Authority and Environmental Health had enabled an informal 'early warning' system to be put in place, and in most cases advice was given to event managers prior to events taking place.

There were no fixed penalty notices or fines (FPN) for excessive noise from licensed premises after 23:00hrs, issued to licensing premises this year.

d) Nottinghamshire Fire and Rescue

The Senior Licensing Officer informed the Committee that a report had not yet been received from Nottinghamshire Fire and Rescue, but would be circulated to Members in due course.

e) Licensing Service

The Senior Licensing Officer reported that during 2009/10 the Licensing Service had continued to work closely with local licence holders and its partner agencies; the Police, Fire service and Environmental Health department. There had been 600 liquor licensing applications, which was a similar amount to the 576 the previous year. It was pleasing to see that in the current economic climate 19 new premises licences had been applied for, with only 7 being surrendered.

Although there were only three hearings held during the year, many other applications were objected to, however these were successfully mediated with agreed conditions, avoiding the need for a hearing. A number of meetings were held with local residents, licence holders and event organisers after problems at last year's Keyworth Show and East Leake Carnival. This approach has proved successful as this year both events ran smoothly, with no reported problems.

A new licensing system had been introduced during the last year that provided a seamless system for producing licenses, resulting in a saving of officers' time. A feature of the new system was an online register that allowed the user to view all granted licenses and outstanding applications, via the Council's website. In the near future, applications and payments for most licenses could be processed online, which was a requirement of the EU Services Directive.

The Senior Licensing Officer informed Members that refresher training, on all aspects of Alcohol and Entertainment Licensing, had been arranged and all Members would be invited to take part.

Due to the limited amount of hearings held each year, several Members felt that it would be useful to include a mock hearing as part of this training.

Action the Senior Licensing Officer to arrange refresher training, including a mock hearing, for all Members

4. Review of Licensing Policy Statement

The Senior Licensing Officer reminded Members that the current legislation required the Council to review its statement of Licensing Policy every three years and the current review must be completed by 7 January 2011.

The Nottinghamshire Licensing Authorities Group (NALG) had conducted a complete overhaul of all the Licensing policies throughout the County and found that they contained information and material which was no longer required.

Large sections and appendices had been removed, including numerous pages that were a complete copy of the Section 182 Guidance, information relating to different types of licences and documents that were now available via the Council's website. Where appropriate the new policy signposts the reader to where that information can be found, rather than simply duplicating it. This had resulted in a more concise document containing 22 pages instead of the original 92 pages.

The next step in the process was a twelve week period of consultation running from Monday 12 July 2010 until Monday 4 October 2010. The final amended policy would then be referred back to the Alcohol and Entertainments Licensing Committee, prior to being referred to Cabinet and then to Council in December 2010 for approval.

The Senior Licensing Officer informed the Committee that although the imposition of standardised conditions was prohibited, the Authority was permitted to establish a pool of standard conditions to assist Members and work was currently underway on this.

Members felt that it would be useful to receive refresher training on the overlapping issues between the planning process and licensing, and it was agreed that this would be incorporated into the training arranged for later in the year.

Action the Senior Licensing Officer to include training for Members on the overlapping issues between the planning process and licensing, as part of their refresher training

The meeting closed at 8.20 pm.

Action Sheet
ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE -
WEDNESDAY 7 JULY 2010

Minute Number	Actions	Officer Responsible
2 Minutes of the Previous Meeting	None	
3 Declarations of Interest	None	
4a Annual Reports Nottinghamshire Trading Standards	None	
4b Annual Reports Nottinghamshire Police	The issue of ensuring that staff who serve alcohol are “fit to serve”, to be raised at the next Licensing Chairmen’s meeting	The Chairman and Senior Licensing Officer
4c Annual Reports Environmental Health Service	None	
4d Annual Reports Nottinghamshire Fire and Rescue	None	
4e Annual Reports Licensing Service	Arrange refresher training, including a mock hearing for all Members	Senior Licensing Officer
5 Review of Licensing Policy Statement	Training for Members on the overlapping issues between the planning process and licensing to be included in the refresher training	Senior Licensing Officer