

**LICENSING COMMITTEE**  
**9 July 2003**  
**(7.00 p.m. to 8.09 p.m.)**

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**PRESENT:-**

**Vice-Chair in the Chair:-** Councillor Canavon

**Committee Members:-** Councillors Barrett, Curtis, Harris,  
Sear (from 7.02 p.m.), Sharp and R. Southam

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**1. MINUTE'S SILENCE**

Councillor Canavon referred to the sad loss of Councillor Pearl Betts, the Chair of the Committee, who had recently passed away, and out of respect, the Committee stood for a minute's silence.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lawrence, Pearce and Rice.

**3. DECLARATIONS OF INTERESTS**

There were no interests declared.

**4. MINUTES**

The Minutes of the meeting held on 10<sup>th</sup> June 2003 were presented.

**RESOLVED:- That**

**the Minutes be received and approved.**

## **5. LICENSING ACT 2003 - PROGRESS REPORT**

The Committee received a presentation and a report from Mr. P. Easteal, Environmental Health Team Leader, concerning the likely impact of a new licensing regime governing alcohol and entertainment and the preparations that would need to be made for its introduction. The Licensing Act 2003, which was due to receive Royal Assent on the 10<sup>th</sup> July, would significantly enlarge the licensing responsibilities for the local authority. In the future, it would be responsible for granting premises licenses to authorise the sale or supply of alcohol, the provision of "regulated entertainment" and the provision of late night refreshment (sale of hot food or drink between 11.00 p.m. and 5.00 a.m.). It was noted that secondary legislation and ministerial guidance on the new Act was still awaited. Within Thurrock it was provisionally estimated that possibly 500 plus premises would need to be licensed which, if objections were received, could potentially require 100 hearings to be held in the spring of 2004.

The aims of the new licensing philosophy were to enable one licence to be issued for many activities, to provide greater powers/enforcement options for local authorities, to provide clearer licensing objectives, to enable individuals to hold personal licenses separately from premises licenses and also to reduce crime and disorder.

Mr. Easteal explained that the ethos behind the Act was deregulation and it was intended to save time and money, offer greater freedom of choice for operators and customers, (for example trading hours would be left to the licensee to determine), to place greater responsibility on licensees, to stimulate local economy and tourism by enabling potentially longer and more flexible trading hours and to encourage local authorities to undertake enforcement with a "light touch". It was noted that some City and Metropolitan Councils had welcomed and were actively promoting the Act as they felt it would stimulate a 24 hour economy.

There would be a requirement for local authorities to promote the licensing objectives which sought to prevent crime and disorder, ensure public safety, prevent public nuisance and to protect children from harm. Local authorities would have to have regard to the promotion of these licensing objectives, their licensing statements and guidelines to be issued by the Secretary of State.

Thurrock would be required to produce a local Licensing Policy Statement which would be valid for a three year period, but would be kept under review and revised, when appropriate. The statement would be produced after consultation with the Police and Fire Authorities, Child Protection Committees, licence holders, local businesses and residents etc.

Mr. Eastal explained the delegation arrangements for the Committee and its Sub-Committees. In essence, when no representations (i.e. objections) had been received in relation to a particular application, the determination was likely to be delegated to an officer of the Licensing Authority, and would be subject to conditions consistent with the operating schedule and mandatory conditions. He explained that each operating schedule would state the relevant licensable activities, the times when these were anticipated to take place, other times when the premises would be open to the public, the period the licence was intended to last, supply of alcohol, information about the premises supervisor and also the steps that applicants would be taken to promote the licensing objectives.

Any representations made in relation to applications would have to be relevant to the licensing objectives and not be frivolous or vexatious. In relation to variations of licences, he explained that existing licenses would be entitled to "grandfather rights", and that their existing licences would be transferred under the new system. It was anticipated however, that there would be a large number of requests for variations of licences, which would automatically be granted if they satisfied the licensing objectives and no representations had been made. All variations of licences, where there had been representations, would have to be considered within the transitional two month period or be deemed to be refused, thereby enabling the licensee to appeal to the Magistrates' Court. A review of a licence would only be instigated if there had been a complaint from the Police or Fire Authorities, Environmental Health Department or from residents. Such complaints could be made at any time, although local authorities would be encouraged not to review licences more than once over every twelve month period. No review would be allowed if the objection was repetitious, vexatious, frivolous or irrelevant. If the complaint was substantive, it would require a hearing by one of the Licensing Sub-Committees. The Sub-Committees would be able to warn or require improvement, modify conditions, remove the premises supervisor or suspend or revoke the licence if the complaint was upheld.

He also highlighted an aspect of the new licensing regime, which caused concern, i.e. that temporary events which had a maximum number of 499 people, would no longer be required to be licensed, subject to the applicant complying with notice provisions, and no objections being received from the Police. As only 10 days notice would be required for such temporary events notices, the Police would have to act quickly to object, and this would require a counter-notice and a hearing to be arranged.

Mr. Eastal took the opportunity to remind Members that a training session had been arranged for 3<sup>rd</sup> September for all Members of the Licensing Committee.

The Chair thanked officers for their informative presentation.

## **CHAIR**