



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Licensing Act Committee

Date: **Tuesday 25 March 2014**

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Time: **10.00 am**

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Place: **Council Chamber**

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For any further information please contact:

**Lyndsey Parnell**

Members' Services Officer

0115 9013910

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# Licensing Act Committee

## Membership

**Chair** Councillor Marje Paling

**Vice-Chair** Councillor Meredith Lawrence

Councillor Bruce Andrews  
Councillor Sandra Barnes  
Councillor Nicki Brooks  
Councillor Ged Clarke  
Councillor Roxanne Ellis  
Councillor Tony Gillam  
Councillor Jenny Hollingsworth  
Councillor Mike Hope  
Councillor Barbara Miller  
Councillor John Parr  
Councillor Stephen Poole  
Councillor Henry Wheeler

## **AGENDA**

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- 1 Apologies for Absence.**
- 2 To approve, as a correct record, the minutes of the meeting held on 29 October 2013.** 1 - 2
- 3 Declaration of Interest.**
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Report of Corporate Director - David Wakelin
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Report of Corporate Director - David Wakelin
- 7 Any other item which the Chair considers urgent.**

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## **MINUTES LICENSING ACT COMMITTEE**

**Tuesday 29 October 2013**

Councillor Marje Paling (Chair)

Councillor Meredith Lawrence	Councillor Tony Gillam
Councillor Bruce Andrews	Councillor Mike Hope
Councillor Sandra Barnes	Councillor Barbara Miller
Councillor Nicki Brooks	Councillor John Parr
Councillor Roxanne Ellis	

Apologies for absence: Councillor Jenny Hollingsworth and Councillor Stephen Poole

Officers in Attendance: R Pentlow and L Sugden

### **6 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Hollingsworth and Poole.

### **7 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 JULY 2013.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **8 DECLARATION OF INTEREST.**

None.

### **9 REVIEW OF THE GEDLING STATEMENT OF LICENSING POLICY**

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, informing Members of the progress of the consultation of the amended draft Gedling Statement of Licensing Policy.

#### **RESOLVED:**

To endorse the Gedling Statement of Licensing Policy and refer it to Council for adoption.

**10 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 10.05 am

Signed by Chair:  
Date:



**Report to:** Licensing Act Committee  
**Subject:** Proposed Gambling Act Fees  
**Date:** 25<sup>th</sup> March 2014  
**Author:** Corporate Director

### **Purpose of Report**

To approve a proposed increase to gambling fees for 2014/15 as shown in Appendix 1.

### **Information**

The fixing of fees proposed in the attached fee schedules at Appendix 1 for 2014/15 is a function of the Licensing Act Committee as laid out in The Gambling (Premises Licence Fees)(England and Wales) Regulations 2007.

The proposed fees and charges for 2014/15 are designed to ensure that the service operates on a full cost recovery basis. The fees for gambling have not been increased since 2007/8 when the Gambling Act 2005 came into force. This proposed increase reflects increased costs and a fuller assessment of the total costs of providing the service. This includes a revised assessment of the costs of customer service and proposals to significantly increase inspection activity.

### **Proposal**

It is proposed that the fees and charges detailed in Appendix 1 for 2014/15 be approved for implementation from 1<sup>st</sup> April 2014.

### **Financial implications**

The proposed fees and charges are designed to ensure that the service operates on a full cost recovery basis

### **Recommendation**

That Members approve the fees and charges detailed in Appendix 1 for 2014/15 with effect from 1<sup>st</sup> April 2014.

Appendix 1

**GAMBLING ACT 2005 – FEES TABLE**

	CASINO (Regional/ Large/ Small)	BINGO	ADULT GAMING CENTRE / FAMILY ENTERTAINMENT CENTRE	BETTING PREMISES (track)	BETTING PREMISES (other)
<b>NEW PREMISES</b>	£15,000/ £10,000/ £8,000	£2000	£950	£1,250	£950
<b>VARIATION OF A LICENCE</b>	£7,500/ £5,000/ £4,000	£1,000	£750	£1,250	£750
<b>TRANSFER OF A LICENCE (Sec 188 &amp; 189)</b>	£6,500/ £2,150/ £1,800	£1,200	£750	£950	£750
<b>REINSTATEMENT OF A LICENCE (Sec. 195 &amp; 196)</b>	£6,500/ £2,150/ £1,800	£1,200	£680	£950	£680
<b>PROVISIONAL STATEMENT</b>	£15,000/ £10,000/ £8,000	£3,500	£950	£2,500	£950
<b>PREMISES LICENCE (Where premises already has a provisional statement)</b>	All £200	£200	£200	£200	£200
<b>COPY OF PREMISES LICENCE (Sec. 190)</b>	£12	£12	£12	£12	£12
<b>NOTIFICATION OF CHANGE OF CIRCUMSTANCES (Sec. 186- Change of Address)</b>	£35	£35	£35	£35	£35
<b>ANNUAL FEE</b>	£15,000/ £10,000/ £5,000	£1,375	£405	£1375	£405



## **Report to Licensing Act Committee**

**Subject:** Late Night Levy

**Date:** 25<sup>th</sup> March 2014

**Author:** Corporate Director

### **1. Purpose of the Report**

To remind Members of the provisions of the Late Night Levy ('LNL') and to approve the proposal that no further research/consultations should be pursued at this time.

### **2. Background**

As part of the coalition Government's "rebalancing" of the Licensing Act 2003, Parliament enacted a number of measures aimed at tackling alcohol-related crime. This is done through the Police Reform and Social Responsibility Act 2011 (The 2011 Act). One of these measures confers a power on licensing authorities to charge a levy to persons licensed to sell alcohol late at night as a means of raising a contribution towards the costs of policing the late-night economy. The levy would be applied to all premises in the Borough, both on and off-trade, which have a licence authorising them to sell alcohol after midnight. The levy would apply to all premises selling alcohol between the hours of midnight and 6am. The levy raised would be split between the Authority and the Police and Crime Commissioner (PCC) with at least 70% going to the PCC. There is no requirement for the PCC to spend the amount raised by the Borough under the LNL to be spent on policing within the Borough.

### **3. Proposal**

Although some licensed premises within the Borough have premises licences to sell alcohol after midnight, the majority of licensed premises tend to cease trading around midnight. This means that, even if their current licence allows them to sell after midnight, the likelihood is that, if the levy were to be introduced, they would merely seek a minor amendment to their licence to take them outside the parameters of the levy.

There are currently no licensed premises in this Authority's area that are of any cause for concern for the Police with regard to crime and disorder, either before

or after midnight. Due to this, it is unlikely that any monies raised from the introduction of the levy would actually be spent, or would need to be spent, on additional policing within the Borough.

Officers have discussed this with the PCC who are not pushing for the LNL to be introduced within this Borough.

No decision can be made at this stage as to whether the Authority should or should not introduce a LNL. Before this decision can be made, Officers would have to carry out research and consultation and present members with a full report setting out the likely impact on the local businesses and late night economy, balanced against the possible revenue raised. This, as Members will appreciate, will take time and resources.

It appears to Officers that as there are no obvious benefits to introducing the levy, there is little to be gained from carrying out the additional work required. This does not mean that this work could not be carried out in the future for a formal decision to be made on the introduction of the LNL, if the nature of the late night economy changes, but at present the Officers' recommendation is that this matter is not investigated further at this stage.

Members are asked to note the background to the LNL and to approve the proposal that no further research/consultations should be pursued at this time.

#### **4. Resource Implications**

None

#### **5. Recommendation**

To note the background to the LNL and to approve the proposal that no further research/consultations should be pursued at this time.

#### **6. Appendices**

None



## **Report to Licensing Act Committee**

**Subject:** Compliance / Enforcement Report – Licensing Act 2003

**Date:** 25<sup>th</sup> March 2014

**Author:** Corporate Director

### **1. Purpose of the Report**

To inform Committee of the compliance / enforcement visits undertaken by officers of the Licensing Section in connection with the Licensing Act 2003 in 2013 and any action taken.

### **2. Background**

It is expected that all premises to which a premises licence has been granted by the Licensing Authority, under the Licensing Act 2003, are regularly visited by Licensing Officers. The visits, often in the company of the Police, enable the Licensing Authority to determine if the premise is being run in accordance with the licence, and that there is full compliance of the conditions attached to the licence.

The visits not only focus on non-compliance that may result in enforcement, but also act as a vehicle for information sharing and raising the awareness on topics such as, changes in legislation, crime and ASB trends in the area and any general advice and information requested. To further support this, the Licensing Officers regular attend the local Pubwatch meetings. The visits also provide a valuable opportunity for Designated Premises Supervisors, managers and staff of the premises to meet members of the Licensing Section, thus encouraging a healthy working relationship between all parties.

### **3. Proposal**

To continue to undertake visits of licensed premises, under the Licensing Act 2003, ensuring premises are being run in accordance with the licence, and that there is full compliance of the conditions attached to the licence.

### **4. Resource Implications**

None

### **5. Recommendation**

To note the report and the attached lists of compliance visits.

### **6. Appendices**

Appendix 1 - List of Compliance visits March 2013

Appendix 2 – List of Compliance visits July 2013

Appendix 3 – List of Compliance visits November 2013

Appendix 4 - List of Compliance visits as part of the Association of Chief Police Officers (ACPO) Week of Action September 2013

Appendix 5 – Details of investigation into alleged unauthorised alcohol sales at a premise within the Borough

# Appendix 1

## Compliance visits Mapperley/Gedling – 1<sup>st</sup> March 2013

### Takeaways and Off-licence

- Co-op 938-942 Woodborough Road, Mapperley
- Amores, 65 Gedling Road, Carlton
- Bombay Restaurant 39 Plains Road Mapperley
- Dominos Pizza 41E Plains Road, Mapperley
- Espresso Pizza 204 Woodborough Road, Mapperley
- Hoo Tak 902 Woodborough Road, Mapperley
- Indigo Takeaway 884B Woodborough Road, Mapperley
- Peking House 9 Plains Road, Mapperley
- Spice 459 Westdale Lane, Mapperley
- Westdale Balti House 16 Westdale Lane, Gedling
- Gedling Fish Bar 9 Westdale Lane, Mapperley

All of the premises visited were operating within their licence provisions. The only issue identified was that some premises were not displaying the licence summary and in some cases could not locate the copy of the full licence which should be held on the premises. A follow up letter was sent to all premises visited thanking them for their co-operation and advising on any action the licence holder is required to take. In one case the licence holder was deceased but the premises no longer required a licence anyway.

## **Appendix 2**

### **Compliance visits Arnold – 24<sup>th</sup> July 2013**

#### **Restaurants and Takeaways**

- Luigis 98-100 Nottingham Road
- Bombay Spice (New Dehli)
- Golden Wok
- Papa Johns
- Koh-I-Noor
- Blue Circle Fish Bar
- Arnold Liberal Club (West Street Room)
- Arnold Labour Club
- Emilios Greek Restaurant Ltd
- Piccolo Restaurant
- Sitar Restaurant
- Home Bar
- Birds Garden
- The Fish King
- Midland Kebabs

#### **Public Houses**

- Flying Horse and Pegasus Snooker Club
- The Longbow
- The Greyhound
- Friar Tuck
- Cross Keys
- Robin Hood and Little John

For the restaurant and takeaways the following action was taken/advice given:

- Advice given to update licence holder details ie name and/or address
- Suspension of licence notice sent – under the Licensing Act 2003 the Licensing Authority have to suspend the premises licence for non-payment of annual fee
- A copy of licence sent as licence holder alleged the original had not been received
- Confirmation received that late night refreshment ends a 11pm (only require licence after 11pm)
- Designated Premises Supervisor change required
- Transfer of licence required

For the Public Houses

- No licensing issues identified on this visit.

## **Appendix 3**

### **Compliance visits Gedling – 6<sup>th</sup> November 2013**

#### **Public Houses**

Earl of Chesterfield

Fox and Hounds

Blacks Head

- One premises Designated Premises Supervisor deceased – advice given

## **Appendix 4**

### **Association of Chief Police Officers (ACPO) Week of Action – Licensing 16<sup>th</sup> September 2013 – 20<sup>th</sup> September 2013**

#### **Licensed Premises checks - Licensing Act 2003**

**17<sup>th</sup> September 2013 1pm – 3pm**

Rachel Pentlow – GBC Licensing Officer  
PC Sue Chilton  
PC Lee Evans

Gedling South

4 public houses visited

- 1 licence required amendment to the Designated Premises Supervisor name. Fee was paid by cheque and amended licence has been sent.
- 1 licence not displayed – not yet received from brewery as recent Designated Premises Supervisor (DPS) changed. DPS to chase it up.

1 Off- licence visited

- No issues

**18<sup>th</sup> September 2013 6pm – 9pm**

Rachel Pentlow – GBC Licensing Officer  
Niki Pekal – GBC Neighbourhood Warden  
PC Martin Blake  
PC David Stafford

Gedling North

6 public houses visited

- No summary displayed in 1 pub – DPS to locate it or pay for a replacement copy.

4 Off-licences visited

- One premises CCTV only available for 2 weeks instead of 31 days – advice given – Police licensing officer notified

**19<sup>th</sup> September 2013 6pm – 9pm**

Rachel Pentlow – GBC Licensing Officer

Annette Knowles – GBC Licensing Technical Assistant

PC Lee Evans

PC Liam Marshall

Gedling North

4 pubs visited

- No licensing issues identified

3 Off-licences visited

- Summary not displayed in 1 premise and no evidence of age policy. Follow up visit required.

## **Appendix 5**

### **Investigation into alleged unauthorised sale of alcohol at a premise within the Borough**

Under Section 136 of the Licensing Act 2003 it is an offence to sell alcohol without a licence. In 2013 a restaurant premises in the area was identified as allegedly selling alcohol without a licence. The results of the investigation into this are as follows.

The Licensing Section received information from a member of the public that a restaurant premises in the Arnold area was advertising alcohol for sale by way of a sign outside stating that they had a bar. The premises in question had a licence which was currently suspended for non-payment of the annual fee. It was also known that the premises licence holder named on the licence no longer had a business interest in the premises. For some time it had operated a 'take your own alcohol' policy and compliance checks had been carried out by the Licensing Team during this time.

In September 2013 a new business had taken over the premises and it was this business that begun to offer the bar facilities.

On 19<sup>th</sup> November 2013 the Licensing Officer and the Environmental Health Officer visited the premises. With the business operators consent an interview was conducted but when it became clear that there was a lot of ground to cover the officers suggested that the operator attend the Council Officers for a more formal interview.

On 22<sup>nd</sup> November a formal interview under caution was carried out and, based on the information obtained during the interview, the Legal Department confirmed that there was enough evidence to carry out a prosecution under the Licensing Act 2003. They also advised of another route of dealing with the situation by way of the issuing of a simple caution to the operator.

In the meantime the business operator made the necessary arrangements to transfer the existing suspended premises licence into his name and to have the suspension lifted by payment of the outstanding annual fees owing. He also arranged for the change of the designated premises supervisor.

After consideration of the nature of the offence, the fact it was a first offence and the minimal amount of alcohol sold, together with the operators mistaken belief that the licence previously issued was still valid, the decision was taken to offer the operator the opportunity to accept a simple caution for the offence. In addition regard was given to the immediate steps taken after the interview, by the operator, to rectify the situation.

The simple caution, for the offence of unauthorised sale of alcohol under Section 136 of the Licensing Act 2003, was administered on 19<sup>th</sup> February 2014 and a record will be retained on the premises licence holders file.

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