

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 30TH AUGUST 2012 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
N Clarke	E Dodd	R D Jenkins
P A Davies	M D Francis	H E Morgan
G W Davies	P James	G Thomas
		E Venables

Officers:

H Picton	-	Service Manager - Trading Standards
R Lewis	-	Legal Officer
J Monks	-	Democratic Services Officer - Committees

5 APOLOGIES FOR ABSENCE

Apologies were received from Councillor P John as he was unwell.

6 DECLARATIONS OF INTEREST

None.

7 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on the 30th May 2012 were approved as a true and accurate record.

8 LICENSING ACT 2003
UPDATE ON PARTNERSHIP WORKING BY THE RESPONSIBLE AUTHORITIES

The Service Manager - Trading Standards presented a report on behalf of the Assistant Chief Executive - Legal and Regulatory Services, to update the Committee on partnership working through the Responsible Authorities Forum.

She informed the Committee that the Forum, which was comprised of seven Responsible Authorities, was formed under the Licensing Act 2003. The Forum met once a month to best target resources through the exchange of information and development of best practice. As a result of the Police Reform and Social Responsibility Act, two additional Responsible Authorities were created in April 2012, namely the Local Health Board and the Licensing Authority, bringing the total number of Responsible Authorities who sat on the Forum to nine.

At the monthly meetings, discussion regularly took place regarding premises which were causing concern, prior to any action or review of the premises being carried out. She explained that by the Responsible Authorities working in unison, there could be no conflicting information given to the Premises Licence Holder; or room for misinterpretation by some Licence Holders of what is expected of them.

The Forum had been effective in bringing about a total of 11 reviews since its formation in January 2009. Of those 11 review applications, one premises had its licence suspended for a period of 28 days, two had their licences revoked, one review application was withdrawn and seven had resulted in licence conditions being modified, i.e. a reduction in opening hours at those premises.

The Service Manager - Trading Standards then updated Members on the initiatives the Forum had been working on, specifically 'Operation Raven' led by the South Wales Police, as part of the town centre Night Time Economy work. Since its inception there had been a significant reduction in the number of assaults in Bridgend town centre, as well as predicted savings to the public in the region of £1m and a further £100,000 savings in policing costs. In recent months the work had developed to include the Authority's Licensing Enforcement Officers, who now attend weekly briefings with the South Wales Police.

She informed the Committee that BCBC, despite being up against stiff competition, had received a prestigious award for its close partnership working with the South Wales Police in tackling anti-social behaviour. She showed Members a copy of the Award which was presented at the 'Police in Partnership Awards Ceremony held in City Hall Cardiff. A video clip was played on the night, showing the reasons behind Operation Raven. She added that it was a proud moment for the Authority.

She then distributed booklets to Members on the Counteract Scheme and advised that a full briefing on the Scheme would be presented to the Committee at a future meeting.

The Service Manager - Trading Standards then advised Members on the current situation regarding the underage sale of alcohol, which was a particular topic regularly discussed at the Forum. She explained that the joint enforcement work had resulted in the reduction of underage sales at Off Licence premises, shops and supermarkets in the Borough. However, this still proved a serious problem in pubs and clubs from a risk assessment viewpoint, as it was difficult to place young volunteers into those premises to purchase alcohol, due to the lack of control; a risk assessment of premises was required to ensure those young people were not put at risk.

One Member referred to the fact that this often proved difficult as many clubs hosted 18th birthday parties, where youngsters often smuggled alcohol onto the premises.

The Service Manager - Trading Standards advised that the department was aware of the difficulties of such parties where a lot of youngsters who attended were often underage. It was suggested that clubs held such parties in order to maximise their income and the department would be visiting those premises to ensure the Licence Holders were made aware of their responsibilities.

One Member referred to a number of complaints he had received regarding the lack of control over licensed Take Away premises; where some premises were known to have served alcohol to underage young people who claimed to be 18 when phoning their orders through and the Takeaway providing home delivery.

The Service Manager - Trading Standards suggested that an enforcement survey could be carried out and asked Members to make those premises known to the department. The Legal Officer advised that Take Away premises were obliged to conduct due diligence and would be expected to have a regime in place to check identification.

The Service Manager - Trading Standards informed Members that the other issue around underage sales involved proxy sales, where adults purchased alcohol for children. She explained that very often people were approached by children outside shops and asked to purchase alcohol for them. She advised that the general public were not always aware that such an offence evoked a £5,000 fine and the department was attempting to raise awareness of this by displaying posters and leaflets in shops to warn the public. A copy of the leaflet was distributed amongst the Members.

Members were concerned for those children and asked what else could be done to combat this happening. The Service Manager - Trading Standards advised that the department would be following the example of Merthyr Tydfil Council who sent out the Anti-Social Behaviour Coordinator to known "hot spots". On those occasions, the Police were issuing £80 penalty notices for disorder, to adults who were caught purchasing alcohol for children. However, the children did not take this action seriously, so now the Coordinator escorts those young people back to their homes and makes their parents aware of the situation. As a result of this model of working, that Council had seen a reduction in proxy sales.

One Member asked about the sale of fireworks by proxy to children and was concerned that this also often caused problems for pets. The Service Manager - Trading Standards explained that unfortunately this offence proved difficult as the Fireworks Legislation did not take into account a proxy decision. The Act covers persons acting in a business and the department did not have the power to take formal action against an individual, however Members were asked to pass on details to the department should they have concerns about any particular premises.

Members asked for details of the length of time allowed for the sale of fireworks. The Service Manager - Trading Standards explained that in 2004, legislation was introduced to restrict the sale of fireworks to a three week period from the 15th October until the 11th November; fireworks are also permitted for sale between Boxing Day and New Year's Day, as well as the Chinese New Year. Also there was provision for retailers to be able to purchase an all year round licence for £500 and there is currently one premises in the Borough holding such a licence.

Members asked if a condition could be put on the Licence Holders to display proxy literature. The Legal Officer advised that there were several compulsory conditions placed upon licenses, but this could be suggested to Licence Holders. She explained that any conditions which Members contemplate putting on a licence must be considered proportionate and necessary to any concerns raised.

The Chairperson thanked the Service Manager - Trading Standards for her presentation.

RESOLVED: That the Licensing Committee noted the report and requested further information on the CounterAct Scheme and also details on the licensing of fireworks.

The meeting closed at 10.45am.