

OVERVIEW & SCRUTINY COMMITTEE 3

Conference Room 1,
Council Offices,
Spennymoor

Tuesday,
9 November 2004

Time: 10.00 a.m.

Present: Councillor V. Crosby (Chairman) and

Councillors Mrs. B.A. Clare, G.C. Gray, Mrs. J. Gray, M.T.B. Jones,
J.P. Moran, B.M. Ord, R.A. Patchett, Mrs. C. Potts, A. Smith and
Mrs. C. Sproat

In

Attendance: Councillors Mrs. J. Croft, A. Gray, D.M. Hancock, J.E. Higgin,
J.G. Huntington, B. Meek, G. Morgan, Mrs. E.M. Paylor, T. Ward,
W. Waters and J. Wayman J.P

Apologies: Councillors D.R. Brown and Mrs. L. Smith

OSC(3)10/04 MINUTES

The Minutes of the meeting held on 28th September, 2004 were confirmed as a correct record and signed by the Chairman.

OSC(3)11/04 DECLARATIONS OF INTEREST

No Declarations of Interest were made.

OSC(3)12/04 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) dealing with the Licensing Act 2003 transferring responsibility for Liquor Licensing to local authorities and replacing existing legislation relating to the Licensing of entertainment and provision of late night refreshment.

It was explained that the Inspection and Licensing Services Manager was present at the meeting to allow Members the opportunity to ask questions or raise concerns regarding the policy.

It was explained that the draft Policy had already been considered by Cabinet and Licensing Committee 2. The Policy identified how the licensing responsibilities would be administered and enforced. It centred on four main objectives and included a list of conditions that could be taken into consideration during the course of licensing applications.

The draft document was undergoing an eight week consultation period. The Licensing Section had widely consulted on the Policy including all Members of the Council. Comments were requested by 5.00 p.m. on 29th November following which comments would be taken into account and the Policy produced in its final form with a view to it being approved by Council on 5th January, 2005. The Policy was to be published by 7th January, 2005.

Applications for licences were then to be received from 7th February 2005 until November, 2005 when the full weight of the legislation would come into effect.

Information in relation to licence fees had recently been released. The Government anticipated that the fees would recover all costs of administering licences etc.

Although the timescale was tight the Section was working towards hitting the deadlines.

Members were then given the opportunity to ask questions and raise issues.

Members raised the issue of children in licensed premises and particularly where, when and what they could drink. Officers explained that the purpose of the legislation was for family groups to enjoy nights out together and children would be able to have a drink at the table if sharing a meal with adults. It was also expected that children would be in smoke free areas. Applications would therefore have to take children into account and applicants would have to demonstrate to the authority what entertainment and refreshment etc., they were intending to provide and how the establishment proposed to meet the requirements in respect of children. The conditions applied to the licence should also deal with the requirements in relation to children.

It was pointed out by members that it would be difficult to enforce children being in smoke-free areas if they were with adults who smoked. Officers explained that it would be the responsibility of licensees to ensure that the conditions attached to their licences were being enforced. The legislation included protecting children from harm including smoking etc. Licensees, in their application would have to demonstrate how they intended to do this.

The Committee also raised a query regarding existing licences and the process for applications for variation. Officers explained that existing licences would be in force until November 2005. Applications for premises licences would need to be made after February and before November. Therefore applicants would have to apply for a variation of conditions on the existing licence in the interim. Breach of conditions such as under age drinking etc., would still remain the responsibility of the Police until November 2005.

Members also raised a query about applications for Entertainment Licences and the content of the applications. Officers explained that entertainment licences would disappear under the new Act and would be replaced by Premises Licences. There would be regulations governing the paperwork etc., to be completed. Everything would need to be documented including how the applicant intended to address public safety etc. It was pointed out that even those premises supplying hot food after 11.00 p.m. would require a Premises Licence.

Reference was also made by Members to the determination of need for Door Supervisors. Officers explained that the current Door Supervisors scheme was voluntary. However from December every Door Supervisor would be required to be licensed. They would have to undergo training etc., to qualify for the licence. The Council would be

the enforcing authority. This was a condition that could be applied to premises where the Council considered that it needed to be provided in the interests of public safety.

Concern was expressed by Members that the licences etc. would be costly for the Council to administer.

AGREED : 1. That members comments be noted.

2. That the information be noted

OSC(3)13/04 OVERVIEW AND SCRUTINY REVIEWS
Regeneration of Neighbourhoods with Older Private Sector Housing

The Chairman of the Review Group explained that there had been a meeting the previous Tuesday when a presentation had been given by the Director of Neighbourhood Services and the Head of Strategy and Regeneration in respect of the nature and scale of the problem.

Following the presentation a site visit was held to Chilton when an opportunity was given to listen to the concerns of the local residents . Members then visited areas in Ferryhill Station and Dean Bank. The Review was ongoing.

Streetsafe Initiative

The Chairman of the Review Group explained that there had been an initial meeting of the Group to set out Terms of Reference etc.,. The next meeting was to be held on 24th November when a presentation on the initiative would be given by the Police.

RECOMMENDED : That the information be received.

OSC(3)14/04 ITEMS FOR FUTURE CONSIDERATION

It was agreed that the following items be placed on the agenda for future consideration :-

Grass cutting with particular reference to the contract and the requirements on Council estates.

Countryside Management – the Tree Preservation Officer to be asked to give an overview of future development.

Fly Tipping

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North, Spennymoor 816166, Ext 4237

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