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## LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Thursday 30 January 2020 in the Council Chamber, Town Hall, Matlock DE4 3NN at 6.00pm

### PRESENT

Councillor Tom Donnelly - In the Chair

Councillors Jacqueline Allison, Paul Cruise, Graham Elliott, Alyson Hill, Stuart Lees, Michele Morley, Andrew Statham, Steve Wain and Mark Wakeman.

Lee Gardner (Legal Services Manager), Tim Braund (Head of Regulatory Services), Eileen Tierney (Licensing Manager), Kerry France (Principal Solicitor) and Jackie Cullen (Committee Assistant).

### APOLOGIES

Apologies for absence were received from Councillors Joyce Pawley and Claire Raw. There were no substitute Members.

### 285/19 – MINUTES

It was moved by Councillor Michele Morley, seconded by Councillor Steve and

#### RESOLVED

(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 17 October 2019 be approved as a correct record.

The Minutes were signed by the Chairman.

### 286/19 – LICENSING ACT 2003: REVIEW OF LICENSING POLICY (ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT)

The Committee considered a report on the need to carry out the 5-yearly review of the Council's Licensing Policy relating to alcohol, regulated entertainment and late night refreshment in accordance with The Licensing Act 2003 (section 5), as amended in January 2011 by section 122 of the Police Reform and Social Responsibility Act 2011. Authority was sought to carry out a formal 12-week consultation exercise so that a revised Policy could be approved by full Council, and be re-published by the legally set deadline of 31<sup>st</sup> January 2021.

Paragraph 1.5 of the report set out the principles applied by the Licensing Authority to promote the licensing objectives when making decisions on applications for new licences

or variations to existing licences made under the Act. Procedures for making applications or holding committee hearings were not included in the Policy, as these matters were covered by separate guidance and procedure documents.

There were currently 501 premises licences and club premises certificates and 1,303 personal licences in force that had been granted by the Council since 2005. It was reported that during the last 15 years only six applications had been received for formal reviews of premises licences and 5 appeals to the Magistrates' Court against decisions of a Licensing Sub-Committee, as set out in the report.

The statutory guidance for licensing authorities had been revised several times since its first issue in 2004, with the most recent revision published in April 2018. The latest changes were fairly modest, and of particular interest was clarification on Entitlement to Work in the UK; Beer Gardens and Outdoor Spaces; Cumulative Impact Assessments; and Appeals.

The proposed changes to the current Policy were mainly administrative in order to keep the document up-to-date. The draft document at Appendix 1 to the report was recommended for consultation, with the results to be reported to a future meeting of this Committee, after which a final Draft Policy would be considered by the full Council in time for an approved revised Policy to be adopted and republished by January 2021. Once adopted the reviewed policy would remain in force for 5 years, but this did not prevent an earlier review of it, if necessary.

It was moved by Councillor Michele Morley, seconded by Councillor Graham Elliott and

- RESOLVED**  
(unanimously)
- 1) That the Draft Policy in Appendix 1 to the report, relating to Alcohol, Entertainment and Late Night Refreshment Licensing, is approved for consultation.
  - 2) That the results of the consultation exercise are reported back to a future meeting of this Committee for consideration.

## **287/19 – PROPOSED POLICY ON STREET COLLECTIONS AND HOUSE-TO-HOUSE COLLECTIONS (CHARITY COLLECTIONS)**

Councillor Paul Cruise arrived at 6.15pm during discussion of this item.

The Committee considered a report that sought authority to carry out a consultation exercise on the draft Policy in relation to Street Collections and House to House Collections (for charitable and good causes).

The District Council was the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.

The Council had instituted its own regulations requiring the promoter to obtain a permit from the Council before a collection could take place. Collections were usually limited to one per day in the same location/area; however there were no restrictions currently in place regarding the number of collections the same promoter could carry out during the same calendar year. Applications were processed on a first-come-first-served basis on the grounds set out in the report and it was reported that during the 2019 calendar year 88

Street Collection Permits and 8 House to House Collection Licences had been granted to allow collections in towns and villages across the district.

The function of administering House to House and Street Collections had been transferred to the Licensing Team in July 2019, whereupon it was considered that the adoption of a formal Policy setting out the Council's requirements and expectations in relation to both these functions would be beneficial to the Council, applicants and members of the public, and would ensure consistency in decision making and transparency.

If the Draft Policy attached as Appendix 1 to the report was approved, it would then be used as a starting point for a 12-week consultation exercise carried out with all stakeholders and interested parties, as set out in the report.

It was moved by Councillor Steve Wain, seconded by Councillor Mark Wakeman and

- RESOLVED**  
(unanimously)
- 1) That the Draft Policy in Appendix 1 to the report, relating to Street Collections and House to House Collections (Charity Collections), is approved for consultation purposes.
  - 2) That the results of the consultation exercise are reported back to a future meeting of this Committee for consideration when approval would be sought to adopt a final Policy.

**MEETING CLOSED 6.29PM**

**CHAIRMAN**