

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 29 NOVEMBER 2012

SUBMITTED TO THE COUNCIL MEETING – 11 DECEMBER 2012

(To be read in conjunction with the Agenda for the Meeting)

- | | |
|---------------------------------------|------------------------|
| * Cllr Elizabeth Cable (Chairman) | * Cllr Lynn Graffham |
| * Cllr Simon Inchbald (Vice-Chairman) | * Cllr Peter Isherwood |
| Cllr Gillian Beel | * Cllr Carole King |
| * Cllr Maurice Byham | * Cllr Bryn Morgan |
| * Cllr Patricia Ellis | * Cllr Brett Vorley |
| * Cllr Jenny Else | * Cllr Andrew Wilson |

*Present

26. MINUTES (Agenda Item 1)

The minutes of the meeting held on 22 October 2012 were confirmed and signed.

27. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies were received from Cllr Gillian Beel. Cllr Nick Williams attended as a substitute.

28. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

PART I – RECOMMENDATIONS TO THE COUNCIL

29. CONSULTATION – REVIEW OF WAVERLEY BOROUGH COUNCIL'S
STATEMENT OF GAMBLING POLICY (Agenda Item 4: Appendix A)

29.1 The policy statement guided the Council in exercising its licensing functions under the Gambling Act 2005 and provided clarity for applicants for licensing and for residents and others, including interested parties.

29.2 The current Waverley Statement of Gambling Policy came into effect on 15 December 2009 and had remained in force for three years. At their meeting on 27 September 2012 the Committee received the current policy statement and endorsed the programme for consultation on the Statement of Gambling policy. The consultation period lasted for six weeks and ended on 11 November 2012. No responses had been received during that period. Officers had put forward changes to reflect changes in the legal framework (shown in italics and underlined copy attached at Annexe 1).

29.3 The Committee noted and endorsed the changes made to the draft statement and now

RECOMMENDS that

1. the statement of Gambling Policy 2013 be adopted.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

30. LICENSING ACT 2003 – AUTHORITY TO SUSPEND PREMISES LICENSES/CLUB PREMISES CERTIFICATES ON NON PAYMENT OF ANNUAL FEES (Agenda Item 5: Appendix B)

30.1. On 25 April 2012 the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on Licensing Authorities to suspend premise licences and club premises certificates if the annual fees are not paid.

30.2. Before this amendment Premises Licence and Club Premises certificate holders were sent an invoice from the Council's finance department annually, on the anniversary of the issue of the original licence. Non-payment of the annual fee was only recoverable as a civil debt and the premises licence or club premise certificate itself remained in force in situations where the fee was not paid. That meant that the premises or club could have legitimately continued to trade year after year whilst owing the Licensing Authority money.

30.3. The recent amendment to the Licensing Act 2003 requires the Licensing Authority to suspend those licences and certificates of licence holders who do not pay their fees until the debt is paid; once paid the licence will automatically be reinstated. The requirement to suspend does not apply to either;

a. the payment was not made at the due date because of administration error; or

b. the holder notified the authority in writing by the due date that liability for or the amount of the fee was disputed

and a grace period of 21 days has not expired.

30.4. If Waverley suspends a licence or certificate, they must notify the licence/certificate holder in writing specifying the date from which the suspension takes effect. This must be at least two working days after the day Waverley gives the notice. The Guidance to the Licensing Act 2003 states that this is a minimum period only and Waverley should consider applying longer periods. Officers suggested a 21 day period as beginning on the day after the day the fee became due, as with the disputed cases.

30.5. The Committee is asked to note that the suspension of the licence or certificate must be carried into effect and that it is not discretionary. This being the case and to avoid having to convene a meeting of the Licensing and

Regulatory Committee to make the decision to suspend the licence/certificate when fees are not paid, the Committee agreed to delegate this function to the Head of Legal and Democratic Services.

30.6 The Committee RESOLVED to

- a. grant delegated authority to the Head of Democratic and Legal Services to suspend Premises Licences and Club Premises Certificates following non payment of annual fees under sections 55A and 92A of the Licensing Act 2003; and
- b. agree a fixed period of 21 days before the suspension takes place after notification has been given to the Licence/Certificate holder.

30.7 The Committee also

RECOMMENDS that

2. **the Scheme of Delegation be amended to include the authority for the Head of Democratic and Legal Services to suspend Premises Licences and Club Premises Certificates for non-payment of the annual fee.**

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

PARTS II - MATTERS OF REPORT

There were no matters falling within this category.

Background Papers

The background papers relating to the following items in Parts III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

PART III – Brief summaries of other matters dealt with

31. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Agenda Item 6: Appendix C)

RESOLVED that the Minutes of the Meeting of the Licensing (General Purposes) Sub-Committee held on 22 October 2012 be noted.

32. MINUTES OF THE MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda Item 7: Appendix D, E and F)

RESOLVED that the minutes of the Licensing Act 2003 Sub-Committees B, A and B held on 10 September 2012, 8 October 2012 and 22 October 2012 be noted.

Licensing and Regulatory Committee 14
29.11.12

The meeting commenced at 10.00 a.m. and concluded at 10.09 a.m.

Chairman

[http://emperor2/sites/democratic/Licensing/Regulatory/29 November 2012/Minutes 291112.doc](http://emperor2/sites/democratic/Licensing/Regulatory/29%20November%202012/Minutes%20291112.doc)