

3rd NOVEMBER 2017

LICENSING HEARINGS UPDATE

1 Introduction

Licensing Hearing Panels are made up of 3 members of the Community Safety and Licensing Committee. The Panels consider licence applications and reviews of licences in cases where legislation or Council policy states that the decision must be made by a Hearing Panel rather than Officers. Hearings are normally public meetings so the press and members of the public may come along to observe

2 What matters go to a licensing hearing?

- New or variation applications under the Licensing Act 2003 for sale of alcohol, regulated entertainment and late night refreshment where there has been a representation made by a responsible authority or any other person such as a local resident
- Temporary event notices where an objection has been made by the Police or Environmental Health
- An application for a personal licence where there has been objection by the Police
- A review of a licence for sale of alcohol, regulated entertainment or late night refreshment where a responsible authority or any other person has made a formal application for a review
- Review of a taxi or private hire driver licence where the licence holder has been convicted of an offence, breached local policy or conditions or there has been a series of complaints

3 Issues in 2017 to note

a. New exemptions for regulated entertainment

Regulated entertainment, under the Licensing Act 2003, is defined as activities such as live music, recorded music, films and plays. In recent years the Government has introduced a number of exemptions. One of these is for amplified live and recorded music, that ends before 23.00, in premises that have a licence for sale of alcohol for consumption on the premises. This has made it difficult for the Hearing Panel to condition against disturbance from music before 23.00 because the law now allows such premises to play live and recorded music whilst open for alcohol sales without the requirement for it to be included on their licence. The right to the exemption can only be taken away from premises through the review process.

Rachel Andrew, Principal Licensing Officer
Ext: 4401

Email: rachel.andrew@stroud.gov.uk

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b. Parish and Town Councils making representations

Stroud Town Council asked us for clarification about their role in making representations about licence applications. The Principal Licensing Officer, Rachel Andrew, attended a Stroud Town Council meeting on 14th August 2017 and explained the situation. Town and Parish Councils are not a responsible authority as defined in the Licensing Act 2003 which means they are not entitled to be formally sent a copy of applications. However, the Licensing Team circulate a weekly list that shows all applications that have been received in the previous week. Additionally, all new and variation applications are on Stroud District Council's website <https://www.stroud.gov.uk/council-and-democracy/opendata/registers/licensing-registers/pending-licensing-act-2003-applications>

Any person can make representation about an application and this includes Town and Parish Councils. A representation needs to relate to one or more of the licensing objectives. These are prevention of crime and disorder, prevention of public nuisance, public safety and protection of children. The Town or Parish Council must show in their representation how residents or businesses would be impacted on in relation to the licensing objectives if the licence was granted.

The time period during which representations can be made is laid out in the legislation and is 28 days from the day after the application is submitted. The Licensing Section cannot extend this period and cannot accept representations that have come in after the end of the period.

c. Summary reviews

In 2017 Stroud District Council had its first ever application for a summary review in relation to the Warehouse Nightclub in Stroud following a tragic death at the club. A summary review can take place where there has been an incident or disorder so serious that quick action needs to be taken but achieving this through the normal review process would take too long. Under the summary review process the Panel can make an interim decision prior to the main summary review hearing. The Police had concerns that the Warehouse Nightclub management may not have acted correctly and so requested the summary review. The Panel listened to information provided to them by the Police and agreed to suspend the licence until the main summary review hearing could be held. At the summary review the Panel heard about the outcomes of further investigation by the Police and heard from the licence holder's solicitor who put forward a detailed operation manual for the Nightclub. The Panel also considered representations from neighbouring businesses. The Panel decided to re-instate the licence but attached a wide range of conditions to address the concerns raised.

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Ext: 4401
Email: rachel.andrew@stroud.gov.uk

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4 Outcome of hearings in 2017

Details about all Licensing Panel hearings are on our website

<https://www.stroud.gov.uk/business/licensing-permits/licensing-panel-meetings>

Below is a summary of hearings that have been held in 2017

March 2017	Warehouse Nightclub	Summary Review	Interim suspension, licence reinstated with conditions
March 2017	Prinknash Abbey Shop and Cafe	New Application	Granted
May 2017	Capones Nightclub	Variation Application	Refused
May 2017	The Corner House	New Application	Granted with conditions
July 2017	Soul Circus Yoga and Wellness Festival	New Application	Granted with conditions
July 2017	Minchinhampton Rugby Football Club	New Application	Granted with conditions

5 Member training

In 2018 Legal and Licensing will run refresher training for Members that sit on Licensing Hearing Panels. If there are any particular areas Members would like this training to include, please contact the Principal Licensing Officer Rachel Andrew to discuss.

Any members of Community and Licensing Committee, that have not yet sat on hearings but would like to, please contact Rachel Andrew.

Rachel Andrew, Principal Licensing Officer
Ext: 4401
Email: rachel.andrew@stroud.gov.uk