

LICENSING COMMITTEE

11 JANUARY 2011

Present: County Councillor Bridges (Chairperson);
County Councillors Cox, Grant, Goddard, Griffiths,
Macdonald, Derrick Morgan, Elgan Morgan and Smith

Apologies: County Councillors Ford and Kelloway

L16 : MINUTES

The minutes of the meeting held on 7 December 2010 were approved by the Committee as a correct record and signed by the Chairperson.

L17 : REBALANCING THE LICENSING ACT

On 28 July 2010 the Home Office published a consultation document entitled "Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing". The Committee's response was agreed at its meeting of 7 September 2010. On 30 November 2010 the Home Office published its response to the representations received.

The Committee received a report providing details of the Government's responses to the representations received on its proposals during the consultation exercise. The Committee was asked to note the Government's responses.

Officers drew the Committee's attention to the proposal that Environmental Health Authorities will, in future, be able to object to Temporary Event Notice applications. The Police and Environmental Health would also be able to object to TENs application on the basis of any of the four licensing objectives, rather than just the prevention of crime and disorder. Further proposals relating to TEN applications were listed in the report.

Officers also highlighted additional offences which, it was proposed, could be taken into consideration when determining applications for Personal Licences, including:

- Road Traffic Act 1988 Section 6(6) – Failing to co-operate with a preliminary test
- An offence under Section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence
- An offence under Section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence
- The offence at common law of conspiracy to defraud

With regard to the proposal to ban below cost sales of alcohol, the Government advised that the responses received indicated a wide range of views with no overall consensus. Whilst the Government remained committed to taking forward proposals to implement a ban on below cost sales, it would not form part of the Police Reform and Social Responsibility Bill.

The Home Office has also indicated that they intend to permit licensing authorities to raise funds through a “late night levy” in order to tackle alcohol related problems occurring in the early hours. The levy will apply to all premises authorised to sell alcohol and the funds raised would assist in policing. Members were advised that the levy would be set nationally. Certain exemption to the levy could be applied locally. At least 70% of any levy would be paid to the Police.

RESOLVED – That the report be noted.

L18 : LICENSED PREMISES – AGE VERIFICATION

On 8 June 2010 the Government introduced mandatory conditions for licensed premises, one of which requires that “The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale and supply of alcohol”. This condition came into effect on 1 October 2010. Members received a report for information on age verification policies.

In order for an age verification policy to comply with Government guidance, the policy must as a minimum, require individuals who appear to be under the age of 18 years of age to produce, on request, identification bearing their photograph, date of birth and a holographic mark. Examples of acceptable include:

- Photo card driving licences

- Passports or proof of age cards bearing the PASS hologram
- Other forms of ID which meet the criteria

Members were advised that the PASS hologram is issued in respect of the National Proof of Age Standards Scheme. The PASS hologram on a card is the hallmark indicating that the card issuer has passed a stringent audit carried out by Trading Standards Officers.

The Committee discussed the issues set out in the report. Members sought officer's assurance that the age verification condition was being applied to remote sales of alcohol, such as alcohol delivery services. Officers stated that such operators would be expected to comply with their licence conditions. Officers were unaware of any indications that the remote sale of alcohol to under-aged persons was a problem.

RESOLVED – That the report be noted.

L19 : UNDERAGED SALES

The Chief Strategic Planning & Environment Officer presented a report regarding the sale of age restricted products in Cardiff. The Committee has a statutory duty to deal with enforcement of age restricted products under a number of Acts of Parliament, products such as alcohol, cigarettes, aerosol paint, videos and DVDs, lighter fluids, fireworks, solvents, knives and lottery tickets.

Members received a report which provided details of the work undertaken by the service area in relation to age restricted sales during 2010 and outlining proposals of an age restricted sales monitoring programme during 2011. Members were requested to consider approving the implementation of that Programme.

The Committee received a presentation from Dave Holland, Operational Manager – Consumer Protection. Trading Standards Officers have been enforcing age restricted sales legislation for a number of years through a programme of test purchases and educational projects. In addition to guidance and advice to businesses and dealing with complaints, a programme of test purchases using child volunteers is employed. These test purchases follow a strict Code of Practice to ensure that the welfare of any child is paramount.

The Committee was advised that the Authority has limited powers to deal with underage sales of alcohol. The Committee received figures for test

purchases made during 2002/03. These figures indicated that the sale of alcohol to young people in Cardiff was an area of concern, due to the high percentage of test purchase sales which were made.

Officers identified the following issues as factors which had influenced test purchase sales:

- No check on age of purchaser (40% of cases).
- No systems to train staff.
- Where systems existed they were not followed.
- Poor supervision – some staff made sales even when volunteers had told them their true age.

Members were advised that the Trading Standards Services was aiming to prevent harm to children and the nuisance caused by age restricted products by:

- Providing information to retailers.
- Responding to complaints.
- Test purchasing.
- Prosecuting offenders.

The Committee also received details of the sanctions Trading Standards Officers may impose on retailers, including penalty notices and court proceedings.

Members were advised of the number of prosecutions made by the Authority between 2007 and 2009. Cardiff's figures were compared to a neighbouring Authority. Similar comparison was also made in relation to the number of premises licence reviews made by each Authority over the same period, and the outcome of each review proceedings accordingly.

Officers provided details of the steps taken by the Authority to engage with retailers. The presentation was concluded by providing Members with up to date statistics regarding test purchases in Cardiff, and on an all-Wales basis. These figures indicated that test purchase infringements were decreasing in retail premises. However, there had been an increase in infringements at licensed premises.

Members debated the matters raised. Clarification was sought on a number of issues including whether additional funding was available to fund test

purchase operations and whether work was being undertaken in partnership with other agencies.

RESOLVED – That the report be noted and received on an annual basis

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Chairperson