

Licensing Committee – 28 February 2005

Present: Councillor Mrs Allgrove (Chairman)

Councillors Croad, Floyd, Mrs Hill, Hindley, House, Phillips and Stuart-Thorn.

Officers: Mr I Taylor (Chief Solicitor)
Mr J Hunter (Licensing Manager)
Mrs D Durham (Member Services Officer)

(The meeting commenced at 6.15 pm)

5. Apologies

Councillors Beaven, Mrs Bradley, Hall, Mrs Lewin-Harris, Meikle, Slattery and Mrs Smith.

6. Minutes

The minutes of the meeting held on 24 January 2005 were taken as read and signed.

7. Procedure to be followed at Licensing Sub-Committee Hearings

Considered report previously circulated, concerning the proposed procedure to be followed at Licensing Sub-Committee Hearings.

The Licensing Act 2003 (Hearings) Regulations 2005 and the Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 came into force on 7 February this year.

The main Regulations detailed the period of time within which a hearing was to be held, the Form of Notice of the Hearing and the information to accompany that Notice. The Regulations also contained a provision that would enable the Hearing to be dispensed with if all parties agreed. If a Hearing was required, the Regulations specified that it should take place in public, except in certain circumstances, and who might attend and be assisted or represented.

Under the Regulations, the Authority was required to determine the procedure to be followed at a Hearing, and then explain this to the parties involved.

Submitted for consideration a draft pro forma, which set out the suggested procedure to be followed to conduct a Licensing Sub-Committee Hearing.

The procedure document would need to offer a degree of flexibility and it was therefore suggested that the Licensing Sub-Committee should be given freedom to adapt the procedures as it saw fit.

It had been the practice of the Council's Licensing Board to issue its procedure document prior to Hearings taking place and it was intended to use the same system for Licensing Sub-Committee Hearings.

Consideration was given to repetitious representations and the length of time that people should be allowed to speak at the hearings and whether they should be given some guidance prior to the hearings. The Chief Solicitor indicated that no time limits should be imposed and although everyone should be given the opportunity to speak, they could be reminded to support a view rather than repeat the representation. The Licensing Manager indicated that the Objection Form that was available on the website clearly explained that no additional criteria could be introduced at the hearing and that any representations must be linked to the four licensing objectives.

Fast food outlets that were open after 11pm would require a licence for the first time and concern was expressed over the language barrier that may cause problems to these proprietors. The Licensing Manager had been researching the availability of licensing applications in other languages which could be helpful to him.

RESOLVED that the procedure to be followed at Licensing Sub-Committee Hearings as set out in the procedure document be agreed.

(Councillor Mrs Hill arrived at the meeting at 6.20pm during the discussion of Minute No.7)

8. Enforcement Protocol

Considered report previously circulated, which provided information to enable the Committee to assess the impact of the Licensing Act 2003 and to make recommendations to adopt a joint enforcement protocol with the Responsible Authorities.

The report detailed the current number of licensed premises in Taunton Deane Borough Council's licensable area, of which approximately five hundred premises were likely to require a licence or Club Premises Certificate.

The Licensing Act set out the number of bodies that had become Responsible Authorities (RAs) and, as such, had now become Statutory Consultees, with the power to seek a review of a licence.

In order to provide some guidance as to which body should be the lead agency in relation to enforcement, an Enforcement Protocol had been drafted and circulated to all RAs and their views/comments had been sought.

It was thought that premises should be inspected in accordance with the

likelihood of the premises to cause problems. A calculation sheet had been devised to assess which premises were most likely to create problems. The risk assessment score would be available to owners and operators of businesses, which might encourage them to aim to reduce a high score.

There appeared to be a great deal of confusion over the statutory dates of the new licences but it was thought that clarification of this was the Government's responsibility. However, the Licensing Manager had highlighted the significant dates at recent interviews with the media and would continue to do so.

RESOLVED that the contents of the report be noted and the use of the enforcement protocol and risk rating calculation sheet be endorsed.

(The meeting ended at 7.04pm).