

Licensing Committee – 24 January 2005

Present: Councillors Mrs Allgrove, Mrs Bradley, Beaven, Croad, Floyd, Hall, Hindley, House, Mrs Lewin-Harris, Meikle, Phillips, Smith and Stuart-Thorn

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

Also present: Councillor Garner

The meeting commenced at 6.15 p.m.

(Councillors Beaven and Croad arrived at 6.18 p.m.)

1. Appointment of Chairman

RESOLVED that Councillor Mrs Allgrove be elected Chairman of the Licensing Committee for the remainder of the Municipal Year.

2. Appointment of Vice-Chairman

RESOLVED that Councillor House be elected Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

3. Apology

Councillor Slattery

4. Terms of Reference, Scheme of Delegation and other matters relating to the functioning of the Committee

Considered report previously circulated, concerning the establishment of the terms of reference of the Licensing Committee, the frequency of its meetings, a proposed scheme of delegation and the identification of members' training needs.

At its meeting last December, the Council had approved the setting up of a Licensing Committee and a Licensing Policy which included a proposed scheme of delegation of licensing functions.

It was therefore now appropriate for the newly formed Committee to establish its terms of reference and other matters relating to the conduct of its business.

Reported that the Committee's terms of reference should be to discharge the Council's licensing functions under the Licensing Act 2003.

At present, the Council also had in place the Licensing Board which dealt with a variety of matters under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Acts 1976 and 1982. Proposed that all the new and old licensing functions should be re-delegated to the new Committee, with the Licensing Board being wound up.

The Licensing Act 2003 enabled the Committee to establish one or more sub-committees, each one consisting of three of its members. Although it was considered that matters of principle should be decided by the main Licensing Committee, it was suggested that the sub-committee(s) should deal with those matters which could be delegated to it.

Noted that the right to select the membership of a sub-committee on each occasion one was required to meet, should be delegated to the Member Services Manager, in consultation with the Chairman of the Licensing Committee.

The approved Licensing Policy set out details of the way in which particular matters should be dealt with under delegated powers. The matters to be delegated and whether they were delegated to a sub-committee or to an officer, namely the Head of Environment and Leisure, were set out in the table below:

Matter to be dealt with	Sub Committee	Head of Environment and Leisure
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	If a Police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	

Noted that the scheme of delegation would be kept under review and regular reports on decisions taken by the Head of Environment and Leisure would be made.

Further reported that it would be unnecessary for the Licensing Committee to meet any more than three or four times a year. The meetings would take place in the evening at The Deane House but otherwise in accordance with any regulations issued by the Government. The Quorum for meetings of the Committee needed to be established.

The date, time and location of meetings of the sub-committee(s) would be flexible depending on the nature and form of the business to be conducted. However, such meetings would be

governed by regulations as to the procedure to be followed. It was proposed to prepare a procedure document for members for consideration at the next meeting of the Licensing Committee.

All members had had the opportunity to attend the training sessions concerning the outline of the Licensing Act 2003, but it was intended that further and more intensive training would be provided to the Committee. Members also had the option to identify particular matters they wished to receive training upon. Only trained members would be expected to participate in the forthcoming hearings.

During the discussion of this item, concern was expressed over the ability of a member of this Committee to deal with licensing issues within their ward. The Committee were advised that there was insufficient evidence to justify a “saturation policy” being included in the Licensing Policy but that the matter would be kept under review. A joint Enforcement Protocol was being established with the Police for consideration by the Committee. It was also agreed that arrangements should be made so far as practicable to inform Parish and Town Councils of licensing applications made within their respective areas.

RESOLVED that:-

- (1) The terms of reference be “To discharge the Council’s licensing functions under the Licensing Act 2003”;
- (2) The quorum for meetings of the Licensing Committee be four members present at the meeting;
- (3) The establishment of sub-committees as detailed above be approved;
- (4) The meeting arrangements set out above be agreed;
- (5) The scheme of delegation to the sub-committees and the Head of Environment and Leisure set out above be approved; and
- (6) Council be recommended that:-
 - (i) All the powers and duties of the Council previously exercised by the Licensing Board be delegated to the new Licensing Committee but to be discharged by its sub-committees from 23 February 2005; and
 - (ii) The Licensing Board be wound up from the same date.

(The meeting ended at 7.42 p.m.).