

Licensing Committee Minutes

Date: 21 June 2012

Time: 7.00 - 8.05 pm

PRESENT: Councillor A E Hill (in the Chair)

Councillors D H G Barnes, A R Green, Ms R Knight, S F Parker and J L Richards OBE.

Apologies for absence were received from Councillors: Z Ahmed*, D J Carroll*, S Graham, C B Harriss, Ms P L Lee, J A Savage and R J Scott.

* Denotes Standing Deputy.

1 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the Licensing Committee meeting held on 15 March 2012 be agreed as a correct record and signed by the Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 REVIEW OF LICENSING ACT 2003 POLICY - OUTCOME OF CONSULTATION PROCESS

The Committee was informed that the Police and Social Responsibility Act 2011 had effected changes to the Licensing Act 2003. One such change was the addition of the Licensing Authority, ie the Council, as a responsible authority. This empowered officers in the Licensing Unit to make representations on licence applications and call for reviews where appropriate and would enable Members to call for a review of a licence in their own right.

There was general agreement that this change was welcome, although it was acknowledged that care would be needed to avoid any undue perceptions of bias on the part of the Council, when acting under the dual roles of licensing and responsible authority. It was agreed that the Committee should recommend to the Regulatory and Appeals Committee that the scheme of delegation in the Council's Constitution be updated to take note of the new powers, as detailed in Appendix A to the Committee's report.

The Committee then received a presentation outlining background detail to licensing law and bringing Members up to date with recent legislative changes, drawing particular attention to changes likely to carry implications for Licensing Panel Hearings.

Questions were invited throughout the presentation and there was an enquiry about the frequency of inspections to licensed premises. It was explained that whilst the

Licensing Unit aimed to visit all premises at least once every 2 to 3 years, visits were in the main intelligence led, using information received from agencies such as the police, together with communications from the public.

Changes to regulations covering Temporary Event Licences were explained, and it was noted that the Control of Pollution unit was now a consultee for such applications, in addition to the police. One outcome of the changes, however, had been that officer time needed to process a Temporary Event Notice application had doubled.

Also explained were changes in the pipeline to deregulate the playing of live and amplified music at licensed premises and Members expressed serious concern at the potential implication of these measures for residents.

There was discussion of options for Licensing Panel Hearings to be held in the evening and whilst Members felt that it would enable those who worked during the day to participate more fully, it was mentioned that there was a reluctance amongst some participants, such as agents or legal representatives, to accept evening commitments.

The opportunity had been taken to look again at the wording of the Licensing Panel guidance notes to ensure they remained up to date. Some adjustments were recommended and the Committee agreed that the updated notes should be introduced forthwith. Legal advice during the meeting also covered changes in connection with bias and the declaration of pecuniary interests. Given that it had become a criminal offence to fail to disclose a pecuniary interest, Members were urged to seek advice in the event of any uncertainty on the matter.

The Chairman thanked officers for the very helpful presentation.

RESOLVED: That:

- (i) the Committee recommend to the Regulatory and Appeals Committee that the minor amendments to the Constitution relating to delegated powers, as set out in Appendix A to the report, be recommended to Council for adoption;
- (ii) the amended Panel guidance documents, as set out in Appendix B, be approved for immediate implementation; and
- (iii) the information and updates on amendments to relevant laws be noted with thanks.

4 SCHEDULE OF LICENSING PANELS HELD SINCE THE PREVIOUS MEETING

The Schedule of Licensing Panel Hearings held since the previous meeting was noted.

Chairman

The following officers were in attendance at the meeting:

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| Mrs K Khanna | - Principal Solicitor |
| Mrs C Steven | - Licensing Team Leader |
| Ms A Uukelo | - Solicitor |
| Mr B Whittal | - Licensing Officer |
| Mrs D Davis | - Democratic Services |