

Licensing Committee

21 April 2005

6pm

Present:

Councillor Jean Christie (Chair)
Councillor R J E Parker (Vice-Chair)

Councillors: W G Dyke
K Jones
G Lambton
P J McSweeney
D Robinson
M Singh
R J R Target

Note: Councillors Mrs R Collins and R Smith were also in attendance

Mrs S Whatmough, Head of Democratic Services
Mrs S Kilkie, Environmental Health Manager
Miss C Hills, Senior Licensing Officer
Mr M Bauluck, Licensing Officer
Miss L Dell, Democratic Services

Apologies

Apologies for absence were received from Councillors L K Croxton and R Stanford.

11. Minutes

The minutes of the meeting held on 21 October 2004 were signed by the Chair.

12. Declarations of Interest

No declarations of interest were made.

13. Delegation to Officers

Members were reminded that the Council has adopted a statement of Licensing Policy as required under the Licensing Act 2003. The Committee considered which of its functions as shown in Appendix 5 of the Licensing Policy would be delegated to the Head of Environmental and Public Health Services.

Resolved that

the following powers be delegated to the Head of Environmental and Public Health Services:-

- (1) to determine applications for grant or renewal of personal licences.
Limitation: where no objections are made;

- (2) to determine requests to be removed as designated premises supervisors;
- (3) to determine applications for premises licences, club premises certificates or provisional statements;
Limitation: where no relevant representations have been made.
- (4) to determine applications to vary premises licences or club premises certificates;
Limitation: where no relevant representations have been made.
- (5) to determine applications to vary designated premises supervisors;
Limitation: where no police objection has been made.
- (6) to determine applications for transfer of premises licences;
Limitation: where no police objection has been made.
- (7) to make interim authority notices;
Limitation: where no police objection has been made.
- (8) to decide whether a complaint is irrelevant, frivolous, vexatious or repetitious.
- (9) to carry out all duties of the licensing authority under the Licensing Act 2003 that are not reserved to the Licensing Committee or a Licensing Panel.

14. Setting up of Licensing Panels

Members were asked to approve the draft Licensing Panel Procedure Rules and to decide upon the terms of reference and composition of Licensing Panels. It was anticipated that within the next few months Panels would need to be held weekly and due to inputs being needed from other partner agencies such as the fire brigade and police, it was agreed that these should be held on Thursdays where possible.

Under the Licensing Act 2003 Panels need to comprise three members. Consideration was also given to Member training in respect of Chairing the Panels.

Resolved that

- (1) the draft Licensing Panel Procedure Rules be approved subject to minor editing by the Head of Democratic Services in consultation with the Chair of the Licensing Committee;
- (2) the Membership of Licensing Panels comprising 3 members drawn from the Licensing Committee and substitutes be operated on a 'pool' basis as required;

- (3) the terms of reference of the Licensing Panels be adopted as follows:-
- (a) to determine applications for grant or renewal of personal licences following police objection;
 - (b) to determine applications for personal licences where the applicant has unspent convictions;
 - (c) to determine applications for premises licences, club premises certificates or provisional statements where relevant representations have been made;
 - (d) to determine applications to vary premises licences or club premises certificates where relevant representations have been made;
 - (e) to determine applications to vary designated premises supervisors following police objection;
 - (f) to determine applications for transfer of premises licences following police objection;
 - (g) to consider police objections made to interim authority notices and to cancel an interim authority notice if it considers it necessary for crime prevention;
 - (h) to determine applications to review premises licences or club certificates;
 - (i) to give counter notices to temporary event notices following police objection;
 - (j) to take decisions to object when the council is a consultee and not the relevant authority considering the application;
 - (k) to revoke licences where convictions come to light after they have been granted and following police objection;
 - (l) to review a premises licence as required under section 167 of the Licensing Act 2003 following receipt of a notice from the magistrates' court relating to a closure order.

15. Report by Environmental Health Manager on applications received and application/guidance forms

The Environmental Health Manager reported on the application procedures for licences under the Licensing Act 2003. The national guidance notes provided with the application forms were thought to be inadequate therefore the Environmental Health Manager had drawn up a comprehensive guidance leaflet to help applicants. The Committee was reminded of the fee structure which was based on the Non Domestic Rateable Value of the premises. Those premises that did not have a rateable value would be classed as Band A for licensing purposes.

It was noted that 20 personal licence applications had been processed and 3 premises applications had been received. However, 2 had been withdrawn due to errors and 1 was currently being processed.

Resolved that the report be noted.

Note: Councillor R Collins spoke with leave of the Chair on this item.

Close of Meeting

The meeting ended at 7.07pm.