

Licensing Committee

12 April 2006

7.30pm

Present:

Councillor Jean Christie (Chair)
Councillor R G Smith (Vice-Chair)

Councillors: E A Brook
Mrs R M Collins
L K Croxton
K Jones
G Lambton
J J Loughlin JP
P J McSweeney
Mrs P O Oakeshott
P Rayner
D Robinson
M Singh
R Stanford
R J R Target

Mrs S A Whatmough, Head of Democratic Services
Mrs S Kilkie, Head of Regulatory Services
Miss C Hills, Senior Licensing Officer
Mrs S Hill, Senior Democratic Services Assistant

Apologies

An apology for absence was received from Councillor W G Dyke, Mrs P O Oakeshott attended as his substitute.

10. Minutes

The minutes of the Licensing Committee held on 30 November 2005 were signed by the Chair.

11. Declarations of Interest

No declarations were made.

12. Presentation – Licensing Enforcement

Miss C Hills, Senior Licensing Officer gave a detailed presentation on the Licensing Section's enforcement procedures. Miss Hills also explained that a desktop risk based assessment had been undertaken of all licensed premises in the borough and that once this risk grading system had been put into effect, it would inform the type, frequency and format of future inspections.

Miss Hills confirmed that the Licensing Section exchanged information with the police on a daily basis. The police had also agreed to ensure that all information relating to applications being heard at a Licensing Panel would be made available to their civilian Licensing Officer.

The Chair thanked Miss Hills for her informative and illuminating presentation.

13. Licensing Panel Minutes

The Committee received the minutes of the Licensing Panels held on 5 January 2006, 26 January 2006 and 9 February 2006.

Resolved that the minutes be noted.

14. Licensing Panel Procedure Rules

The committee considered a number of revisions it was proposed be made to the Licensing Panel Procedure Rules. The revisions resulted from a requirement of the Licensing Act 2003 to undertake review hearings. The revisions would allow representations to be heard in a different order and give greater flexibility on time allowed for participants to present their case.

The opportunity had also been taken to make some other minor amendments to the rules. These included provision for the rules to be adjusted where a particular case may require it and gave the Panel power to accept late representations or documents if it chose to do so.

Resolved that the revised Licensing Panel Procedure Rules be adopted and become effective on 10 May 2006.

15. Appeals under the Licensing Act 2003

The Committee considered a brief outline of the provisions in the Licensing Act 2003 relating to appeals.

Recent experience had shown the importance of reviewing appeal cases prior to them being considered by the magistrates' court. The Head of Legal Services had therefore undertaken to ensure that any such case was reviewed. The review would include an assessment of the likelihood of success, whether the grounds for refusing the application were likely to subsist at the time of the hearing and also include an assessment of costs.

Resolved that the report be noted.

16. Costs under the Licensing Act 2003

Members were briefed on the terms of reference, the interim report and the ongoing work of the Independent Licensing Fees Review Panel commissioned by the Secretary of State.

The review panel, which had been set up to ensure that fees were set at the correct level had so far concluded that it was too early to take a view on the fee levels associated with the Licensing Act 2003 as evidence supplied by local authorities was not comprehensive or representative. Local authorities had therefore been asked to submit documentation to identify the overall net costs for 2004/2005 and 2005/2006.

Copies of the schedules recently submitted to the panel were attached to the report. These showed that information was being sought about the potential ongoing net costs of the licensing arrangements including basic income and expenditure, the number of licences and large events and staff resources.

In its interim report the panel had put forward suggestions that there should be a central source of information on fees; that an annual date for payment of fees should be set and that the application process should be simplified.

The final report of the review panel was due to be published in the autumn of 2006.

Resolved that a further report be submitted to the committee once the final report of the Independent Licensing Fees Review Panel has been published.

17. The Gambling Act 2005

The Chair was of the opinion that by reason of special circumstances, namely the need to update those members who were unable to attend the recent training session, that this item be considered as a matter of urgency.

There were three types of applications to be considered under the Gambling Act 2005. Operator and, personal licences would be dealt with by the Gambling Commission whereas premises licenses e.g. bingo halls, betting shops would be administered by the Council.

The committee was advised that under the Act the Council would need to consider each application using the three objectives of the prevention of crime, fairness and vulnerability. As in the case of the Licensing Act 2003, fees would be set centrally but the Council would be more effective since those premises failing to pay would not be issued with a licence.

Work was now underway to formulate a policy for adoption and a draft of this would be submitted to the committee for approval. The policy would need to be in place by December 2006 as transitional applications could be expected from January 2007.

Resolved that the report be noted.

Close of Meeting

The meeting ended at 9.10pm