

LICENSING ACT COMMITTEE**Wednesday 26 January 2005**

PRESENT:-

Councillor Mrs MURRAY (Chairman); Councillor BOWKER (Deputy Chairman); Councillors BELSEY, HARRIS, HERBERT, HOWLETT, MARSH, Mrs POOLEY, SKILTON, SLATER, STEVENS, TAYLOR, WARNER and Miss WOODALL.

(An apology for absence was reported from Councillor Mrs Sims)

1. ELECTION OF CHAIRMAN.

RESOLVED: That Councillor Mrs A Murray be elected Chairman for the remainder of the Municipal Year 2004/05.

2. ELECTION OF DEPUTY CHAIRMAN. The Committee received nominations from both Groups in respect of the post of Deputy Chairman (Councillors Bowker and Mrs Pooley).

RESOLVED: (By 6 votes to 4) That Councillor P Bowker be elected Deputy Chairman for the remainder of the Municipal Year 2004/05.

3. TERMS OF REFERENCE. The Committee received a copy of the Committee's terms of reference which were approved by the Council at its meeting on 8 December 2004.

RESOLVED: That the composition and terms of reference of the Licensing Act Committee and its sub-committees as set in the appendix to the report be noted.

4. APPOINTMENT OF SUB-COMMITTEE CHAIRMEN. The Committee received nominations from both Groups in respect of the positions of Chairmen to the Licensing Sub-Committees. A separate vote was taken in respect of the nominations of Councillors Marsh and Mrs Pooley.

RESOLVED: (By 7 votes to 5) That Councillors Bowker, Belsey, Mrs Howlett, Mrs Murray and Taylor be appointed as the Standing Chairmen to the Licensing Sub-Committees.

(NOTE: The vote in respect of the nominations of Councillors Marsh and Mrs Pooley was lost by 6 votes to 4).

5. DELEGATION OF LICENSING FUNCTIONS. The Committee considered the report of the Environmental Health Manager regarding the proposed delegation of functions under the Licensing Act 2003. The recommended delegations closely followed the Guidance issued under the Act with the main changes detailed as follows:-

(i) Application for personal licence with unspent convictions was deleted as it is covered by police objections in the preceding line;

(ii) An addition to "Applications to review premises licences" and "Decisions on whether a representation is irrelevant, frivolous etc." to provide for consultation

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with a sub-committee chairman as appropriate where in the view of officers there could be uncertainty as to the relevance of any representation.

RESOLVED: That the delegation of functions as set out in the appendix to the report be approved.

6. **LICENSING ACT 2003 – UPDATE.** The Commercial Services Manager, Environmental Health updated the Committee on recently published Regulations under the Licensing Act 2003 and summarised the main points and changes.

With effect from 7 February 2005, the First appointed day, current holders of Justices licences would have 6 months to apply for the conversion of their licenses. It was noted that the application forms were not yet available from the DCMS website. New licenses would come into effect on the Second appointed day which would be 7 November 2005 at the earliest.

Following the Government's consultation on fee levels, the published fees regulations had seen a significant increase for premises and club premises over the draft fees. Details of the published fees would be circulated to all Members of the Council. The Committee was advised that the fee for premises licences was dependent on the non-domestic rateable value at the time of the application and that the rates would change on 1 April 2005. This may affect the number of applications submitted before 1 April for premises that move into higher licence fee bands.

To assist licensees, the Environmental Health website pages had been updated and now contained advice and guidance for applicants. A step-by-step approach to assist the completion of application forms would also be made available. Procedures would be required to ensure that applications were processed within the required deadlines.

Consultation with the trade was on going and had included visits to Town Centre pubs. A further presentation to Pubwatch would shortly be made and a request had been received from Sompriti for training for black and ethnic minorities involved in the trade. It was hoped that a phasing strategy could be agreed for the submission of applications throughout the first 6 months of the transitional arrangements.

With reference to Door Supervisors, Members were advised that they would be required to be licensed with the Security Industry Authority and undertake appropriate training.

RESOLVED: (1) That the report be noted.

(2) That details of the fees contained within the Licensing Act 2003 (Fees) Regulations be circulated to all Members of the Council.

7. **PROCEDURES FOR LICENSING COMMITTEE.** The Committee considered the report of the Head of Legal Services regarding a proposed model procedure for the conduct of hearings under the Licensing Act 2003. Regulations had now been made under the Act, which made provision for the procedure to be followed in relation to hearings that will take place following the making of relevant representations in respect of applications.

The Committee discussed the issue of personal and prejudicial interests and the circumstances that would debar them from participating at hearings. It was suggested that Members submit to the Assistant Director of Strategy and

Democracy details of premises they live close to and that they frequently visit in a personal capacity. This would assist in determining which members should be selected to serve on particular licensing sub committees.

The Committee was advised that LACORS (Local Authority Co-ordinators of Regulatory Services) were in the process of producing guidance to assist Members at licensing hearings. The Guidance would be used as the basis for a detailed local guidance document in respect of the new licensing duties. As a first stage it was proposed that a basic model of good procedure be adopted as a good practice guide for licensing sub-committees and that the Head of Legal Services be authorised to make any amendments to ensure compliance with the requirements made under the Act and recognised good practice.

RESOLVED: (1) That the model procedure guide be adopted as a good practice guide for licensing sub-committees conducting business under the Licensing Act 2003.

(2) That the Head of Legal Services be authorised to make any necessary amendments to the licensing authority's approved procedure so as to comply with legal requirements and statutory regulations and otherwise to ensure that the authority's procedures are in line with recognised good practice. Such delegation to be exercised following consultation with the Chairman of the Licensing Act Committee.

- 8. MEMBER TRAINING.** The Committee was advised that a visit to the Eastbourne Magistrates Court to view the local Licensing Justices' Court procedures had been arranged on Tuesday 8 February commencing at 10.00am. It was proposed that a mock licensing sub-committee hearing training session be arranged on a date to be agreed.

RESOLVED: That the proposed arrangements for future training be agreed.

The meeting closed at 7.15 pm.

Mrs A MURRAY
Chairman