

LICENSING COMMITTEE
11 JANUARY 2011

TIME: 7.15pm – 7.58pm

PRESENT: Councillor David Simpson (in the Chair); Councillors Stan Anderson, Chris Edge, Suzanne Evans, Samantha George, Philip Jones, John Sargeant, Sam Thomas, Ray Tindle and Gregory Udeh

Also present:

Alan Powell (Principal Licensing Officer), Fabiola Hickson (Senior Lawyer) and David Dunford (Democratic Services Manager)

Apologies for absence were received from: Councillors James Holmes and Martin Whelton

1 DECLARATIONS (Agenda Item 1)

None advised.

2 MINUTES (Agenda Item 2)

RESOLVED: That the minutes of the meeting held on 21 October 2010 are agreed as a correct record.

3 DELEGATIONS TO THE LICENSING COMMITTEE (Agenda Item 4)

The Council's senior lawyer made a number of introductory comments and responded to matters requiring clarification.

In particular, the committee noted the requirement to include provisions in the Council's constitution in respect of delegations to sub-committees dealing with Gambling Act matters; to make reference to the procedures and hearings relating to the Gambling Act; and the inclusion of provisions relating to "other functions" (Section 7(5) of the Licensing Act 2003 refers).

The Committee also had regard to the fact that the current Licensing Committee established under the Licensing Act 2003 can only deal with licensing matters that fall under that Act and the Gambling Act. In order to deal with 'other licensing functions' the report proposed the constitution of a second Licensing Committee (miscellaneous) in order to consider the designation of streets for street trading purposes or any other licensing function that does not fall under the Licensing Committee.

Councillor Samantha George enquired as to the effect of the deletions detailed at Appendix 1 on page 9 of the submitted report. Officers confirmed that the proposed deletions amounted to an exercise in reducing the amount of narrative to an

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appropriate minimum.

Councillor Samantha George also enquired in respect of page 10 paragraph 9.3(b) of the printed agenda and, in particular, how it is determined that a hearing should not be held. Officers confirmed that the determination is made on the basis of there not being any representations.

The Chair put the recommendations to the meeting and it was

RESOLVED: That

A. approval is given to the recommended amendment to the Constitution with regards the creation of an additional Licensing Committee (to be named Licensing Committee Miscellaneous) whose function is to deal with Licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005;

B. approval is given to the recommended amendments to the constitution detailed in Appendix 1 to the submitted report;

C. the above recommendations are progressed by the Monitoring Officer as part of the review of the Constitution (Article 15.2, Part 2 refers); and

D. the proposed amended sub-committee delegations detailed in Appendix 1 to the submitted report are adopted.

4 THE POLICE REFORM AND SOCIAL RESPONSIBILITY BILL (Agenda Item 5)

The Council's Principal Licensing Officer made a number of introductory comments referring to paragraph 2.3 of the submitted report in relation to the timetable to the progression of the Bill through Parliament; and paragraph 2.4 of the submitted report detailing the proposed amendments to the Licensing Act 2003.

The Chair put the recommendations to the meeting and it was

RESOLVED: That the forthcoming proposed amendments to the Licensing Act 2003 contained within 'The Police Reform and Social Responsibilities Bill 2010 are noted.

5 THE LICENSING ACT 2003 (PREMISES LICENCES AND PERMITTED TEMPORARY ACTIVITIES) (FORMS AND NOTICES) (AMENDMENT) REGULATIONS 2010 (Agenda Item 6)

Following introductory comments from the Council's Principal Licensing Officer the Chair put the recommendation to the meeting and it was

RESOLVED: That the amendments to 'The Licensing Act 2003 (Premises

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Licences and Permitted Temporary Activities) (Forms and Notices)
(Amendment) Regulations 2010 are noted.