

MINUTES OF LICENSING ACT COMMITTEE

MEETING DATE Tuesday, 24 July 2018

MEMBERS PRESENT: Councillors David Suthers (Chair), Barbara Nathan (Vice-Chair), Jane Bell, Harry Hancock, Jon Hesketh, Ken Jones, Jacqui Mort, Alan Ogilvie, David Watts and David Wooldridge

OFFICERS: Mark Marshall (Licensing Manager), Tasneem Safdar (Senior Solicitor) and Dianne Scambler (Governance and Member Services Team Leader)

OTHER MEMBERS: Chris Ward (Licensing Officer)

PUBLIC: 0

7 Apologies for absence

An apology was received from Councillor Paul Wharton.

8 Minutes - Licensing Act Committee

RESOLVED: That the minutes of the Licensing Act Committee meeting held on 19 September be confirmed as a correct record for signing by the Chair.

9 Minutes - Licensing Panels

RESOLVED: That the Licensing Panel meetings held on 21 September 2017 and 1 March 2018 be confirmed as a correct record for signing by the Chair.

10 Declarations Of Any Interests

There were no declarations of any interests.

11 Updated Hearing Guidance

The Head of Licensing presented a report that sought permission to update the guidance in relation to the hearings process in respect of Licensing Panel hearings.

The updated guidance was appended to the report.

One of the substantial changes is the use of the Regulation 8 notice to be returned to the Authority in advance of a hearing. This is a standard requirement set out in the Licensing Act 2003 (Hearings) Regulation 2005.

RESOLVED: (Unanimously) to approve the updated Guidance in relation to the Hearings process, in respect of Licensing Panel Hearings under the Licensing Act 2003.

12 Delegation of Powers as a Responsible Authority

The Head of Licensing presented a report that sought the granting of delegated authority to the Head of Legal Services, to act as a Responsible Authority on behalf of the Licensing Authority.

Section 7 of the Licensing Act 2003 makes the Licensing Committee responsible for discharging the licensing functions of the Licensing Authority. This includes the power to delegate.

The delegated authority will allow the Licensing Authority to make representations and submit applications for licence reviews. The Licensing Authority has never previously called a review on any premises and therefore in the past, this delegation was not required.

As a result of no formal delegation being in place, a recent Standing Order 35 procedure had to be initiated and signed off by the Chair on 25 June 2018, to allow the Licensing Authority to call for a review of a premises in its own right, as a Responsible Authority. The new power will allow an appropriate officer to exercise this right.

RESOLVED: (Unanimously)

1. That delegated authority be granted to the Head of Legal Services to act as a Responsible Authority on behalf of the Licensing Authority.
2. That the General Licensing Committee recommend full Council to adopt the delegation.

13 Centre Approval with BIIAB

The Head of Licensing submitted a report to inform the Committee on the success of obtaining Centre Approval to deliver the Personal Licence Course.

The Licence Service had recently applied to the BIIAB (British Institute of Innkeepers) to become a training provider for the personal licence qualification which is a mandatory requirement for anyone wishing to apply for a personal licence.

The dates of the courses have now been organised and will be advertised shortly. All Members of the Committee are welcome to complete the course.

The report was noted.

14 Use of Standing Order 35 Procedure

The Head of Licensing presented a report to Committee that provided an update on the use of Standing Order 35.

Members were informed that on 25 June, it had been necessary to invoke the Standing Order Procedure 35 in order for a Licensing review to be initiated by the Licensing Authority. The review was served on the Licence holder, Naaz Indian Restaurant, and a hearing to consider the application will be arranged in due course.

The report was noted.

Chair

Date