

LICENSING COMMITTEE

Minutes of the meeting held on Monday 8 December 2008 at the Town Hall, Royal Leamington Spa, at 4.30 pm.

PRESENT: Councillor Mrs Gallagher (Chairman); Crowther, De-Lara-Bond, Mrs Goode, Guest, Harris, Hatfield, Heath and Shilton.

Apologies for absence were received from Councillors Edwards and Mobbs.

Councillor Mrs Higgins acted as substitute for Councillor Coker.

660. **DECLARATIONS OF INTERESTS**

There were no declarations of interest.

661. **INSTITUTE OF LICENSING**

The Committee received a verbal report from the Licensing Services Manager on the recent Institute of Licensing conference he had attended.

The main theme from the event was advice provided on the common grounds for appeals of Licensing Panel decisions and the manner in which the Licensing Panel asked questions.

The advice given at the conference was that Councillors should ensure that their questions were, clear, concise, based on the evidence before them, should not include reference to any other case or materials and should not show a willingness to any party e.g. would you be willing to except... ?

By using fact based questioning which should only be used for information gathering this would ensure that the Panel could not be accused of prejudicing decisions.

The Committee found the advice very helpful and agreed that this approach was essential. They were also of the opinion that training on questioning skills should form part of a rolling training programme for the Committee.

The Committee also felt it would help to have regular training session to enable them to develop their skills and understanding in relation to Licensing Panels. The Committee recognised that they did not meet that often and therefore perhaps a 15 minute update sessions could be arranged before each Licensing Panel.

The Chairman agreed to emphasise the importance of questioning skills for Councillors at the next Council meeting and encourage all members to attend the Questioning Skills training course that was being arranged.

The Committee also discussed their dissatisfaction that Ward Councillors were not allowed to represent the views of their constituents by submitting comments as an interested party to the Licensing Authority. The Committee felt this was frustrating and had caused problems for some members and for this reason they asked the

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Chairman of the Committee to write to the Local Government Association and local MPs expressing this concern and seeking their support for the Licensing Act 2003 to be amended to permit this.

RESOLVED that

- (1) the content of the report be noted; and
- (2) the Chairman of the Committee writes to the Local Government Association and the local MPs requesting that they pursue an amendment to the Licensing Act 2003 to permit Ward Councillors to submit representation.

662. **PROCEDURE FOR LICENSING ACT 2003**

The Committee considered a report from Members' Services that asked them consider holding a Licensing Panel hearing every four weeks to consider any cases where conditions had been agreed with responsible authorities and there were no more representations under the Licensing Act 2003.

The Licensing Act 2003 did not permit officers to add or remove conditions to a premises licence.

Currently, if a responsible authority suggested conditions which the applicant accepts, there was no hearing, and the licence was issued containing the conditions.

If this system was challenged, it could fail, to prevent this, a hearing must be held for a Licensing Panel to consider the licence and attach the suggested conditions attached.

The Senior Committee Services Officer, had suggested that hearings were arranged every four weeks and entered into the calendar. The nature of the hearing permitted more than one case to be heard at each meeting if necessary. If a meeting was not required, it could be cancelled beforehand. This would be a good way to deal with this anomaly and help to ensure that the system was sufficiently robust to withstand challenges.

In consultation with the Council's legal section, and after considering a licensing barrister's views and exploring all alternatives, the suggested method in the report was the only robust method of adding conditions to a premises licence which conforms to necessary legalities and statutes.

RESOLVED that hearings be arranged every four weeks to consider cases where conditions have been suggested by responsible authorities and agreed with the applicant.

(The meeting ended at 5.05pm)