

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING COMMITTEE**

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Tuesday, 10th May, 2005 at 7.30 p.m.

Present: Councillor J.V. Lyndon Morgan (Chairman); Councillors Mrs. G.L. Circus, B.C. Cowle, Mrs. D.E. Durward, J.M. Ellacott, S.A. Gates, R. Harper, Mrs. S.F. King, A.M. Lynch, A.R. Mountney, J.H. Prevett, R.M. Stamp and T.D. Stoddart.

#### **12. MINUTES**

**RESOLVED** that the Minutes of the meeting held on 19th January, 2005 be approved as a correct record and signed.

#### **13. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor N.D. Harrison.

#### **14. DECLARATIONS OF INTEREST**

None.

#### **15. LICENSING ACT PROCEDURE RULES**

The Committee considered a report relating to the provisions of the Licensing Act 2003, Section 9(3) which allowed that "subject to any such regulations, each Licensing Committee may regulate its own procedure and that of its Sub-Committees." The Licensing Act 2003 (Hearings) Regulations 2005 specified the procedures to be followed in connection with Hearings along with the additional information to be sent to interested parties.

A series of documents had been prepared which incorporated the above legislative requirements in addition to a number of other issues. Annex A to the submitted report contained the "Overall Procedure Rules" for both the Committee and Sub-Committees and these followed a similar format to the Procedure Rules laid down in the Council's Constitution. Annex B to the submitted report contained the "Hearings Rules" for the Sub-Committees and Annex C contained the suggested "Procedure" and detailed the order of business for the Sub-Committees. These annexes had been considered informally by the Chairmen of the Licensing Sub-Committees and their comments were contained in a revised version of the annexes which had been circulated to Members prior to the meeting. The revised versions of the annexes also contained annotations to clearly identify those parts which were required by statute and should not be changed.

Brief details were given of the applications received to date and it was noted that the Officers were able to mediate on those applications and consequently it was not yet clear how many Hearings would be required. The Committee then gave consideration

to the revised version of Annex C and reference was made to the requirement for a record of Hearings to be kept for a minimum of six years. In view of the technology installed in the New Council Chamber it was suggested that meetings of the Licensing Sub-Committees should be recorded on DVD. The Licensing Procedures outlined in Annex C broadly followed the type of procedures the Council had adopted for other types of licences, and various comments and suggestions were put forward by Members. The Licensing Officer would give a brief introduction to a report at the Sub-Committee meeting and this might include a verbal update. It was suggested that the phrase "others present" should be clarified, and in answer to a query it was explained that the legislation was specific about the timescales for the receipt of representations. Clarification was also given on the role of the Legal Adviser during the Sub-Committee's deliberations.

The Committee then considered the Hearings Rules which attempted to use the exact wording of the relevant Regulations. Further clarification was given relating to the role and involvement of Ward Members, and details were given of the definition of persons who had a right to address the Sub-Committee. Discussion took place on the reasons for the decisions which must be clearly documented (para.8.5) and on balance it was suggested that the wording shown in the Annex should be accepted.

The Committee then considered the Overall Procedure Rules (Annex A to the submitted report) and made a number of comments and observations thereon. Particular reference was made to the allocation of Members to specific Licensing Sub-Committee meetings (para.2.4) and it was suggested that this should be delegated to the Head of Corporate Development without consultation with Members. It was noted that in addition to the three Members invited to serve on each Sub-Committee, a fourth Member would be asked to act as a standby at the Town Hall.

Clarification was given to paragraph 6 (Disorderly Conduct) which only applied to the Licensing Committee and not to the Sub-Committees. It was also noted that the word "ordinary" should be deleted from the heading prior to paragraph 7.1. Discussion also took place concerning the calling of special meetings and a query was raised whether or not a "special" event could be considered by the full Licensing Committee rather than by a Sub-Committee. It was suggested that a full Committee of fifteen Members seemed rather unwieldy to determine such an application, but it was left to Officers to consider the position further. The timing of Sub-Committee meetings mentioned in paragraph 7.7 should be amended so that it referred to dates and times arranged in accordance with paragraph 7.2.

It was noted that Section 14 (Voting on Appointments to the Licensing Committee) had been extracted direct from the Council's own Constitution and was not directly relevant to the Overall Procedure Rules before Members. Discussion also took place concerning the confirmation and signature of Licensing Sub-Committee Minutes as the membership of the Sub-Committee was likely to change from meeting to meeting. It was suggested therefore that the Minutes of each meeting should be circulated to the three Members concerned for endorsement.

In conclusion, attention was drawn to the fact that the first Sub-Committee meetings would be held on 31st May, 2005 and it was suggested that as many Members as possible should try to attend to see the first Hearings take place.

**RESOLVED** that subject to the various comments and observations outlined above the Procedure Rules contained in the revised versions of Annexes A, B and C be adopted.

16. **ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 8.58 p.m.**