

BOROUGH OF REIGATE AND BANSTEAD

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Thursday 15th September, 2005 at 7.30 p.m.

Present: Councillor J.V. Lyndon Morgan (Chairman); Councillors Mrs. D.E. Durward, N.D. Harrison, Mrs. S.F. King, A.M. Lynch, F.J. Moore, A.R. Mountney, J.H. Prevett and Mrs. A.N. Venn.

8. MINUTES

RESOLVED that the Minutes of the meetings held on 10th and 24th May, 2005 be approved as a correct record and signed.

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. G.L. Circus, B.C. Cowle, J.M. Ellacott, S.A. Gates and T.D. Stoddart.

10. DECLARATIONS OF INTEREST

None

11. LICENSING SUB-COMMITTEE MINUTES

During consideration of the Minutes, the Committee's attention was drawn to the fact that Licensing Sub-Committee Minutes could only be approved by the Licensing Committee if all the Members of that Sub-Committee were present at the meeting to which the Minutes are submitted. This being the case, it was noted that only the Minutes of the 17th June, 28th June, 8th July and 19th August, 2005 would be able to be considered for approval at this meeting.

In consideration of the Minutes of the Sub-Committee of the 17th June, 2005, Councillor Harrison queried the accuracy of the wording of Resolution (ii)(c), in relation to a condition added by the Sub-Committee, in that he did not believe this reflected what was agreed at the meeting. Clarification was sought on the wording and the meaning of the condition, and it was agreed that the position be noted and the Minutes deferred to either the next meeting of the Licensing Sub-Committee with the same three Members of that Sub-Committee being present, or the next meeting of the Licensing Committee, following satisfactory clarification being provided.

RESOLVED that:

- (i) subject to the alteration of the time of the close of the meeting on 28th June, 2005 to 10.12 a.m., the Minutes of the meetings of the Licensing Sub-Committee held on 28th June, 8th July and 19th August, 2005 (Appendices A, B and C hereto) be approved as a correct record and signed by the Chairman of the relevant Sub-Committee; and

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(ii) the Minutes of the meetings of the Licensing Sub-Committee held on 31st May (1), 31st May (2), 14th June, 17th June, 26th July, 9th August, 16th August, 23rd August, 26th August and 30th August, 2005 (Appendices D to M inclusive hereto) be noted and submitted to either a meeting of the Licensing Sub-Committee with the same three members of that Sub-Committee being present, or the next meeting of the Licensing Committee for confirmation and signature by the Sub-Committee Chairman provided the other two Members are present, whichever is the sooner.

12. ANY OTHER URGENT BUSINESS

None.

At this point the Chairman recommended that the Committee move into private session on the basis that discussions around the following item of business would involve advice received in connection with legal proceedings by or against the authority and the determination of matters affecting the authority following which it was:

RESOLVED that members of the Press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.

13. LICENSING SUB-COMMITTEES - PROGRESS TO DATE

The Chairman noted the large number of Licence applications that had been submitted in the Borough, and thanked officers for the work that was ongoing in ensuring they were processed in an appropriate and expedient manner. There were, inevitably, improvements that could be made in the light of experience, in order to enhance the processes currently in place.

The Chairman then opened the discussion to Members and officers for suggestions and improvements to the current Licensing Sub-Committee administrative process, and the following points were made:

- Consideration to be given to having more evening meetings as some Members felt this would enable them to increase availability as it would not impinge on the working day;
- Training would be required for Members in relation to procedures following 2nd appointed day (24th November);
- There was a requirement to consider altering the Constitution/legalities on the need to call meetings to hear temporary event notices outside of the Access to Information rules governing 5 clear days;
- There was a need to ensure that information contained in the summary of an application was the same as that contained in the application proper;
- It should be ensured that the record of decisions in the Sub-Committee Minutes reflected exactly those in the decisions of determination and subsequent notices;
- Further discussion to be held in relation to the practicalities involved in the approval process of Licensing Sub-Committee Minutes;

APPENDIX M – Continued**APPENDIX M - Continued**

- There was a need to ensure electronic recording/microphone systems were working properly, otherwise the option of adjourning meetings until the issues had been resolved may be exercised by the Chairman of Licensing Sub-Committees;
- A short step-guide/script was requested on procedures for Chairmen of Sub-Committees to follow at meetings;
- It was requested that if Members of Licensing Sub-Committees were aware that they knew an objector to an application personally, they should inform Democratic Services at the earliest opportunity. Democratic Services to then, where possible, seek the agreement of the applicant/objector for the Member concerned to sit as part of the Licensing Sub-Committee, notwithstanding the Member Code of Conduct in relation to the Declaration of Interests;
- Officers should bear in mind arrangements that would need to be in place in the event of any disruption of Council services, and the legal duties of the Authority in relation to Licensing hearings;
- Members of the Sub-Committee to be advised at the earliest opportunity which other Members will be sitting at that Sub-Committee;
- Legal advice was noted that County Council Membership would be a relevant consideration in deciding whether the Member concerned was able to hear an application in their Electoral Division, and it was considered that they should not.

Following consideration of these points, the Chairman requested that they be subject to further discussion, with a view to implementation if appropriate, or a further report to this Committee.

Discussion also ensued in relation to outstanding appeals and other matters concerning previous Sub-Committee applications, following which it was

RESOLVED that progress to date of the Licensing Sub-Committees be noted.

The meeting closed at 9.22 p.m.