

A meeting of the **LICENSING COMMITTEE** will be held in **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 20 OCTOBER 2005** on the rising of the meeting of the Licensing and Protection Panel which will commence at 2.00pm. You are requested to attend for the transaction of the following business:-

**Contact  
(01480)**

**APOLOGIES**

**1. MINUTES** (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 21<sup>st</sup> June 2005.

Mrs H Lack  
388006

**2. MEMBERS' INTERESTS**

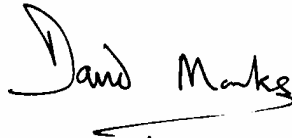
To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda item. Please see Notes 1 and 2 below.

**3. LICENSING ACT 2003 – PROGRESS TOWARDS IMPLEMENTATION** (Pages 5 - 8)

To consider a report by the Head of Administration updating the Committee on the implementation of the Licensing Act 2003 in Huntingdonshire and the work still being undertaken before the second appointed day of 24th November 2005.

**R Reeves  
388003**

Dated this 11 day of October 2005



Chief Executive

## Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, a partner, relatives or close friends;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
  - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

**Please contact Mrs H Lack, Democratic Services Officer, Tel No 01480 388006/e-mail: Helen.Lack@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

### **Emergency Procedure**

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.*

# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Tuesday, 21 June 2005

PRESENT: Councillor J M Sadler - Chairman

Councillors J T Bell, Mrs K P Gregory,  
A Hansard, D Harty, R Powell, J Taylor,  
R G Tuplin and J S Watt

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of J D Fell, and Ms M Wheeler

### 6. MINUTES

The Minutes of the meeting of the Committee held on 18<sup>th</sup> May 2005 were approved as a correct record and signed by the Chairman.

### 7. MEMBERS' INTERESTS

No declarations were received.

### 8. APPOINTMENT OF SUB COMMITTEES

By way of a report by the Head of Administration (a copy of which is appended in the Minute Book), the Committee were reminded that under the Licensing Act 2003, nine Sub Committees had been appointed to which the discharge of certain responsibilities had been delegated. In view of the appointment of Councillor A Hansard as Executive Councillor for Policy and Resources, the Committee were advised that the membership of the existing Sub Committees needed to be revised.

#### RESOLVED

that three groups be established from which Members be appointed to nine Sub Committee as follows -

- A1 Comprising Councillors Sadler, Tuplin and Hansard.
- A2 Comprising Councillors Sadler, Tuplin and Watt.
- A3 Comprising Councillors Sadler, Watt and Hansard.
  
- B1 Comprising Councillors Bell, Fell and Mrs Gregory.
- B2 Comprising Councillors Bell, Fell and Taylor.
- B3 Comprising Councillor Bell, Mrs Gregory and Taylor.
  
- C1 Comprising Councillors Muir, Harty and Powell.
- C2 Comprising Councillors Muir, Harty and Mrs Wheeler.
- C3 Comprising Councillors Muir, Powell and Mrs Wheeler.

## **9. FEES**

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) which outlined a number of issues with regard to exemptions from fees and the determination of fee levels where premises were to be used exclusively or primarily for the consumption of alcohol.

The Committee were reminded that under existing legislation, the Council had discretion to remit the whole or part of a fee for public entertainment where the entertainment was of a charitable purpose and a fee was not usually charged for a licence in such circumstances. However, the Head of Administration pointed out that under the Licensing Act 2003, the exemption from fees did not apply to charitable events and that if the Committee wished to offer a discount the loss of income would have to be met by the Council's general revenue budget. The Committee also noted the Cabinet had adopted a policy in November 2004 which required that all relevant legislation be complied with in the setting of fees and charges and that charges should be fixed to the maximum income, net of applicable costs.

In a related subject, the Committee were also reminded that an amendment to the fees regulations under the Licensing Act 2003 had enabled additional revenue to be generated to address problems arising from large establishments used primarily or exclusively for the consumption of alcohol on the premise where fees for premises in rateable values D and E could be doubled and tripled respectively. In the event of a potential challenge to the use of the multiplier in the absence of definition of primarily or exclusively, the Committee were requested to authorise Officers to make the final decision.

### **RESOLVED**

- (a) that fees be not remitted for events held for charitable or other like purposes under the Licensing Act 2003 if applications of this nature are received; and
- (b) that the Head of Administration (or in his absence the Central Services Manager), after consultation with the Chairman or Vice-Chairman of the Committee, be authorised to increase the level of fees for premises in Bands D and E in accordance with the fees regulations.

## **10. LICENSING ACT 2003: THE LICENSING REGISTER**

The Committee were acquainted with a report by the Head of Administration (a copy of which is appended in the Minute Book) summarising the requirement under the Licensing Act 2003 for a register to be kept by the Licensing Authority of certain information prescribed in the Act and regulations. The Committee noted that an electronic version of the register was being developed which could be made available, where appropriate, on the website and a reasonable fee should be set for copies of the register in a paper format.

RESOLVED

that a charge of 50 pence be introduced per A4 copy or larger page supplied as an extract from the licensing register.

**11. MEMBERS' LICENSING CODE OF GOOD PRACTICE**

The Committee considered a report by the Head of Administration (a copy of which is appended to the Minute Book) to which was appended a draft of a proposed Members Code of Good Practice for Licensing. Members noted that the recent additional licensing responsibilities placed on the Committee by the Licensing Act 2003 had highlighted a need for good practice to be adopted for all for licensing functions and actions by Members.

In preparing the draft, the Head of Administration explained that he had had regard to a draft Code of Good Practice for Licensing issued by LACORS and the Code of Good Practice for Planning already adopted by the Council.

RESOLVED

- (a) that the Licensing Code of Good Practice be approved as attached to the report now submitted; and
- (b) that the Licensing Code of Good Practice be recommended to the Corporate Governance Panel and Council for endorsement and inclusion in the Constitution.

Chairman

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**LICENSING ACT 2003 – PROGRESS TOWARDS IMPLEMENTATION  
(Report by the Head of Administration)**

**1. INTRODUCTION**

- 1.1 The intention of this report is to update Members on the implementation of the Licensing Act 2003 in Huntingdonshire and the work still being undertaken before the second appointed day, 24th November 2005. Information has also now become available on the actions being taken by the DCMS in assessing the performance of authorities and other outstanding issues.

**2. NUMBER OF APPLICATIONS**

- 2.1 To date a total of 538 applications for premises licences and club premises certificates have been received and 570 for personal licences. Many applicants for premises licences applied shortly prior to the last day for the conversion of existing licences on 6th August 2005 which generated particular problems, especially as many of those attracted representations from responsible authorities and interested parties. The latter has resulted in seventy four hearings by a Sub Committee having to be arranged. Twenty four were cancelled after notice of the hearing had been given, either because the applicant withdrew the request for a variation or more often because they were prepared to accept conditions imposed by responsible authorities. Forty nine hearings have taken place in which all Members of the Committee have been involved.
- 2.2 An exercise has been undertaken to identify any potential outstanding premises which require licensing and explanatory letters have been despatched both by the Council and the Police. On closer examination of the records transferred from the Licensing Justices, it now appears that only a handful of premises with justices on licences may be outstanding although there are more with public entertainment licences who have yet to apply. Information is not available on the number of late night food outlets who may require a licence but have failed to apply to date.
- 2.3 In terms of income, a total of £115,000 has been received for premises licences and club premises licences and £20,000 for personal licences. An assessment is currently being made as to the probable income from premises licences and club premises certificates in subsequent years arising from the payment of the annual fee.
- 2.4 With regard to staffing, the additional resources made available by the Council were insufficient to deal with the late influx of applications which has resulted in the need to employ temporary staff and authorise overtime payments for a number of months over the summer period.

### **3. DCMS**

3.1 The Secretary of State and Minister have written jointly to local authorities expressing their appreciation to licensing teams and councillors for their work in implementing the Act. They have also sought to clarify that the Act and statutory guidance do not contain a presumption in favour of longer opening hours, thereby constraining a licensing authority's ability to reject or modify applications. Where there are representations and a licensing authority believes that extended hours would undermine the statutory licensing objectives, the Secretary of State and Minister have made it clear that the authority can reject the application or grant it with appropriate conditions and/or different hours. Ultimately, of course, this will be a matter for the appropriate Magistrates Court to determine in the event of an appeal being submitted.

3.2 The Secretary of State and Minister have also indicated that –

- ◆ they will listen to arguments for a change in the size of an authority's licensing committee;
- ◆ the DCMS will publish further guidance to residents on the making of representations and the effectiveness of arrangements for the notification of applications;
- ◆ they encourage licensing authorities to adopt a pragmatic and flexible approach to simple errors and omissions which are made on applications;
- ◆ they reiterate that the licensing regime will provide for the recovery of full costs of a licensing authority's functions under the Act although an independent review of the position is currently taking place;
- ◆ they intend to review the statutory guidance that accompanies the Act now that the transitional period is coming to an end; and
- ◆ the DCMS will work with a sample of local authorities to monitor how the Licensing Act is being delivered on the ground and whether the system is helping to achieve the aims set out in each area's local licensing strategy.

3.3 In addition the DCMS have been consulting on the regulations for temporary events notices which are expected shortly in advance of the receipt of notices by licensing authorities after 24th November 2005.

### **4. CONCLUSION**

4.1 The vast majority of premises undertaking licensable activities have now applied and their licences determined. The staff of the Licensing Section have been complimented by licensees, solicitors and interested parties for the way in which they have assisted throughout the transitional period. With the second appointed day approaching, the impact of the variations sought by licensees should become apparent which may trigger requests from responsible authorities and interested parties for reviews. In addition the impact of temporary events notices has yet to be assessed.



## **5. RECOMMENDATION**

5.1 It is

RECOMMENDED

that the Committee note the content of the present report.

## **BACKGROUND PAPERS**

Letter to local authorities dated 30th September 2005 from Secretary of State for Culture, Media and Sport and Minister for Creative Industries and Tourism.

**Contact Officer:** R Reeves, Head of Administration  
☎ 01480 388003

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