

## 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 Wednesday, 19 January 2005.

PRESENT: Councillor J M Sadler - Chairman  
Councillors J T Bell, J D Fell, I R Muir, R Powell, L M Simpson, J Taylor, R G Tuplin, J S Watt and Ms M Wheeler.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs K P Gregory and D Harty.

### 6. MINUTES

The Minutes of the meeting of the Committee held on 8th December 2004 were approved as a correct record and signed by the Chairman.

### 7. LICENSING COMMITTEE PROCEEDINGS

The Committee received a report by the Head of Administration (a copy of which is appended in the Minute Book) outlining the proposed proceedings of the Committee under the Licensing Act 2003.

In particular Members were advised that the Committee was not a committee appointed under Section 102 of the Local Government Act 1972 and therefore not subject to the same requirements in terms of notice of meetings, access to information, exclusion of the public, quorum and political balance at meetings. Instead the Committee was established under Section 6 of the Licensing Act 2003 and was permitted to appoint one or more sub-groups for the purpose of hearing applications under the Act. In the absence of any reference in Regulations prescribing the proceedings of the Committee and in the interests of consistency, the Committee agreed that the provisions of the Local Government Act 1972 should be adopted in relation to their business and the Local Government and Housing Act 1989 would apply with reference to political balance.

Having noted a number of consequential amendments required to the Council's Constitution, it was

#### RESOLVED

- (a) that the provisions of the Local Government Act 1972 in respect of its proceedings be adopted by the Committee;
- (b) that the provisions of the Access to Information Procedure Rules and those aspects of the Council's Procedure Rules that apply to committees and panels of the Council's Constitution be adopted in respect of its proceedings; and

- (c) that the Council be recommended to approve consequential changes to the Constitution as listed in the report now submitted.

## **8. APPOINTMENT OF SUB COMMITTEES**

With the aid 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 one or more sub-committees could be appointed to which the discharge of certain responsibilities must be allocated to them.

Having noted the potential number of sub-committee hearings that might be required during the transitional period and that in some cases hearings would be called at very short notice, the Committee agreed that its membership should be divided into three groups of four members, from which a total of nine sub-committees comprising three members could be appointed.

### **RESOLVED**

that the Committee establish four groups, from which members be appointed to nine Sub-Committees as follows –

A1 - Councillors Sadler, Simpson and Tuplin

A2 - Councillors Sadler, Tuplin and Watt

A3 - Councillors Sadler, Simpson and Watt

B1 - Councillors Bell, Fell and Mrs Gregory

B2 - Councillors Bell, Fell and J Taylor

B3 - Councillors Bell, Mrs Gregory and J Taylor

C1 - Councillors Muir, Harty and Powell

C2 - Councillors Muir, Harty and Mrs Wheeler

C3 - Councillors Muir, Powell and Mrs Wheeler

## **9. LICENSING SUB COMMITTEE PROCEDURE**

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) reminding the Committee that the Licensing Act 2003 enables the Committee to determine its own proceedings and those of its sub-committees, subject to the provision of any Regulations made by the Secretary of State. In that respect, the Committee discussed a suggested procedure for sub-committee hearings which incorporated the requirements of the Licensing Act 2003 (Hearings) Regulations 2005.

Having noted changes between the draft and final Regulations with regard to the procedures and subject to the Head of Administration seeking further advice on an applicant's right to reply in cases relating to a review of premises licences or club premises certificates or convictions coming into light following the grant of a licence, it was

### **RESOLVED**

- (a) that the proceedings in the annex to the report now

submitted be adopted for hearings of the Licensing Sub-Committees; and

- (b) that the Head of Administration, after consultation with the Chairman and Vice-Chairman of the Committee, be authorised to make any subsequent changes to the proceedings.

## **10. DELEGATIONS**

The Committee were reminded that they were required by the Licensing Act 2003 to delegate certain functions to its sub-committees or Officers in the interests of speed, efficiency and cost effectiveness. Having been advised also that the Secretary of State's guidance required the Committee to review regular reports on decisions made by Officers, the Committee considered a schedule of suggested functions proposed for delegation.

RESOLVED

- (a) that the Committee approve the schedule of delegations as set out in the annex attached to the report now submitted under the Licensing Act 2003; and
- (b) that the delegated functions be summarised in the Council's Statement of Licensing Policy.

## **11. LICENSING ACT 2003: AUTHORISED OFFICERS**

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) informing the Committee that the Licensing Act 2003 enabled Officers authorised by the Council to inspect or enter premises for a variety of purposes. Members noted that authorisations by the Committee should relate only to Officers carrying out the functions of the licensing authority as other Officers who might be required to inspect premises would be authorised under other legislation.

RESOLVED

that the following Officers be authorised under Section 13 of the Licensing Act 2003 –

Head of Administration;  
Central Services Manager;  
Licensing Officer; and  
Assistant Licensing Officers.

## **12. MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT PROTOCOL**

The Committee received a report by the Licensing Officer (a copy of which is appended in the Minute Book) advising Members of discussions on the preparation of a memorandum of understanding and joint enforcement protocol in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Committee noted that the proposed Protocol provide a more effective deployment of Officers both by the licensing authority and the Police with inspections of premises not being undertaken routinely but only when judged necessary.

The licensing officers in the County had discussed the memorandum collectively with the Police and a further meeting was to take place in the near future.

RESOLVED

that the draft memorandum of understanding and joint enforcement protocol be noted and the final document submitted to a future meeting of the Committee for approval.

**13. GAMBLING BILL**

Further to Minute No. 04/32, the Head of Administration updated the Committee on the progress of the Gaming Bill currently before Parliament.

**14. GAMING ACT 2003: LICENSING OF GAMING MACHINES**

With the aid of a report by the Head of Administration (a copy of which is appended in the Minute Book), the Committee were advised that the Licensing Act 2003 transferred also responsibility for the licensing of gaming machines in licensed premises from the licensing justices to the District Council which would become a function of the Licensing Committee.

Members noted that the Courts would remain responsible for gaming machines in clubs whilst the licensing of gaming machines in all other premises would remain within the remit of the Licensing and Protection Panel.

Having noted that existing permits issued by the Court would remain valid for any unexpired period of their three year duration, it was

RESOLVED

- (a) that the Head of Administration (or in his absence, the Central Services Manager) be authorised to approve applications for the grant or renewal of permits for gaming machines in premises with a premises licence; and
- (b) that the Licensing Sub-Committee be authorised to hold a Hearing and to determine applications for the grant or renewal of permits for gaming machines in cases where an objection to the application has been received or the Head of Administration (or in his absence, the Central Services Manager) is minded to refuse the application; and
- (c) that the Head of Administration (or in his absence, the Central Services Manager) after consultation with the

Chairman of the Committee (or in his absence, the Vice-Chairman) be authorised to instigate proceedings for contravention of the relevant parts of the Gaming Act or the terms of a permit issued by or under the authority of the Committee.

Chairman