
LICENSING COMMITTEE

Report of the meeting held on 21st June 2005

Matters for Information

1. APPOINTMENT OF SUB COMMITTEES

The Committee has been 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 has re-appointed Members to the Sub Committees.

2. FEES

The Committee has considered a number of issues with regard to exemptions from fees and the determination of fee levels where premises are to be used exclusively or primarily for the consumption of alcohol.

The Committee has been reminded that under existing legislation, the Council has 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. Members have been reminded that under the Licensing Act 2003, the exemption from fees does not apply to charitable events and that should the Committee wish to offer a discount, the loss of income would have to be met by the Council's general revenue budget. The Committee also has noted the Cabinet 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 maximise income, net of applicable costs. Therefore the Committee has agreed to not remit fees for events held for charitable or other like purposes under the Licensing Act 2003.

On a related subject, the Committee has been reminded that an amendment to the Fees Regulations under the Licensing Act 2003 has enabled additional revenue to be generated to address problems arising from large establishments used primarily and exclusively for consumption of alcohol on the premise, where fees for premises in rateable values D and E can be doubled and tripled respectively. In the event of a potential challenge to the use of the multiplier and in the absence of definition of 'primarily' or 'exclusively', the Committee has authorised the Head of Administration (or in his absence the Central Services Manager), after consultation with the Chairman or

Vice-Chairman of the Committee to increase the level of fees for premises in Bands D and E in accordance with the Fees Regulations.

3. LICENSING ACT 2003: THE LICENSING REGISTER

The Committee has been acquainted with 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 has noted that an electronic version of the register is being developed which can be made available, where appropriate, on the website. Where a paper copy is required, the Committee have agreed that a fee of 50 pence per A4 copy be charged.

4. MEMBERS' LICENSING CODE OF GOOD PRACTICE

The Committee has approved a draft of a Proposed Members' Code of Good Practice for Licensing. The recent additional licensing responsibilities placed on the Committee by the Licensing Act 2003 has highlighted a need for good practice to be adopted for all licensing functions and actions by Members and the Code of Good Practice for Licensing has been drawn up with regard to guidance issued by LACORS and the Code of Good Practice for Planning already adopted by the Council.

The Committee has recommended the Licensing Code to the Corporate Governance Panel initially for endorsement.

J M Sadler
Chairman