

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, I R Muir and Ms M Wheeler

6. MINUTES

The Minutes of the meeting of the Committee held on 18th 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