

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room on WEDNESDAY, 19 JANUARY 2005

Present: Councillor P A Hyde (Chairman) (In the Chair)

Councillors J G Coxon, R A Evans, P Holland, D Howe, J T Male, J B Webster, D H Wintle, R Woodward and M B Wyatt.

Officers: Mr R Eaton, Miss M Lister and Mr J E Peters.

Apologies: Apologies for absence were received from Councillor G Tacey and Ms E Warhurst.

There were no declarations of interest.

544. MINUTES

... Consideration was given to the minutes of the meeting held on 10 November and 29 November 2004 (copies previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meetings held on 10 November and 29 November 2004 be approved and signed as a correct record.

545. HACKNEY CARRIAGE AND PRIVATE HIRE GROUP

... Consideration was given to the minutes of the meeting held on 21 July 2004 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes be received and noted.

546. LICENSING COMMITTEE - DRAFT PROCEDURES

Mr Eaton announced that he wished to withdraw this item from consideration at the meeting. He explained that the Leicester, Leicestershire and Rutland Licensing Forum had been working on a number of key documents in connection with the implementation of the Licensing Act 2003, including the finalisation of a procedural guide for the conduct of licensing committees or hearing panels.

Officers had envisaged a similar type of procedure as the one currently used for the consideration of Public Entertainment Licence applications. Accordingly, a draft procedural guide had been prepared by the Licensing Forum Group. However the Government had now published the Regulations which envisage a set of procedures for use at licensing meetings which had differed greatly from officers' expectations. In view of the Government's approach that the Licensing Authority "would lead discussions" at licensing committee meetings, officers needed to reconsider the procedure. It was anticipated that a report would be presented on this subject for consideration at the Licensing Committee meeting on Wednesday, 9 March 2004.

Chairman's initials

RESOLVED:

That the item be withdrawn from the committee's consideration.

547. STANDARD CONDITIONS FOR CINEMAS, THEATRES, PLACES OF PUBLIC ENTERTAINMENT AND INDOOR SPORTS ENTERTAINMENT LICENCES

... (Report circulated at the meeting and retained with the official copy of the minutes).

The purpose of the report was to consider amendments to the District Council's Standard Conditions for theatres, cinemas, places of public entertainment and indoor sports entertainment licences.

Miss Lister explained that members were being asked to consider amendments to the conditions in order to properly reflect Leicestershire Fire Authority's work practices; to update British Standards references; and to introduce a new condition to assist with the particular control of striptease and similar entertainment involving nudity.

The report included a copy of all the amended conditions and the new proposed condition. The wording to be removed from each condition was shown in bold lettering and any wording to be included was highlighted.

In respect of the Fire Authority response to licence application consultations, a councillor sought clarification on the District Council's responsibilities and liability under the current legislation. He expressed concern at the Chief Fire Officer's current practice of responding to consultations without the actual inspection of premises.

In response to the member's question, officers explained that it was the responsibility of the employer or person with control of the premises to carry out a risk assessment of those premises.

Furthermore, Mr Eaton confirmed that council officers were qualified to carry out the inspections of premises, making reference to Home Office guidance on recommended standards. In addition, Leicestershire Fire and Rescue Service had stated that if council officers had any doubts or concerns with any particular premises then appropriate advice would be given on request.

In respect of the proposed new condition giving control over striptease or similar entertainment involving nudity, Miss Lister advised members how important it was that the Council's standard conditions were up to date to cater for current entertainment trends. This had a particular importance since the public entertainment, cinema and theatre licences issued by the District Council, and which would be converted under the Licensing Act 2003, would continue to be subject to any conditions attached to those licences, unless a variation application was made to remove or alter the condition.

Chairman's initials

On the consultation with Leicestershire Fire and Rescue Service over the proposed amendments to the standard conditions it was noted that the Fire Authority would be forwarding their recommendations on Conditions 56 and 57. Officers did not anticipate that the Fire Authority's recommendations would require a further report to the Licensing Committee.

RESOLVED:

- (a) That the Standard Conditions for Cinemas, Theatres, Places of Public Entertainment and Indoor Sports Entertainment Licences be amended as proposed in the report having regard to any representations from Leicestershire Fire and Rescue Service.
- (b) That officers be permitted to carry out further amendments to the conditions if considered necessary upon receipt of representations from the Leicestershire Fire and Rescue Service.
- (c) That the Chief Fire Officer be invited to attend the next Licensing Committee meeting on Wednesday, 9 March 2005 to address members on the Fire Authority's current work practices.

548. APPOINTMENT SYSTEM

Mr Eaton asked members for their views on the possible introduction of an appointments system in the Council's Licensing Section. He explained that a system was being suggested as a practical step to help with the delivery of services to customers during the transitional period of the Licensing Act 2003. Bearing in mind that officers may be processing up to 500 applications for premises licences and possibly over 1,000 personal licence applications within strict legislative timescales, an appointment system would go some way to avoiding frustration and delay and allow officers to devote time to processing applications.

RESOLVED:

- (a) That the introduction of an appointment system in the Council's Licensing Section during the Licensing Act's transitional period be supported.
- (b) That officers produce a proposed appointment system in discussion with the Chairman of the Licensing Committee and all members of the Committee be informed of the system's details in due course.

549. LICENSING MATTERS – UPDATE

Mr Eaton gave a verbal update on a number of licensing matters.

Licensing Committee

Members were asked to note that a report would be presented to the next Council meeting on constitutional issues associated with the Licensing Committee. The report would address the appointment of sub-groups drawn from the membership of the parent committee.

Chairman's initials

In response to a question on the responsibilities of a sub-group, Mr Eaton confirmed that a decision made by a sub-group could not be over-ruled by the parent committee or by the Council.

Following the Government's publication of regulations, Mr Eaton advised members that officers in the Licensing Section would be producing application forms and information packs for all existing licensees in the next few weeks.

Training

Mr Eaton reminded members of the Licensing Act 2003 Training Day at Charnwood Borough Council Offices on Friday, 21 January 2005. Acknowledging that several members may not be able to attend the Training Day, it was hoped that a further evening training event could be organised for members.

Partnership In Safer Communities

Mr Eaton informed members of an important change in the regulations affecting the Partnership. The Partnership was no longer identified as a responsible authority in the final regulations. This meant that it would not be receiving a copy of every application made under the Licensing Act 2003.

Taxi Marshals

Mr Eaton asked members to note that the Home Office had identified the use of bus and taxi marshals at designated taxi ranks and bus stations to help tackle crime and disorder in the night time economy. Consequently the District Council would need to consider this issue and determine its position.

The meeting terminated at 7.11pm.

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