

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room on WEDNESDAY, 9 MARCH 2005

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

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

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

In attendance (item 2): Mr T Moss, Head of Fire Protection, Leicestershire Fire and Rescue Service

Apologies: An apology for absence was received from Elizabeth Warhurst.

There were no declarations of interest.

629. MINUTES

... Consideration was given to the minutes of the meeting held on 19 January 2005 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting held on 19 January 2005 be approved and signed as a correct record.

630. LEICESTERSHIRE FIRE AND RESCUE SERVICE WORK PRACTICES

Mr Eaton introduced Tim Moss, Head of Fire Protection for Leicestershire Fire and Rescue Service, who had been invited to address the Committee on the Fire Authority's current work practices and role under the Licensing Act 2003.

Mr Moss started by explaining that there were limitations placed on the Fire Authority's involvement under the Licensing Act 2003 because of the extent of the legislation. The Fire Authority's powers and enforcement duties were under the Workplace Regulations Act and Fire Precautions Act.

Mr Moss explained that the Fire and Rescue Service had previously been consulted on applications for justices and public entertainment licenses. The new Act would result in a significant increase in the number of licence applications throughout the County estimated at between 8,000 and 10,000 licence application consultations, and it would no doubt have an effect on their current work practices. The Fire Authority would be able to refer to existing licence files for some consultation replies, however previously unlicensed premises would require an inspection. In the first tranche, the Fire Authority would target premises with occupancies over 200 and it was intended to inspect all premises within a 3 year period as part of a rolling inspection programme.

Chairman's initials

Members noted that although the Fire Authority's standard reply to Licensing Act consultations would be "no objections", the applicant would be expected to comply with workplace regulations and any non compliance would be pursued by appropriate enforcement action in accordance with the Workplace Regulations Act. The Fire Service would notify the District Council of the enforcement action, where appropriate. Mr Moss invited questions from members of the Committee. In response to questions, he clarified the Fire Authority's enforcement steps to address non compliance with workplace regulations and response times for dealing with significant concerns.

Mr Eaton informed the Committee that the Leicester, Leicestershire and Rutland Licensing Forum would be considering a draft service level agreement at their next meeting on 18 March 2005. The service level agreement would serve as a protocol in terms of the Fire Authority's role and the service they would provide under the Licensing Act 2003.

A number of members expressed concern over whether the Fire Authority had sufficient manpower to cope with their significant increase in duties under the Licensing Act and asked whether this would hinder their ability to attend committee meetings. Mr Moss described the Fire Authority's support staff arrangements and its geographical operations. He accepted that there could be initial administrative difficulties, especially since the prescribed application forms did not easily identify the types of application, but an inspection programme already existed for premises with justices and public entertainment licences and it was the authority's intention to incorporate all licensed premises in that inspection programme on a yearly, 3 yearly, or 5 yearly risk basis assessment. In addition consideration was being given to the re-introduction of ad hoc inspections by local fire crews. He envisaged no problems with committee attendance.

Mr Moss finished by stating that the new legislation firmly placed responsibility for risk management on an occupier and owner of the premises. He likened the Fire Authority's role under the new legislation to the current role performed by the Health and Safety Executive, which generally investigated matters after a particular incident.

631. LICENSING COMMITTEE PANEL HEARING PROCEDURES

... Consideration was given to the draft procedure for sub committee (panel) hearings under the Licensing Act 2003 (copy previously circulated and retained with the official copy of the minutes).

Mr Eaton introduced the draft procedure and drew members' attention to the main elements of the document. He drew particular attention to the licensing authority's actions before a meeting and the licensing officer's role.

Following a response by Mr Eaton to a question on cross examination and opportunities to attend and make representations at hearings, several members expressed their frustration at being requested to stand down for items affecting their ward and being removed from the decision making process. Two members specifically referred to a recent Licensing Committee hearing where they had been advised by the Council's legal adviser to remove themselves from the meeting before its commencement because they were members of a town council which had discussed and commented on a public entertainment licence application which had subsequently been referred to the District Council's Licensing Committee for determination. Members sought clarification on the legal advice to remove themselves from meetings or to stand down for items affecting their ward.

Mr Eaton undertook to research this matter and informed members that he was also aware that LACORS were aiming to produce specific guidance on this subject in terms of the Licensing Act 2003.

One member made a comparison with the ability of a magistrate to consider court cases where it could be argued that they held local information or knowledge relative to the actual court case itself. The councillor used this example to stress how vital it was that councillors were able to bring their knowledge as ward members to the decision making process. The point was also made that local people expected their elected councillors to have this involvement and input.

Members agreed that the matter of advice on withdrawal or attendance at a meeting and exclusion from decision making was a continuing concern for members and required further consideration by the Standards Board for England.

Members noted the proposed order for addressing the meeting; accommodation arrangements for hearings; the procedure for submitting additional information after the introduction of the Licensing Officer's report and the provisional scheduling of daytime meetings starting in June. It was also noted that political balance would not apply to sub committees.

RESOLVED:

- (a) That the Standards Board for England be advised of Licensing Committee members' concerns regarding their position as a ward member at licensing meetings when there was an agenda item affecting their ward.
- (b) That the Manager of Central Support be authorised to amend the hearing procedure if necessary in consultation with the Chairman of the Licensing Committee.

632. HACKNEY CARRIAGE FARE TABLE

... Consideration was given to the report of the Manager of Central Support (copy previously circulated and retained with the official copy of the minutes).

The report advised members of a recommendation made by the Hackney Carriage and Private Hire Group on 23 February 2005 to vary the hackney carriage fare table.

Chairman's initials

RESOLVED:

That the hackney carriage fare table be varied as follows:

- (a) The distance fare for up to and including 1 mile be increased to £3.00.
- (b) The waiting time fare for each completed period of 1 minute be increased to 25p.
- (c) The extra charge of normal fare plus 33% for each journey begun or ended on a Bank Holiday Monday be extended to all Bank Holidays.
- (d) The soiling charge be increased to £50.00.

Mr T Moss left the meeting at 7.00pm.

The meeting terminated at 7.40pm.

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Chairman's initials