

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room, Council Offices, Coalville on WEDNESDAY, 21 SEPTEMBER 2005

Present: Councillor R A Evans (Chairman) (In the Chair)

Councillors P Holland, D Howe, D H Wintle, R Woodward and M B Wyatt.

Officers: Miss J Brookbanks, Mrs J Cotton, Mr R Eaton, Mrs R Horrobin and Mr J E Peters.

Mr Pheasey, Solicitor with Hawley and Rodgers, representing the applicant for the renewal of the public entertainment licence.

Ms Lisette Bell-Simmonds, applicant for renewal of the public entertainment licence for Ciro's.

Apologies: Councillors P A Hyde, J T Male and G Tacey.

There were no declarations of interest.

271. MINUTES

... Consideration was given to the minutes of the meeting held on 3 August 2005 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting held on 3 August 2005 be approved and signed as a correct record.

272. MINUTES

... Consideration was given to the minutes of the meeting of the Hackney Carriage and Private Hire Group held on 2 December 2004 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting of the Hackney Carriage and Private Hire Group held on 2 December 2004 be noted.

273. APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE

The Principal Solicitor introduced the item and gave an outline of the application for the renewal of a public entertainment licence in respect of Ciro's, Market Street, Ashby de la Zouch.

The Principal Solicitor explained that this renewal was brought before the last Licensing Committee meeting held on 3 August 2005 when an adjournment was granted to Mr Pheasey as the Police had requested to produce additional information.

Chairman's initials

... The Licensing Officer advised the Committee that no representatives from the police were attending in respect of this matter, and went on to introduce the report for the renewal of the public entertainment licence for Ciro's, 79 Market Street, Ashby de la Zouch (copy previously circulated and retained with the official copy of the minutes).

The purpose of the report was to request members to consider the renewal of the public entertainment licence in respect of Ciro's, 79 Market Street, Ashby de la Zouch. The applicant is Ms Lisette Bell-Simmonds. There were no questions to the Licensing Officer.

Mr Pheasey, the Applicant's solicitor, presented the applicant's case. He asked that it be noted that the Police and the Town Council were not in attendance but that everybody else was and went on to ask whether he was to present his client's case or were members of the Committee in a position to grant the licence.

The Principal Solicitor advised the Committee that the Town Council had submitted written objections and that although the Town Council were not here to make oral representations the Committee should still have regard to the written objections, but it would be usual to give these less weight than oral objections.

Mr Pheasey stated that Ciro's had held a public entertainment licence for 22 years, opening until 2.00am Fridays and Saturdays for 7 years. The objections of Ashby Town Council following a letter dated 8 March 2005 gave the reasons that Ashby de la Zouch was a well populated residential area and that local residents would experience considerable disturbance. He went on to say that Ashby de la Zouch was a town centre and there was no evidence of disturbance. No objections had been raised by the 195 residents living in the town centre. The Town Council stated that incidents happened between 1.00am and 3.00am. It was down to the Town Council to prove that these incidents were linked to this particular premise.

Mr Pheasey advised the Committee that Inspector Straughton and Sergeant O'Brien had commented in the Leicester Mercury that it was easier to police the town if closing times were staggered. He pointed out therefore that this aim would be achieved if the application was to be approved.

The applicant, legal advisor and officers of the Council were asked to leave the room whilst the Committee deliberated.

RESOLVED:

That the renewal of the public entertainment licence for Ciro's, 79 Market Street, Ashby de la Zouch be granted.

274. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under S100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that the discussion of the practical effect of the Saturation Policy would be likely to lead to disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 12A to the Act.

Chairman's initials

275. STATEMENT OF LICENSING POLICY - SATURATION**

... The Head of Administration outlined the Statement of Licensing Policy - Saturation (copy previously circulated and retained with the official copy of the minutes).

The purpose of the report was to request that members consider amendments to the Statement of Licensing Policy.

The Head of Administration introduced the report and explained the need to amend the existing policy so that it was in line with the statutory guidance and would be clear to applicants, responsible authorities and interested parties. He explained how the "rebuttable presumption" procedure in the Saturation Policy would affect how members determined relevant applications in licensing hearings.

Generally, the Committee agreed that the wording in the policy needed to change as outlined in the officer's report.

... The Principal Solicitor offered legal advice which was recorded in a confidential minute.

RESOLVED:

That the statutory consultees be consulted on the proposed changes to the Statement of Licensing Policy as outlined in the report.

THE MEETING RETURNED TO OPEN SESSION

276. HEARINGS AND APPEALS

... The Head of Administration submitted a report on hearings and appeals (copy previously circulated and retained with the official copy of the minutes).

At present 20 hearings have taken place with a further 9 to be heard. He stated that the availability of members, officer support and legal advisors had made the administration of hearings more difficult as well as the number of hearings in a concentrated period of time.

The Head of Administration made reference to the appeal process in respect of the Bull's Head in Ashby de la Zouch, the White Hart in Ashby de la Zouch and a possible appeal in respect of the Cross Keys in Castle Donington.

The Bull's Head hearing had been scheduled for 2 days, the first in Leicestershire under the Licensing Act 2003 and would be complex. It was understood that the Police would be instructing a barrister and the Acting Head of Legal Services had advised that the Council should be similarly represented. There was no specific budget to cover the cost of appeals. The Head of Administration further added that the current situation was one definite appeal and 2 potential appeals with the possibility of more. He asked the Committee if it wished to make an application to the Executive Board for a supplementary estimate of £10,000.

Chairman's initials

Members of the Committee voiced their opinion that they would rather approach the Executive Board for an amount that would cover the total expected expenses, rather than have to make a further application. It was suggested that £15,000 be sought.

RECOMMENDED:

THAT THE EXECUTIVE BOARD BE REQUESTED TO APPROVE A SUPPLEMENTARY ESTIMATE IN THE SUM OF £15,000 TO COVER ANTICIPATED COSTS ASSOCIATED WITH APPEALS UNDER THE LICENSING ACT 2003.

277. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That in pursuance of Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A to the Act.

278. LICENSING ACT 2003 – WORKFLOW AND STAFFING IMPLICATIONS**

... The Head of Administration submitted a report to appraise members of the latest position with regard to workflow under the Licensing Act 2003 (copy circulated at the meeting and retained with the official copy of the minutes).

The Head of Administration informed the Committee of the temporary staffing resources recruited in the Licensing Section to deal with applications in transition. Two officers were on contracts due to end in January 2006 and a further 2 in March 2006. He explained that originally it was anticipated that the number of outstanding applications at this time would be a low figure but for the reasons as specified in the report a number were still outstanding. There was also likely to be a number of full applications with the possibility that this would generate further hearings. If on 24 November 2005, the second appointed date, there were still outstanding applications, then enforcement issues would also arise.

The Head of Administration advised that the cost to extend the 2 officers' contracts until March 2006 would be £6,000. Whilst the fee income received so far was higher than anticipated, this would be cancelled out by extra overtime worked by staff. The Head of Administration suggested an application for a supplementary estimate from the Executive Board. It was explained that post April 2006 2 further pieces of legislation would come into play, namely the Gaming Act and the Street Trading Provisions, both of which would be dealt with by the Licensing Section.

RECOMMENDED:

THAT THE EXECUTIVE BOARD BE ASKED TO APPROVE THE EXTENSION OF THE TEMPORARY CONTRACTS FOR POST NUMBERS RE289 AND RE297 UNTIL 31 MARCH 2006 ABOVE AND THE NECESSARY SUPPLEMENTARY ESTIMATE OF £6,000.

Chairman's initials

In closing the meeting, the Committee made reference to the excellent service provided by the internal legal representative and committee administrator and also thanked the Council's own staff for their efforts during this demanding period.

It was also noted that a toolkit of conditions would be useful for members to use during meetings. The Head of Administration said that he would revisit this matter as he believed that there was a toolkit at County level listing a pool of conditions which could be used to assist with a determination.

Councillor R Woodward left the meeting at 7.26pm.

The meeting terminated at 7.42pm.

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