

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 21 FEBRUARY 2018

Present: Councillor N Smith (Chairman)

Councillors G A Allman, R Ashman, J Clarke, N Clarke, J Cotterill, D Everitt, T Eynon, G Hoult, G Jones, P Purver, V Richichi, A C Saffell, S Sheahan, M Specht and M B Wyatt

In Attendance: Councillors J Legrys (Observer) and A V Smith (Portfolio Holder)

Officers: Mrs L Arnold, Mr A Cooper, Mr L Mansfield and Mrs R Wallace

5. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Hoult.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 4 October 2017.

It was noted that Councillors N Clarke, J Hoult and G Jones were to be removed from the attendance list as they had given their apologies for the meeting.

It was moved by Councillor M Specht, seconded by Councillor V Richichi and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 4 October be approved and signed by the Chairman.

8. REVIEW OF STREET TRADING POLICY

The Environmental Health Team Manager presented the report to Members. He reminded Members that the draft policy had been considered at the last meeting, the comments made by the committee were acted upon and influenced the content of the draft policy that was published for consultation. As Members had requested more detail regarding the consideration of an application following revocation of a consent, the Environmental Health Team Manager referred to the guide to be used by officers when making a decision which was detailed at paragraph 4.0 of the report.

Councillor T Eynon was pleased to see that the comments previously made by the committee had been taken on board. She also found the guidance regarding applications following a revocation of a consent very helpful as it allowed for good practice and clarity.

Regarding the guide to assist officers in determining an application following a revocation of a consent, Councillor S Sheahan questioned the wording of 'Failings were minor', as he felt there must be a limit and this was not clear. The Environmental Health Team Manager explained that this was in respect of a minor non-compliance to conditions which would not result in a revocation. He added that it would need to be a very serious failing for a revocation and the authority had only revoked one licence in the last nine years. He agreed that the term 'minor' may not be suitable and would look at an alternative. Councillor S Sheahan suggested the following wording 'Failings were significant and occurred as an isolated incident.'

Chairman's initials

Councillor V Richichi asked if there would be a list of offences within the policy so that it was clear of the level of seriousness for the failings. The Environmental Health Team Manager explained that the decisions would be taken by officers whom would also take legal advice as part of the process and therefore there would not be a list of offences. The chairman felt that the officers should use their judgment on these matters, especially as legal advice would be sought. The Legal advisor informed Members that a prescriptive list would limit the officers on the options available to them on these matters and therefore felt it was a risk to introduce a list of offences.

Councillor R Ashman was happy with the draft policy, he felt it contained the right amount of detail and was clear for people to understand.

In response to a question from Councillor J Clarke, the Environmental Health Team Manager stated that Members were not usually consulted when licences were revoked. Councillor T Eynon felt this was the right approach but asked that Ward Members be informed of any serious matter before it was reported by the press.

The Environmental Health Team Manager referred Members to the analysis of consultee comments at appendix two of the report and highlighted the proposed changes to the draft policy as a result.

In response to a question from Councillor S Sheahan, the Environmental Health Team Manager confirmed that District Councillors as well as Parish/Town Councillors were mandatory consultees and would be consulted on both new and renewal applications, where complaints have been received over the last 12 months.

In relation to consultee response number 4 at appendix two regarding the requirement for clarity to reduce ambiguity and ensure consistency, Councillor M Specht asked how this would be addressed as it was not impossible for officers to have a different opinion when making a similar decision. The Environmental Health Team Manager referred Members back to the guide at paragraph 4.0 of the report and explained this would be used to ensure consistency along with the legal advice received, he believed that it was a robust approach. The Legal Advisor also informed Members that the Legal Team had policies in place which meant that each discussion had with an officer would be formally recorded and placed on file, therefore it could be referred to in the future to ensure that advice was consistent no matter which officer was dealing the matter.

It was moved by Councillor G Hoult, seconded by Councillor R Ashman and

RESOLVED THAT:

The comments of the Licensing Committee be taken into account prior to the consideration and adoption by Council on 20 March 2018.

The meeting commenced at 6.30 pm

Councillor V Richichi left the meeting at 6.55pm

The Chairman closed the meeting at 7.00 pm