

# LICENSING COMMITTEE

## MINUTES OF THE SPECIAL MEETING HELD ON 13 SEPTEMBER 2004

**Councillors:** Geoff Findlay (*Chairman*) (P), Peter Argyle (P), Billy Drummond (P),  
John Farrin (*Vice-Chairman*) (P), Manohar Gopal (P), Roger Hunneman (P), Owen Jeffery (P),  
Bob Judge (AP), Tony Linden (AP), Mrs Irene Neill (P), Mike Rodger (P) Andrew Rowles (P)

**Also present:** Councillor John Chapman

### PART I

#### 8. APOLOGIES.

Apologies for the inability to attend the meeting were received on behalf of Councillors Bob Judge and Tony Linden.

#### 9. DECLARATIONS OF INTEREST.

There were no declarations of interest declared.

#### 10. LICENSING ACT 2003.

The Committee considered a report (Agenda Item 3) concerning the Licensing Policy Statement that the Council was required to produce under the Licensing Act 2003 Section 5(1)(a) and (b) and publish before 7<sup>th</sup> February 2005. The Statement of Licensing Policy and the Guidance to the Act would be the documents which the Licensing Sub Committees would have due regard to, in making decisions regarding applications for licenses, variations to licenses and when dealing with representations made against licences which were subsequently reviewed.

The Committee noted that the Council needed to ensure that only those items defined within the Act, and not other licensing matters eg those relating to taxis and other delegation issues, should be included in the Licensing Policy Statement. It was also noted that the Licensing Policy Statement, which would be going to Council in December for approval, would be reviewed every three years.

Members were informed that external consultation on the draft Statement would take place between 15<sup>th</sup> September and 1<sup>st</sup> November 2004 and although the Council was still awaiting details on the timing of the transition period it was expected to be 7<sup>th</sup> February 2005 to 7<sup>th</sup> November 2005.

During discussion of the draft Statement it was agreed that the following amendments should be made:

Para 2.3.13: "11am" to read "11pm";

Para 8.6.3: "toughened glass drinking glasses..." to read "toughened glass or plastic drinking glasses..."

Members raised concern about wanting to place restrictions on smoking in licensed premises. Officers reported that although this could not be included in the Council's Licensing Policy Statement it could be a condition that was included in an establishment's operating schedule. When the welfare of children was an issue the position was less clear. On balance Officers felt that this was a matter that could be addressed by the policy.

Discussions were held around drinking in public places eg pavements etc and Members were informed that anyone could apply for a licence for a piece of land and that the Council should give consideration to itself applying for licences for certain public areas eg Victoria Park. This would allow the Council to have control of an area but would also provide the opportunity to allow others to use the area by consent.

**LICENSING COMMITTEE – 13 SEPTEMBER 2004 – MINUTES**

**RESOLVED that** the Draft Licensing Policy Statement – Version 6.4 be adopted subject to the amendments as set out above.

**11. EXCLUSION OF PRESS AND PUBLIC.**

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 12 of Part 1 of Schedule 12A of the Local Government Act 1972. Rule 4.2 of the Constitution also refers.

**PART II**

**12. TAXI LICENSING.**

*(Paragraph 12 – legal advice)*

The Committee considered an urgent exempt report (Exempt Agenda Item 5) concerning the proposal to impose a temporary moratorium on the granting of taxi licences.

Members were informed that the reasoning behind this was to ensure that conditions were not imposed on licence holders that might not be in line with Government legislation and to ensure fairness to those in the taxi trade who had already taken action to make their vehicles suitable for disabled people. It was therefore felt that a moratorium should be imposed in order to develop a robust revised policy and draft licence conditions, which would be consulted upon with Members, the trade and with users.

**RESOLVED that** a temporary moratorium be imposed upon the granting of any new licences until 1<sup>st</sup> December 2004 to enable revised draft conditions to be prepared and consulted upon prior to consideration by the Licensing Committee.

*(The meeting commenced at 5.30pm and closed at 6.35pm)*

**CHAIRMAN** .....

**Date of Signature:** .....