

Licensing Committee – Meeting held on Thursday, 16th January, 2014.

Present:- Councillors Davis (Chair), Aujla, Malik, Mittal (Vice-Chair), Munawar, Plimmer, Rasib, Shah, Sohal and Wright

Apologies for Absence:- Councillor Dhillon

PART 1

16. Declarations of Interest

None.

17. Guidance on Pre-determination/Predisposition - To note

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

18. Minutes of the Last Meeting held on 30th September, 2013

Resolved – That the minutes of the meeting held on 30th September 2013 be approved as a correct record.

19. Licensing Act 2003: Review of Statement of Licensing Policy

The Officer outlined the report and highlighted that Appendix D contained a page error. The references to Sex Establishments and amendments to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 could be found on page 35, not page 19.

The Committee was reminded that the Licensing Act 2003 required the Council, as the licensing authority, to prepare and publish a statement of its licensing policy every 5 years. Although the Guidance represents best practice, it was not binding on the Council and provided that the Guidance had been properly understood and considered, licensing authorities could depart from it if they had reason to do so.

Members were asked to note that the 2003 Act imposed a duty on the Council, as the licensing authority, to carry out its functions under the Act with a view to promoting the four licensing objectives. Each of these objectives were of paramount and equal importance.

The Officer advised that the regulations surrounding decisions relating to licensing matters were not the responsibility of an authority's executive and that decisions relating to the statement of licensing policy could not be delegated in such a way. The decision on whether to adopt the statement of licensing policy must therefore be taken by full Council. It was highlighted that full revisions were now to be made at 5 yearly intervals and be kept under review during that period. If a revision was conducted during the 5 years period, it would not require a further review until 5 years after the date of the publication of the revised Policy.

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The Committee noted that the current policy approved in 2010, took effect in January 2011 to cover the period up to 2016. A number of changes made through the implementation of wide ranging reforms to the Licensing Act 2003 had resulted in the need to bring forward a review of the Statement of Licensing Policy to ensure it was up to date. Members noted that the revised draft Policy was subject to public consultation, which started on the 31st August 2013 and ended on 30th September 2013. It was highlighted that there had been little response to the consultation, as it was generally considered that the discretion of the Council in reviewing the Policy was limited due to the close rules around how licensing authorities carried out the licensing functions.

The Officer referred the Committee to the one response set out at Appendix C and it was felt that the response did not impact upon the revised policy document, as Licensing Authorities were obliged to consult as widely as possible, including with 'cultural organisations' and religious establishments.

Following a brief discussion, the Committee agreed that the draft policy be recommended for adoption as the Council's Licensing Policy.

Resolved – That Council be recommend to resolve that the draft revised Statement of Licensing Policy 2014-2019 be adopted as the Council's Licensing Policy.

20. Members' Attendance Record

Resolved – That the report be noted.

Chair

(Note: The Meeting opened at 6.30 am and closed at 6.48 am)