

LICENSING COMMITTEE

DRAFT MINUTES

Of a virtual meeting on Wednesday 2 December from 7.30pm to 8.10pm

Members of the Licensing Committee:-

Councillors:-	Martin Trevett (Chair)	Steve Drury (Vice Chair)
	Donna Duncan	Roger Seabourne
	Stephen Cox	Alex Turner
	Joy Mann	
	Shanti Maru	
	Debbie Morris	

Officers in attendance:

Matthew Robert – Team Leader Projects and Compliance
Lorna Fryer – Lead Licensing Officer
Sarah Haythorpe – Principal Committee Manager
Sherrie Ralton - Committee Manager

LEC 01/20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dominic Sokalski and Kate Turner.

LEC 02/20 MINUTES

The minutes of the Licensing Committee Meeting dated 5 December 2018 were confirmed as a correct record by the Committee and would be signed by the Chair of the meeting.

LEC 03/20 ANY OTHER BUSINESS

There was no other business.

LEC 04/20 DECLARATION OF INTERESTS

There were no declarations of interest.

LEC 05/20 REVIEW OF LICENSING POLICY

The Statement of Licensing Policy 2016-2021 ("the Policy") was adopted in 2016 in line with the requirements of the Licensing Act 2003 (as amended). The Policy was up for review in August 2020 and will come to an end on 7 January 2021.

Due to work commitments, limited department resources coupled with the Coronavirus pandemic, Officers had not been able to undertake a full review to ensure a new updated Policy was in place and agreed by Full Council by 7 January 2021. A review was underway and Officers sought Member support to agree an extension to the adoption of the existing Policy (solely as an interim measure) up until 18 May 2021 to coincide with Annual Council. Legal Counsel's advice had been sought and was summarised within the report.

Officers also sought Member agreement to a new timescale for implementation of the amended Policy to ensure it could be implemented from May 2021. The timescale for implementation would include a minimum 6 week public consultation process.

Members raised the following points:

Concern was raised that the Council would be in breach of its statutory requirements to have a Licensing Policy Statement as required by Section 5 of the Licensing Act and asked for clarification as to how this situation occurred. The Team Leader Project and Compliance advised that work should have commenced in the summer but Officer time had been taken up supporting local businesses with the legislation, rules and regulations implemented due to the Pandemic and putting processes and procedures in place to ensure the Licensing Department could function safely. The Licensing Policy had been reviewed and at this time there were very few major changes. The Chair added that there had been additional work pressures due to the pavement extensions of licensed premises and car park issues.

A Member said that these were unprecedented times and Officers had taken professional judgements as to what the priorities were.

A Member asked what the consequences would be of not having the policy in place. The Lead Licensing Officer advised that a risk assessment had been added to the report and was based around any legal challenges that may occur. The new Policy would be in place by the time any appeal was heard therefore the risk had been assessed as minimal.

7.50 Two Members joined the meeting so the Team Leader Project and Compliance repeated the introduction and the Member's comments were also repeated.

Further points were raised by Members:

Why was the Licensing Committee meeting cancelled in June, as this item should have been on the Work Programme?

The Licensing Policy was described as a minimal risk but had been scored by Officers as a 6 which was considerably above a low risk. There had been sufficient concern by the Legal Department to instruct Legal Counsel for specialist opinion.

8.00 pm Councillor Kate Turner joined the meeting but would be unable to vote on this item due to late arrival.

Officers were not expecting measureable changes to the Policy but how long had been spent reviewing the policy? The Officer was unable to quantify the time. It was a 48 page document that had been reviewed and compared with neighbouring Local Authorities reviews of their policies. With regard risk, within the past 3 years no licensed premises had been taken to court or an application refused so the risk was minimal for the Council.

The Team Leader Project and Compliance said Officers would be ensuring the Policy was robust to use and was up to date and had regard to all the relevant legislation and guidance. It would also be reviewed by the Legal Department and this would all take time. The Member's comments on the work programme had been noted. In terms of the risk factor of six, the risk was there, however this would decrease the closer the policy was to adoption. Following the consultation process weight would be given to the new Policy which would minimise the risk.

The Chair moved, duly seconded, the recommendation set out in the report.

On being put to the Committee, the recommendations in the report were declared CARRIED by the Chair, the voting being by General Assent.

RECOMMENDATION:

That Licensing Committee recommended to Council to:

- i) Authorise Officers to continue to adopt the existing Statement of Licensing Policy 2016-2021 for an interim period up until 18 May 2021.
- ii) Authorise Officers to review the Policy in line with the Schedule of Implementation (**Appendix B**).

LEC 06/20 WORK PROGRAMME

To consider and make any necessary changes to the Committee's work programme. The date of 27 January 2020 to be amended to 27 January 2021.

RESOLVED:

That the Committee notes the items included in the work programme

CHAIRMAN