

MINUTES of the meeting of the Licensing Committee held on 5 November 2007 at 7.00 p.m.

Present: Councillors Tunde Ojetola (Chair), Gareth Davies, (Vice Chair), Eddie Hardiman, Barry Johnson and John Cowell, substitute for Councillor Stephen Veryard.

Apologies: Councillors Curtis, Gledhill and Veryard

In attendance: G Dennett – Team Leader, Safety, Licensing and Nuisance Control
B Clarke – Senior Democratic Services Officer

1. MINUTES

The Minutes of the Licensing Act 2003 Committee, held on 23 April 2007, were approved as a correct record.

2. ITEMS OF URGENT BUSINESS

The Chair informed Members that there were no items of urgent business, however both he and Councillor Davies requested that it be noted that they were disappointed at the turnout of Licensing Committee Members considering that such an important paper was being discussed, furthermore, they expressed their disappointment at how few apologies had been received and the fact that only one substitute had been appointed.

3. DECLARATION OF INTERESTS

There were no interests declared.

4. REPORT INTRODUCING THE DRAFT REVIEWED LOCAL LICENSING POLICY.

The Team Leader, Safety, Licensing and Nuisance Control, presented a report which requested the Committee to agree that the draft reviewed Policy, given at Appendix 1 of the report, be presented to Council for adoption at its meeting on 28 November 2007.

In introducing the report the Team Leader informed Members that the Local Licensing Policy legislation required the Licensing Committee to

review, determine and publish its Policy with respect to the exercise of its licensing functions, every 3 years. Members were further informed that the consultation had highlighted the requirement for several amendments to be made, as identified in the report, pages 34 to 48 of the Agenda.

In discussion, Members were concerned that the policy did not allow for historically offending premises to be stringently reviewed, however it was explained that in terms of the Policy, this would prove difficult because if there were a change to a License holder at a particular establishment, those persons involved would be assessed individually as to whether they were a fit and proper person to hold a license and the history of the establishment would not be taken into account.

Members were further informed that once a license was granted, a review could be undertaken if representations were received from either local residents or responsible authorities. Furthermore, if the licensing policy were to be extensively stringent, it could be scrutinized and Local Authorities had been subject to Judicial Review and therefore the Policy could be challenged.

It was also explained that if the Council did not have an adopted Policy in respect of Licensing, the Council could be found to be acting ultra vires and that therefore it was important that a Policy was adopted by Council.

Members considered the results of the consultation and noted where suggested amendments had been required. With reference to the amended working, noted under the section entitled Protection of Children from Harm, Members questioned the limitations noted and were advised that these were examples of working that applicants may want to use in their applications and were a form of guidance for applicants.

Members noted there were some anomalies found in the report and it was agreed that these be amended before submission to Council.

Having debated the report Members were satisfied with the results of the consultation and were in agreement that the recommendation to adopt the Policy be put before Council on 28th November 2007.

RESOLVED:

That the recommendation to formally adopt the reviewed Local Licensing Policy be put before Council on 28th November 2007.

The meeting finished at 7.42 p.m.

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
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or alternatively e-mail bclark@thurrock.gov.uk**