

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on Thursday
10 April 2014 at 10.30am

Present

Councillors: T G Hughes (Chairman), Mrs E M Andrews, R J Chesterton,
Mrs F J Colthorpe, D R Coren, N V Davey, A V G Griffiths,
D J Knowles, M R Lee, M A Lucas and E G Luxton

Apology

Councillor: P F Williams

Also Present

Councillor: R M Deed

Also Present

Officers: M Parish (Licensing and Community Safety Manager), T
Keating (Licensing Officer) and S Lees (Member Services
Officer)

13. **PUBLIC QUESTION TIME**

There were no members of the public present.

14. **MINUTES OF THE PREVIOUS MEETING – 5 DECEMBER 2013**

The Minutes of the meeting held on 5 December 2013 were approved as a correct record and **SIGNED** by the Chairman.

15. **LICENSING TRAINING (Recording 3 minutes and 22 seconds)**

Councillors N V Davey, T G Hughes and the Cabinet Member for Community Well Being had attended a Councillor Training Day in Solihull on 12 February 2014. They had been invited to provide some feedback to the rest of the Licensing Committee regarding the training they had received. There was mixed feelings regarding the usefulness of the course. The Chairman stated that he did not feel he had learnt very much but that he was reassured that the Mid Devon Licensing Authority was on track with its rules and procedures. The Cabinet Member had felt that there was a lack of clarity with regard to legal issues; however, more positive comments included the following:

- The detail provided regarding the significant changes which had taken place since the implementation of the Licensing Act in 2003;
- The sessions were run by two barristers with a great deal of relevant experience;
- The point was stressed that a Licensing Panel needed to be able to justify reasons for its decision and any conditions applied needed to be fit for purpose and relevant.

Members of the Committee agreed that the reasons for decisions made at Mid Devon Hearings were sound and properly minuted. Good decisions had

been taken in the past and this had been evidenced by only one appeal taking place with the licensing authority's decision being upheld.

16. **LESSONS LEARNT FOLLOWING THE PREMISES LICENCE REVIEW FOR DUVALE PRIORY, BAMPTON (Recording 10 minutes and 8 seconds)**

A meeting of the Licensing Sub Committee had taken place on 10 December 2013 to review the premises licence for Duvale Priory, Bampton. This had proved to be a lengthy and complicated meeting which resulted in a decision to uphold the licence with some additional conditions. Members of the Sub Committee and the officers who took part in the hearing have since had a meeting to ascertain whether any lessons could be learnt should such a complicated review arise again in the future. It was felt that these lessons could be shared with the main Licensing Committee so that best practice could be maintained across the whole membership.

The lessons learnt were:

Length of meetings

- The Notice of Hearing sent out by the Licensing team to all the relevant parties would be amended to clearly state what **was** relevant evidence and what was **not** relevant. This may help to avoid repetition, erroneous information and meetings taking longer than necessary.
- Members to be given notice if a Hearing was likely to be lengthy and contentious and should be advised to book out their diaries for the following day. The Committee Clerk should book the necessary rooms for the following day.
- Amend the meeting checklist to include a need to ask each side how long they expect it would take to present their evidence and cross examine the other side.
- If the Hearing looked like it would take a long time, the Chairman should state at the beginning of the meeting that it may be necessary to adjourn in order to have a lunch break or even break until the following day.

Legal

- The Legal representative should take responsibility for interjecting when repetitious evidence was being given or when somebody was digressing from the point of discussion.

The Decision

- Once the Members had agreed the broad decision it would sometimes be necessary for officers to agree the specific wording in a technical condition. This needed to happen much quicker in the future so as to avoid delays;
- Cross examination of the Panel after a decision had been taken should not be allowed in any circumstances.

Conditions

- The Panel should not be afraid to ask the solicitor for a particular side whether they would like to suggest a condition and the precise wording of that condition for the Panel to consider.
- Environmental Health officers could also be asked to suggest what conditions could be applied to mitigate what was viewed as a particular problem. They could have a set of wording ready in advance if the condition was likely to be of a very technical nature.
- The Panel do not have to compromise in order to appease both sides. Permission could be granted as applied for or simply rejected. There do not always have to be conditions.

Ward Members

- Ward Members should be informed in advance of a hearing taking place if the application was in their area.

Panel Chairman

- The Chairman of the Panel should not be afraid to remind those speaking that questions should be addressed through the Chair and he or she should have the confidence to speak quite bluntly if there is a need to do so.

17. **CONSULTATION ON LOCALLY SET LICENCE FEES (Recording 37 minutes and 10 seconds)**

The Licensing and Community Safety Manager informed the Committee that she had circulated the consultation document to them all and that the last day for comment was today. She had also attended a workshop in Bristol with other Licensing Authority representatives with the idea being to try and achieve consistency across the licensing service nationally. The licence fee was supposed to cover the cost of the service in all authorities.

Discussion followed with regard to a need for the Licensing Committee to formally adopt the Fee Setting Policy which was attached as a report to the following Regulatory Committee agenda. The Committee requested that it be updated on a regular basis as to any changes.

RESOLVED that the Fee Setting Policy for Licensing be adopted as a guide to setting fees for licences and registrations administered by the Council.

(Proposed by the Chairman)

(The meeting ended at 11.15am)

CHAIRMAN