

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 3 September 2015 at 10.00 am

Present Councillors

Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs E M Andrews, T G Hughes,
D J Knowles, C J Eginton, Mrs G Doe,
J Smith and L Taylor

Apologies Councillor(s)

R J Chesterton, P H D Hare-Scott, K Busch
and Mrs B M Hull

Present Officers:

Simon Newcombe (Public Health and
Professional Services Manager), Simon
Johnson (Legal Services Manager), Thomas
Keating (Lead Licensing Officer) and Sarah
Lees (Member Services Officer)

1 Election of Chairman (The Vice Chairman of the Council, Cllr T G Hughes, in the Chair)

RESOLVED that Cllr D R Coren be elected Chairman of the Committee for the Municipal Year 2015/15.

Cllr D R Coren then took the Chair.

2 Election of Vice Chairman

RESOLVED that Cllr Mrs J Doe be elected Vice Chairman of the Committee for the Municipal Year 2015/16.

3 Apologies and Substitute Members

Apologies were received from Cllrs K I Busch, Mrs B M Hull, R J Chesterton, and P H D Hare-Scott.

4 Public Question Time

There were no members of the public present.

5 Minutes

The Minutes from the Meeting held on 18 December 2014 were approved as an accurate record and **SIGNED** by the Chairman.

6 Review Licensing Hearing Procedures (00:10:00)

The Committee had before it a report * from the Head of Human Resources and Development discussing the procedure used for hearings which were in need of revision.

Prior to consideration of the report the Public Health and Professional Services Manager briefly updated the committee with regard to a caution which had been issued since the last meeting. This concerned Lodgehill Hotel, Ashley, Tiverton and related to licensable activities carrying on while the licence had been suspended for non-payment of annual fee. Following a visit by the Enforcement Officer, the licensee had paid the necessary charges and had had their licence reinstated.

Following on from this the Lead Licensing Officer outlined the contents of the report before the Committee highlighting areas within the hearing procedure that had needed revision. He stated that the changes were being proposed in the light of recent training, legal advice and best practice from other authorities. The key benefits resulting from the proposed changes included the following:

- All parties would have an opportunity to ask questions of each other.
- All parties would have an opportunity to suggest a particular condition or conditions which could be opened up for debate.
- The Legal Officer would now retire with Members to form their initial conclusions, thereby supporting Members better.
- Members could make a broad decision regarding a condition but could then delegate the precise technical wording to officers for completion after the hearing.
- Two of the three Panel Members would be experienced in attending licensing hearings.

Discussion followed with regard to:

- The improvements already seen during the previous two licensing hearings as a result of these changes; Members had felt that all parties had left the meetings feeling satisfied with the decisions made and the opportunities given to them express their views.
- It was felt that it was now good practice to use the local knowledge of a Ward Member on a Panel and to positively encourage it providing there were no personal interests involved.
- If a Member was approached by a member of the public to make a representation on their behalf they should not then sit the Panel discussing that application. Members of the public should be encouraged to make their own representations.

RESOLVED that the proposed protocol and procedure documents for hearings held under the Licensing Act 2003 be approved.

(Proposed by Cllr D J Knowles and seconded by Cllr N V Davey)

Note: * Report previously circulated; copy attached to the signed Minutes.

(The meeting ended at 10.25 am)

CHAIRMAN