

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

27TH JUNE, 2013

A MEETING of the LICENSING COMMITTEE was held at the CIVIC OFFICE, WATERDALE, DONCASTER on THURSDAY, 27TH JUNE, 2013 at 10.00 a.m.

PRESENT:

Chair – Councillor Ken Keegan  
Vice-Chair – Councillor Linda Curran

Councillors Patricia Bartlett, Elsie Butler, Pat Hall, Barbara Hedley, Moira Hood, Sue McGuinness, David Nevett, Susan Phillips, Patricia Schofield, Austen White and Paul Wray.

APOLOGIES:

An apology for absence was received from Councillor Paul Coddington.

1. WELCOME TO NEW MEMBERS

Prior to the commencement of the meeting, the Chair welcomed new Members to the Committee.

2. DECLARATIONS OF INTEREST, IF ANY

There were no declarations made at the meeting.

3. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 24TH JANUARY, 2013

RESOLVED that the minutes of the Licensing Committee meeting held on 24th January, 2013, were approved as a correct record and signed by the Chair.

4. MINUTES OF THE LICENSING SUB-COMMITTEE 'A' MEETINGS HELD ON 20TH DECEMBER 2012 AND 19TH FEBRUARY, 2012 AND LICENSING SUB-COMMITTEE 'B' MEETINGS HELD ON 19TH NOVEMBER, 2012 AND 24TH JANUARY, 2013

RESOLVED that the minutes of the Licensing Sub-Committee 'A' meetings held on 20th December, 2012 and 19th November, 2012 and Licensing Sub-Committee 'B' meetings held on 19th November, 2012 and 24th January, 2013, be noted.

## 5. TERMS OF REFERENCE, PROCEDURE AND DELEGATIONS

The Committee considered a report which set out the Terms of Reference for the discharge of licensing functions and the procedure for Licensing Hearings, as detailed within Appendices A and B, respectively.

Members were also asked to agree the delegation of functions to Licensing Sub-Committees and the appointment of Members of Licensing Sub-Committees, as set out within Appendices C and D.

Members noted that the Council at its meeting on 18th October, 2012, agreed revisions to the Terms of Reference of the Licencing Committee in order to provide greater clarity on the approval processes for the Statement of Licensing Policy and Statement of Gambling Policy. The Terms of Reference had clearly indicated that in the case of the Statement of Gambling Policy, which was a Statutory Plan and formed part of the Budget and Policy Framework, the Licensing Committee advised the Executive on the content of the Statement, following which the Executive made recommendations on the adoption of the Statement to Full Council. In the case of the Statement of Licensing Policy, which was not a Statutory Plan, the Licensing Committee recommended the adoption of this Statement directly to the Full Council.

Appendix A of the report set out the revised Terms of Reference for Members information.

It was reported that the delegations to functions of the Licensing Sub-Committees as detailed within Appendix C, had been amended to clarify and, where applicable, establish the delegation to the Sub-Committee in respect of the renewal and revocation of personal licenses and the delegation to Officers in respect of applications for minor variations and the suspension of licences/club certificates for non-payment of annual fees.

Members were further informed that the appointment of the Licensing Sub-Committee and Member make-up process was unchanged, other than to clarify that the minimum number of Members required to be quorate was 3. Where more than 3 Members attended a meeting, those additional members would be able to choose from the following options:

- Stay and take part in the meeting and agree the outcome with the rest of the Sub-Committee Members;
- Sit in the public area as an observer; or
- Leave the meeting if they so wished.

Following the Business Safety and Licensing Manager summarising the main points in the report, clarified the changes regarding personal licences, minor variations, non-payment of annual fees and raised awareness to Members in respect of appeals to the Magistrates Court, the Chair invited questions and comments from Members.

Members expressed the view that the Council were not being open and transparent regarding notifying the public of any pending Licensing applications and that further to looking at other local authority websites, information was clearly signposted to the public regarding licensing applications that were pending. The Business and Licensing Manager assured Members that public notices relating to licensing applications were published on the Licensing's section of the Council's website and following a request from Members, undertook to provide Members with the web-link of where to access the Council's webpages in respect of pending licence applications.

During further discussion, Members suggested that it would be beneficial if Officers could put arrangements in place to inform Members of the Committee of any pending licensing applications that impacted on Members wards and whether this information could be communicated to Members via email, as this was the practice currently adopted for Planning Committee Members.

The Senior Legal Officer advised that it was not the Council's responsibility to give notice of any proposed licensing applications, and that it was the applicant who was legally required to provide such notice. She pointed out it could be unlawful for the Council's Licensing Officer to notify Members of any licensing applications rather than them being notified through the statutory procedure, especially as Councillors were now a section of the community that could object to license applications. It was also pointed out that the Licensing Committee arises from the Licensing Act 2003 and not Local Government Legislation and was therefore, constituted differently to other committees such as Planning.

Arising from subsequent discussion, Members were concerned that the public were made aware of where to access information relating to licensing applications and emphasised the need for the public to have sight of the notices. The Business and Licensing Manager gave an undertaking to look at how the Council's webpage could be made more visible to members of the public. The Senior Legal Officer also suggested that the Committee review the situation at its next meeting of the Committee in December.

RESOLVED that:-

- (1) the Committee note
  - (i) the Terms of Reference for the Licensing Committee, as detailed within Appendix A to the report;
  - (ii) the Terms of Reference for the Licensing Sub-Committees, as detailed in Appendix A to the report;
  - (iii) the procedure for hearings under the Licensing Act 2003

before the Licensing Committee and Sub-Committees, as detailed in Appendix B to the report, be continued;

- (iv) the delegation of functions to Licensing Sub-Committees, as detailed in Appendix C to the report;
  - (v) the procedure for dealing with settling appeals after Sub-Committee hearings but before appeal hearings in the Magistrates' Court are decided;
- (2)
- (i) the delegation of functions to Licensing Sub-Committees and delegation to Officers, as set out at Appendix C, be approved;
  - (ii) the membership of the Licensing Sub-Committees as set out at Appendix A to the report, be set out as follows:-

**Sub-Committee A**

Councillor K. Keegan(Chair)  
Councillor P. Bartlett  
Councillor E. Butler  
Councillor P. Coddington  
Councillor Pat Hall  
Councillor B. Hedley  
Councillor M. Hood

**Sub-Committee B**

Councillor Linda Curran (Chair)  
Councillor S. McGuinness  
Councillor D. Nevett  
Councillor S. Phillips  
Councillor P. Schofield  
Councillor A. White  
Councillor P. Wray

- (3) the Committee agreed that
- (i) the number of Members required to consider a Licensing application be 3 Members;
  - (ii) should any other Members attend the hearing, they would be able to choose from the following options:
    - Stay and take part in the meeting and agree the outcome with the rest of the Sub-Committee Members;
    - Sit in the public area as an observer; or
    - Leave the meeting if they so wished; and
- (4) the Business Safety and Licensing Manager provide Members of the Committee with details of the web-link to the Council's webpage for accessing public notices of pending licence applications and to look at how the Council's webpage could be made more visible to members of the public.