

LICENSING AND APPEALS COMMITTEE

Minutes of the meeting of the Licensing and Appeals Committee held on Tuesday, 17 May 2022 at the Council Chamber - Council Offices at 10.00 am

Committee Dr P Bütikofer (Chairman)

Members Present:

Mr H Blathwayt (Vice-Chairman)

Mr T Adams

Mr C Cushing

Mr P Fisher

Mr J Rest

Mrs E Spagnola

Mr A Yiasimi

Mr G Mancini-Boyle

Officers in Attendance: Assistant Director – Finance, Assets & Legal (AD)
Democratic Services Manager (DSM)
Democratic Services Officer – Regulatory

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Grove-Jones, Cllr N Lloyd, Cllr N Pearce and Cllr E Vardy.

11 PUBLIC QUESTIONS

None.

12 MINUTES

The Minutes of the Licensing and Appeals Committee held on 27th September 2021 and of meetings of the Licensing Sub-Committee held on 20th September, 20th October, 15th November 2021 and 16th January, 16th March, 11th April 2022 were approved as a correct record and signed by the Chairman.

13 ITEMS OF URGENT BUSINESS

None.

14 DECLARATIONS OF INTEREST

None.

15 UPDATE ON GENERAL LICENSING ISSUES

No update received.

16 LICENSING COMMITTEES FROM MAY 2022

- i. The AD introduced the Officers report and affirmed that on 9th February 2022, Full Council agreed to the creation of two distinct committees to deal with the different licensing obligations. The first of the committees will be a statutory

Licensing Committee under the Licensing Act 2003, to be known as 'The Licensing Committee (Premises and Gambling)' and the other is to deal with all other licensing matters and will be known as 'The Licensing Regulatory Committee'. Each Committee would then establish a sub-committee to carry out its functions. This change was recommended to ensure that there be a clear demarcation between the legal requirements, ensuring that the Council's customers were dealt with fairly and transparently whilst also protecting the Council from any challenge. The AD confirmed the appended procedure note would be beneficial for Members, Officer and the broader public, setting out the clear process for sub-committee meetings.

- ii. Cllr J Rest asked about the practicalities of the meeting, and whether the two different committees or sub-committees would meet on the same day.
- iii. The AD advised that the intention for two separate committees to be created with the same membership and to meet on the same day, in so far as was practicable. They must be separately constituted but could comprise the same individual members. There would be a clear distinction of which committee/sub-committee was meeting as each would have their own agenda.
- iv. Cllr G Mancini-Boyle expressed his support for meetings being held on the same day, as he considered this more practical for Members.
- v. In response to questions from Members, The DSM confirmed that when Committee Members were scheduled to attend Sub-Committee meetings, the same three Members would be scheduled to attend both meetings (should both be heard). It would be the same panel of members who would meet in a different capacity.
- vi. Cllr H Blathwayt asked how this change would offer greater protection from appeal.
- vii. The AD advised that it was best practice to establish two separate committees which were governed by different legislation. This change would offer the authority greater protection in offering a clear demarcation.
- viii. The DSM advised that the parent Committees would still consider overarching policy's (i.e Taxi handbook), with the sub-committees hosting hearings.

Members noted the Officers report and procedure notes.

17 ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

- i. Cllr H Blathwayt expressed his concern that Members were not being notified of licensing matters within their ward in a timely manner and noted this had been an ongoing issue. He reflected of instances in his own Ward where he and the Parish had not been aware of applications and asked that Members be notified of all licensing applications/ licensing matters in their Ward going forwards.
- ii. The DSM advised that she had discussed this matter with relevant Officers and that there had been a misunderstanding, with an assumption that

Members were regularly checking the Licensing Portal. She confirmed that she would take a formal request from the Committee to Officers, asking that ward Members be notified of matters in their Ward as established in the Member/Officer Protocol.

- iii. The Chairman thanked the DSM and agreed it was a matter of common courtesy that Local members be kept informed.

18 EXCLUSION OF PRESS AND PUBLIC

None.

19 TO CONSIDER ANY EXEMPT MATTERS ARISING FROM THE PUBLIC BUSINESS OF THE AGENDA

None.

20 ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

None.

The meeting ended at 10.27 am.

Chairman