

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

13<sup>TH</sup> SEPTEMBER 2005 AT 6.30 P.M.

PRESENT: MR. J.C. BOWN - MAYOR  
MRS. M.L. SHERWIN - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. M.O. Bevins, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. D.R. Bown, Mrs. R. Camamile, Mrs. C.M. Claridge, Mrs. M.A. Cook, Mr. D.S. Cope, Mrs. M.J. Crooks, Mr. W.J. Crooks, Mr. N.B.L. Davis, Mr. B.H. Edwards, Mr. R.D. Ellis, Mrs. S. Francks, Mr. R.J. Furniss, Mr. D.E. Hinton, Mr. K.A.J. Hunnybun, Mr. C.G. Joyce, Mr. M.R. Lay, Mr. K.W.P. Lynch, Ms. J.E. Price, Mrs. E.A. Spencer, Mr. J.E. Stanley, Mr. K. Vessey, Mr. R. Ward and Mrs. R.W. Wright.

Officers in attendance: Mr S. Atkinson, Mr. B. Cullen, Mrs. J. Kelly, Mr. S. Kohli, Mrs. P.I. Pitt and Mr. T.M. Prowse.

194 PRAYER

Reverend R. Davis, Mayor's Chaplain, offered prayer.

195 APOLOGIES

Apologies for absence were submitted on behalf of Mr. J.F. Collins, Mrs. D. Finney, Mr. M.A. Hall and Mr. D.W. Thorpe.

196 MINUTES (C21)

On the motion of Mr. Bevins, seconded by Mrs. Aldridge, it was

RESOLVED – the minutes of the meeting held on 2<sup>nd</sup> August 2005 be confirmed and signed by the Chairman.

197 DECLARATIONS OF INTEREST

Mrs. M. Aldridge, Mr. J.C. Bown, Mr. N.B.L. Davis, Mr. B.H. Edwards, Mrs. S. Francks, Mr. K.A.J. Hunnybun, Mr. C.G. Joyce, Mr. M.R. Lay, Ms. J.E. Price, Mr. J.E. Stanley and Mr. R. Ward declared a personal interest in report number C24 (Members' allowances, Licensing Committee).

198 ADDITIONAL URGENT BUSINESS

The Mayor indicated that he had agreed to take as a late item, and as previously circulated to Members, a report of the Chief Executive relating to the creation of a Parish Council for Barwell, the reason for the urgency being the very recent notification from the Office of the Deputy Prime Minister and the need for early approval in order to commence a consultation process.

199 MAYOR'S COMMUNICATIONS

The Mayor announced that a civic party from Le Grand Quevilly would be visiting from 23<sup>rd</sup> to 26<sup>th</sup> September 2005. Additionally, the Mayor indicated that whilst in Herford recently reference had been made to the possibility of twinning with Gorzow in Poland.

The following questions and replies were received in accordance with Council Procedure Rule 11.2.

Question raised by Mr. Crooks and addressed to Mrs. Claridge

- (a) "How can a licence for 'Live Music' be granted to a Public House when the 'Public House' is situated in the middle of a row of old terrace cottages with no sound proofing or cavity walls?"

Reply given by Mrs. Claridge

"No new licence is being granted, currently the Licensing Act 1964 contains an exemption under section 182 which provides for public entertainment by way of music or singing either by the reproduction of recorded sound, or by not more than two performers, or sometimes in one of those ways and sometimes in the other (often called the 'two in a bar rule').

The 'two in a bar' rule is being discontinued. Under the new legislation recorded music and live entertainment are classed as regulated entertainment which is a licensable activity. If any licensed premises wishes to carry forward their current embedded rights regarding live and recorded music they must apply for a variation to keep that activity.

The new regime will allow musicians and other entertainers to flourish whilst providing protection against unnecessary disturbance.

Additionally the applicant has agreed to conditions being placed on their licence to address noise concerns which were agreed by the Environmental Health pollution team.

With regards to noise nuisance colleagues in the pollution section of Environmental Health have no recent history of noise complaints from the premises but could take action against the premises should a noise nuisance be established."

- (b) "Why, when a petition was hand delivered (before the closing date) to this Council's main reception, was there no hearing or even Councillor Involvement?"

Reply given by Mrs. Claridge

"No letter or petition was received by the licensing section therefore the Authority could not have regard to them."

- (c) "Is it good practice that local ward members and the Parish Council are not informed about applications, especially sensitive ones such as this (Nut & Squirrel, Nailstone)?"

Reply given by Mrs. Claridge

"The onus is on the applicant to advertise any proposed variation to their existing licence or hours of trade, this takes the form of a Blue A4 Notice which must be placed on the exterior of the premises and additionally by publishing a notice in a local newspaper, circulating in the vicinity of the premises;

There is no requirement on the licensing authority to keep the Town/Parish Council apprised of all applications/hearings. The Government quite clearly defined certain bodies as being Responsible Authorities and this does not include the Town/Parish Council.

However the licensing authority does maintain a public register which records details of all the premises, personal licences, and club premises certificates issued by it and applications that it receives. The register for the borough of Hinckley and Bosworth is publicly available on the Council's website for anyone to view. As part of good practice a copy of the register will be provided to all Town/Parish Councils for information purposes."

- (d) "Was the application site visited to ascertain possible problems following the receipt of the petition, before granting the applicant the right to stage live music till midnight 4 nights per week?"

Reply given by Mrs. Claridge

"The licensing section did not receive a copy of the petition from local residents and the Nut & Squirrel Public House has not received a site visit to ascertain any potential problems. Additionally given the nature and number of applications that the Council is dealing with, it would be impracticable with the current resources to check all premises within the Borough."

- (e) "Can I be assured that more care will be taken in the future, and that the procedure for granting these licences will be reviewed?"

Reply given by Mrs. Claridge

"The legislation laid down by Central Government has determined the procedures for receiving and processing licences and this is strictly followed by this Authority. For these procedures to be reviewed further legislation would need to be passed by the Government.

From the 24<sup>th</sup> November 2005, when the new licensing laws come into force, responsible authorities and interested parties (local residents) will have the power to apply for a review by the licensing authority of existing licences, on a ground relating to the promotion of one or more of the licensing objectives. Such a review can result in the modification of the licence, its suspension, or ultimately, revocation.

Licensing objectives

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Mr. Crooks then asked a supplementary question as to any right of appeal against the issue of a licence.

201 MINUTES OF SCRUTINY COMMISSION MEETING – 14<sup>TH</sup> JULY 2005 (C22)

Having presented the above Mr. Lay moved, Mrs. Camamile seconded and it was

RESOLVED – the minutes of the Scrutiny Commission meeting held on 14<sup>th</sup> July 2005 be received.

202 POOL OF MEMBERSHIP FOR APPEALS PANELS (C23)

Arising from the need to extend the membership of the above from 10 to 12, to fill the vacancy caused by the resignation of Mr. Andrews and to appoint a designated Vice-Chairman it was moved by Mrs. Francks and seconded by Mr. Crooks that Mr. Stanley be appointed Vice-Chairman of the Appeals Panel.

It was then moved as an amendment by Mr. Bevins and seconded by Mrs. Claridge that Mrs. Sherwin be appointed Vice-Chairman of the Appeals Panel. A vote was then taken with the motion of Mrs. Francks being not carried, and with the amendment of Mr. Bevins being carried, it was

RESOLVED – in addition to the designated Chairman (Mr. Hall) Mrs Sherwin be appointed Vice-Chairman to ensure that one of these two Members can preside at all future meetings of the Appeals Panel.

Additionally on the motion of Mrs. Claridge, seconded by Mr. Bevins it was

RESOLVED –

- (i) the following 3 Members be appointed (2 additional and 1 as replacement for Mr. Andrews):-

Mr. Boothby  
Mrs. Cook  
Mr. Hinton; and

- (ii) the Constitution be amended to reflect the 2 foregoing resolutions.

203 MEMBERS' ALLOWANCES – LICENSING COMMITTEE (C24)

Consideration was given to the recommendations of the Independent Members' Allowances Panel that Members of the Licensing Committee should be awarded a Special Responsibility Allowance in respect of their attendance at Licensing Panel meetings. It was emphasised that no Member could receive more than one Special Responsibility Allowance and any Member entitled to more than one such entitlement would receive the higher rate payable. On the motion of Mr. Lay, seconded by Mr. Davis it was

RESOLVED –

- (i) the Council adopt the following Special Responsibility Allowance for Members of the Licensing Committee for their roles on the Licensing Panels:

Chairs - £750 per annum  
Other Members - £375 per annum; and

- (ii) in the light of the envisaged reduced workloads after April 2006 these Allowances be reviewed by that date.

204 ARRANGEMENTS FOR STANDARDS COMMITTEE (C25)

Further to minute number 145 of 2<sup>nd</sup> August 2005 confirmation was sought as to arrangements for the appointment of Chairman/Vice-Chairman of the Standards Committee. In accepting the advice of the Standards Board that an independent member be appointed Chairman of the Standards Committee it was moved by Mr. Bevins, seconded by Mr. Bill and

RESOLVED

- (i) the two independent members on the Standards Committee be asked whether they wish to be considered for the Chairmanship of that Body and their responses be brought back to Council;
- (ii) arrangements for recruiting non-Council members for 2007/08 onwards be delegated to the Chief Executive and Monitoring Officer, in consultation with the political group leaders; and
- (iii) Mr. D.R. Bown continue as Vice-Chairman of the Standards Committee until such time as a decision is made on (i) above and that in the event of a meeting of the Standards Committee needing to be arranged in the interim, Mr. Bown chair that meeting.

Additionally, the Chief Executive undertook to prepare a report for Members as to how matters were referred to the Standards Committee.

Mr. Ellis left the meeting at 7.10 p.m., returning at 7.14 p.m.

205 MEMBER DEVELOPMENT CHARTER (C26)

The Council received information on the launch of the East Midlands Regional Local Government Association Member Development Charter and were requested to sign up to this initiative in which it was hoped all Members would participate. With regard to funding the Deputy Chief Executive undertook to circulate to group leaders a budget breakdown of the funds expended to date.

On the motion of Mrs. Claridge, seconded by Mr. Bevins it was

RESOLVED – this Council agree to commit to meeting the East Midlands Regional Local Government Association (EMRLGA) Councillor Development Charter Standards and the Deputy Chief Executive be authorised to write to EMRLGA confirming this Authority's commitment to this Initiative.

206 E-GOVERNMENT STATEMENT 4.5 (C27)

Council approval was sought to the IEG 4.5 Return to the Office of the Deputy Prime Minister, Following which it was moved by Mr. Bevins, seconded by Mrs. Claridge and

RESOLVED – IEG Statement 4.5 produced by the Head of Finance and ICT be approved.

207 ICT STRATEGY (C28)

Prior to the Council's consideration of this the Cabinet Portfolio Holder for Finance and ICT drew Members' attention to amendments to the Strategy printed on this evening's supplementary agenda.

On the motion of Mr. Bevins, seconded by Mr. Ellis it was

RESOLVED – the ICT Strategy, as now amended, be approved.

208 CREATION OF BARWELL PARISH COUNCIL (C29)

Approval was sought to the timing and consultation arrangements for the creation of a Parish Council for Barwell. It was moved by Mr. Davis, seconded by Mr. Bevins and

RESOLVED – the warding arrangements outlined in the report of the Chief Executive be approved for consultation with the residents of Barwell, whose views be sought as to the naming of the proposed wards.

(The meeting closed at 7.40 p.m.)