

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LICENSING COMMITTEE
15th FEBRUARY 2005 AT 6.30 P.M.

PRESENT: MR. M.A. HALL - CHAIRMAN
Mr. N.B.L. DAVIS - VICE-CHAIRMAN

Mrs. M. Aldridge, Mr. J.C. Bown, Mr. B.H. Edwards, Mrs. S. Francks, Mr. K.A.J. Hunnybun, Mr. C.G. Joyce, Mr. M.R. Lay, Mr. J.E. Stanley and Mr. R. Ward.

Officers in attendance: Mr. M. Brymer, Mr. P. Munro, Mrs. P.I. Pitt and Ms. B. Thomas.

395 APOLOGY

An apology for absence was submitted on behalf of Mrs. D. Finney.

396 MINUTES (LC9)

On the motion of Mr. Davis, seconded by Mr. Lay and on the motion of Mr. Lay, seconded by Mr. J.C. Bown it was

RESOLVED - the minutes of the meetings held on 16th and 25th November 2004 respectively be confirmed and signed by the Chairman.

397 ADDITIONAL URGENT BUSINESS

The Chairman indicated that he wished the Committee to consider future arrangements for the setting up of Licensing Panels and Members' availability, the reason for the urgency being the need to schedule hearings according to Members' commitments.

398 DECLARATIONS OF INTEREST

No interests were declared at this stage.

399 LICENSING ACT 2003 - EXERCISE AND DELEGATION OF FUNCTIONS (LC10)

The Committee was requested to reaffirm proposals contained in appendix A to report LC1 of the Licensing Committee meeting held on 26th August 2003 insofar as it related to the delegation of functions to enable such delegation to Sub-Panels or to the Head of Law and Administration.

Additionally, the Customer Service and Registration Manager indicated that since the preparation of her report the first officer recommendation had been amended, as now circulated to Members, with the additional wording 'subject to the exclusion of references to any licensing functions other than those referred to in the Licensing Act 2003'.

On the motion of Mr. Lay, seconded by Mr. J.C. Bown, it was

RESOLVED -

- (i) the level of delegation to Sub-Panels and officers referred to in minute no. 150 and the report referred to therein dated 26th August 2003 and minute no. 159 dated 17th August 2004 be reaffirmed, subject to the exclusion of references to any licensing functions other than those referred to in the Licensing Act 2003;
- (ii) for the avoidance of doubt the Committee confirm that the delegation to officers (Head of Law and Administration) under paragraph (a) of the report does include frivolous, vexatious, or repetitious representations and that paragraph (c) of the report does include the right of entry and inspection and that references in the report to Licensing Panels is a reference to Licensing Sub-Panels; and
- (iii) where a Licensing Sub-Panel is allocated to hear an application, the delegation of functions to the Head of Law and Administration will then become the function of the said Sub-Panel.

400 PRESENTATION

Prior to Members' consideration of the following report Mr. P. Munro, Solicitor, gave a brief presentation on the role of the Licensing Officer and the rules of natural justice.

Mr. Edwards entered the meeting at 7.00 p.m.

401 LICENSING ACT HEARINGS - REGULATIONS AND PROCEDURES (LC11)

Prior to seeking adoption of the proposed procedure that the Licensing Sub-Panels should follow in the determination of applications officers drew Members' attention to minor amendments on page 4 in appendix A to this report as follows:-

- The deletion of the current third paragraph at the top of that page
- Under (ii) "Procedure At The Meeting" the deletion of the word 'and...)' in the third line of the second paragraph.

On the motion of Mr. Lay, seconded by Mr. J.C. Bown, it was

RESOLVED - subject to the deletions referred to above the procedure for the determination of applications as set out in the report be adopted.

402 AVAILABILITY/ELIGIBILITY OF LICENSING PANELS

As indicated at the beginning of the meeting the Chairman stated that he wished this item to be considered as a matter of urgency to enable arrangements for the organisation of hearings to take place. The need for Members' prior training was again emphasised, together with full commitment in attending Panel hearings. A variation in days on which hearings would be held was considered desirable and the Customer Services and Registration Manager undertook to contact Licensing Committee members to ascertain availability and preferred dates. Should any Members find difficulty in attending the sessions it might become necessary for Council to consider revised membership of the Licensing Committee, whilst seeking to retain continuity with largely the same Members after the Annual Council meeting.

Mr. Hunnybun left the meeting at 7.25 p.m.

(The meeting closed at 7.32 p.m.)