

LICENSING COMMITTEE

Minutes of the Meeting held

Tuesday, 5th October, 2010, 2.30 pm

Councillors: Tim Warren (Chair), Tim Ball, Gabriel Batt, John Bull, Gerry Curran, Steve Hedges, Malcolm Lees and Carol Paradise

Also in attendance: Andrew Jones (Environmental Monitoring & Licensing Manager) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair would not be required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Bryan Chalker and Anthony Clarke and also from Councillor Les Kew, who was to have substituted for Councillor Clarke.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

7 MINUTES: 24 MAY 2010

These were approved as a correct record and signed by the Chair.

8 REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

The Environmental Monitoring and Licensing Manager presented the report. He reminded Members that the draft revised Statement of Licensing Policy was considered by the Committee at its meeting on 24th May 2010. It was now returning to the Committee after a consultation exercise. Members were invited to note the

comments received from consultees and to recommend the policy for adoption by the Council at its meeting on 16th November 2010.

Councillor Hedges asked whether the Equalities Act 2010 needed to be referred to in paragraph 8.1 and whether any duties arising from it needed to be mentioned in paragraph 14.3. It was agreed that the Senior Legal Adviser would investigate and advise the Environmental Monitoring and Licensing Manager.

Councillor Hedges considered that there was a contradiction between paragraph 16.7 of the policy on cumulative impact, where it states that “the effect of adopting a cumulative impact policy is to create a rebuttable presumption that applications for new premises licences...will be refused if relevant representations are received” and paragraph 16.11 that “the licensing authority will consider the merits of any application”. The Senior Legal Adviser explained that where relevant representations had been received applicants needed to demonstrate that their application would not add to cumulative impact in the designated area. The duty of the licensing authority would be to base a decision to refuse a licence on evidence that there would be an impact on the licensing objectives that could not be addressed by imposing appropriate conditions.

Councillor Curran referred to paragraph 43.2 (e), which includes “an elected Member in any Ward in the Council’s area” under the definition of “Interested Party”. He said that he had once attended a licensing hearing in order to speak on behalf of an applicant, but had been refused permission by the Chair because he had not made a written representation. He felt that there needed to be greater clarity about the right of Councillors to speak at licensing hearings. The Senior Legal Adviser explained that, under the Licensing Act 2003, it was not possible for entirely new representations to be made at a hearing, though Interested Parties, who had already made a relevant representation, could attend to clarify or amplify their representations.

It was proposed by Councillor Ball and seconded by Councillor Batt and unanimously **RESOLVED**

1. To note the comments received from the consultation exercise in Annex A to the report.
2. To recommend that the revised Statement of Licensing Policy, provided at Annex B, be presented to the Full Council at its meeting on 16th November 2010 with a recommendation that it be adopted.

9 APPROVAL OF AN APPLICATION PACK FOR THE GRANT OF A PREMISES LICENCE FOR A SMALL CASINO IN BATH AND APPOINTMENT OF ADVISORY PANEL

The Environmental and Licensing Manager presented the report. He said that, when the Full Council agreed that there should be a casino in Bath, it had approved the preparation, by officers, of an application pack. The draft pack was attached to Appendix B to the report. The pack had been circulated for comments to a range of consultees; their comments, together with comments and recommendations from officers, were contained in Appendix A.

Some Members expressed their objections to the principal of a casino in Bath but recognised the decision, of Full Council, that a small casino premises licence be granted in Bath.

Councillor Bull was concerned about the principle of applicants for casino licences being allowed to offer benefits, e.g. a cash payment or the offer to fund a service or facility in the authority's area, as part of their applications. The Environmental Monitoring and Licensing Manager replied that the application process was intended to be as open as possible and that applications would be assessed by the Independent Advisory Panel, who would advise the Licensing Committee on the greatest benefit to the area. Prospective Panel members had been identified and approached. The Panel would have a mix of members who had particular expertise in the social, economic, tourism, development and employment aspects of applications. Councillor Ball said that benefits accepted should be recorded and a record kept of the purposes to which cash contributions were devoted. The Environmental Monitoring and Licensing Manager stated that there was a scoring matrix for assessing the benefits offered by applicants, which was intended to make it easier to compare bids and that it was the Panel that would make the recommendation on the preferred option.

Members agreed with Councillor Curran's proposal that the Group Leaders should be consulted about the appointment of the Advisory Panel.

It was proposed by Councillor Ball and seconded by Councillor Bull and
RESOLVED:

1. To note the responses to the consultation exercise and to agree that the officer recommendations should be included in the revised pack.
2. To adopt the draft pack.
3. To delegate authority to the Divisional Director, Environmental Services, in consultation with the Chair of the Licensing Committee, and the Group Leaders, to appoint the members of the Advisory Panel.

Voting: 7 for, 1 against (Councillor Hedges).

The meeting ended at 3.11 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services