



Rutland County Council

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Minutes of a meeting of the **LICENSING ACT COMMITTEE** held in the Council Chamber, Catmose, Oakham, at 7.00 pm on Tuesday, 26th July 2010.

PRESENT: Mr P J W Golden (in the Chair)
Mr P W Jones
Mt T G Lovell
Mr M A Oxley
Mrs E J Rodger
Mr B W Roper
Mrs D Stuart

Officers present: Mr S Haigh Public Protection Manager
Mr J Tomlinson Democratic Services Officer

Apologies: Mr G Plews, Mr N M Wainwright.

283. MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the Licensing Act Committee held on 3 November 2009 be confirmed and signed by the Chairman.

284. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they might have in respect of items on the Agenda and/or indicate if Section 106 of the Local Government Finance Act applied to them.

The following members declared interests later in the meeting:-

Mr Jones and Mr Lovell declared a personal but not prejudicial interest in Agenda Item 7, Licensing Act 2003 Review of Licensing Policy, as they lived in an area that might be considered to have a particular concentration of licensed premises directly causing a cumulative impact.

285. PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions had been received.

286. QUESTIONS WITH NOTICE FROM MEMBERS

No questions with notice from Members in accordance with the provisions of Procedure Rule No. 219 had been received.

287. NOTICES OF MOTION FROM MEMBERS

No Notices of Motion from Members in accordance with the provisions of Procedure Rule No. 220 had been submitted.

288. LICENSING ACT 2003 NOTIFICATION OF RESIDENTS OF APPLICATIONS FOR PREMISES LICENCES AND VARIATIONS TO A PREMISES LICENCE

Report No.140/2010 from the Director of Community Services, which informed members of the guidance and issues relating to the notification of residents living in the vicinity of a premises where an application has been received by the Licensing Authority for either a new Premises Licence or a Variation to an existing Premises by way of a circular, was received.

During consideration the Committee noted the following points:

- a. The recent Judicial Review in the High Court (concerning the decision by Westminster City Council to notify local residents of an application to vary a licence) had provided an important precedent for informing the current debate. Information gathered from neighbouring local authorities was also considered useful.
- b. Several members felt that notification of relevant ward members (in conjunction with notices in the local press) should be sufficient to ensure views were received and taken into account when an application was being considered.
- c. A further concern expressed was that direct notification of local residents ran the risk of being perceived as soliciting of objections, and it was considered important that ward members be made aware to avoid the same risk when receiving views from constituents.
- d. If local residents were to be notified individually, the same rules would have to apply to every application and a very careful definition of "vicinity" would be essential. This would also be expensive and time-consuming in respect of officer time.

RESOLVED

That a policy of individual local resident notification not be introduced.

289. LICENSING ACT 2003 – REVIEW OF LICENSING POLICY

Report No.141/2010 from the Director of Community Services, which provided members with information to enable the statutory review of the Statement of Licensing Policy ("Policy") required by the Licensing Act 2003, was received.

During consideration the Committee noted the following points:

- a. The reference in paragraph 13.2 of the Policy to "Rutland Arts Forum" should be replaced by "Arts for Rutland".
- b. The proposal to delete part of paragraph 14.1 of the Policy was rejected.

- c. A discussion concerning paragraph 7.3 of the Policy in relation to the cumulative impact caused by a particular concentration of licensed premises took place. During this discussion, Mr Jones and Mr Lovell declared a personal but not prejudicial interest on the basis that they lived in an area of Oakham where they each considered there to be a particular concentration of licensed premises. Paragraph 7.3 should be removed, and consideration was delegated to the Public Protection Manager, in conjunction with the Chairman, to consider whether any other additional wording was required in paragraph 7.2.

- d. The List of Consultees in Appendix 4 to Report No 141/2010 should be extended to include County Councillors, and job titles should be included instead of named individuals.

RESOLVED

That the statutory review of the current Statement of Licensing Policy and the timetable for undertaking the review and consultation, as set out in Appendices 1 to 4 of Report No 141/2010, be approved, with the inclusion of minor amendments to be agreed by the Public Protection Manager, in conjunction with the Chairman of the Committee.

290. ANY OTHER URGENT BUSINESS

There were no items of urgent business.

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The Chairman closed the meeting at 7.38pm.

Chairman