

Runnymede Borough Council

LICENSING COMMITTEE

Thursday 27 January 2005 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors A.J. Davis (Chairman), Mrs P.I. Broadhead (Vice-Chairman), Mrs F.M. Angell, P.A. Greenwood, Mrs. Y.P. Lay, A.M. Moore, Mrs J. Norman, D.W. Parr, B.J. Relph and Mrs M. Roberts.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

AGENDA

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant "background papers" are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C. Pinnock, Department of Administration and Leisure, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk)**.
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading).
- b) Confidential Information
(No reports to be considered under this heading)

1. MINUTES

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 25 November 2004.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the report in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

4. REVENUE ESTIMATES 2005/06 (DF)

1. Purpose of Report

1.1 **The purpose of this report is to receive and consider the draft Revenue Estimates for 2005/06.**

1.2 **The services this Committee controls previously fell under the remit of the Leisure and Environment Committee. In accordance with the Council's constitution, the budget for these services has been completely removed from the Leisure and Environment Committee and is presented here, including the actual figures for 2003/04, to enable Members to compare costs between the years.**

1.3 **A budget is the expression in financial terms of the Council's policies over the next year and is a statement of intention against which achievement can be compared. The main objectives of budgeting are:**

- **Satisfaction of statutory requirements**
- **Determining the amount which needs to be raised from Council Tax or rents**
- **Assisting in the planning and policy making process**
- **Policy implementation and control**
- **A means of measurement, and**
- **Strategic planning**

2. Report

2.1 The report of the Director of Finance containing the draft Revenue Estimates and fees and charges for the services under the remit of this Committee is attached at Appendix 'A'.

OFFICERS' RECOMMENDATION that –

- i) the draft Revenue Estimates for 2005/06 be approved as submitted and the Corporate Management Committee be requested to make provision accordingly; and**
- ii) the proposed increases in fees and charges for 2005/06, as set out in Appendix 'A', be approved to be effective either from the first week of April 2005 or 1 April 2005 as appropriate.**

(TO RESOLVE)

Background Papers

Director of Finance's Estimates Working Papers 2005/06 file for the Regulatory Committee (part exempt)

5. LICENSING SUB-COMMITTEE STRUCTURE (DAL)

1. Purpose of Report

1.1 The purpose of this report is to:

i) **recommend the establishment on an interim basis of a large number of Sub-Committees, each consisting of three Members of this Committee;**

1.2 ii) **recommend issues of membership and attendance at Sub-Committees.**

2. Background Information

2.1 Members will be aware that Corporate Management Committee was requested to consider the enlargement of Licensing Committee from the present 10 Members to 15. Corporate Management Committee is recommending to full Council on 10 February 2004 that the Committee be enlarged to 15 Members and the proposals in this report are contingent upon the Council resolving to adopt that recommendation.

2.2 Members will also be aware that the Government has consulted on the Regulations to apply to the determination of applications made under the Licensing Act 2003 and a response to the consultation was made on behalf of the Council. The outcome of that consultation is at the date of writing this report, awaited. Therefore, the final form the Regulations is not at this time known, and in particular it is not known whether any Regulations will be enacted as to the membership, conduct and procedure of the procedures of the Licensing Committee and/or any Sub-Committees constituted by it. So, just as with the question of the enlarged membership this report is written without the benefit of knowing what the final form of Regulations will be. Given that the first transition date for the purposes of the making and determining of applications under the Licensing Act 2003 has been set as 7 February 2005 it is hoped that by the date of the meeting of this Committee the final form of the Regulations will be known and can be reported as necessary.

3. Licensing Sub-Committees

3.1 Under Section 9 (1) of the Licensing Act 2003 the Licensing Committee may establish one or more Sub-Committees consisting of 3 Members of the Committee.

3.2 To cover every possible permutation of membership if Members are to be named then a maximum number of 455 Sub-Committees is required. Officers are taking the unprecedented step of recommending that this be done. Fortunately, it will not be necessary to name each Sub-Committee, but this step will provide absolute flexibility in fitting hearings to available Members.

3.3 There can be no certainty at this time, but it is likely that there will be an initial rush of applications under the transitional arrangements put in place by the Licensing Act 2003, which will be made to the Council as Licensing Authority on or about 7 February 2005 and continuing thereafter for a time. Given that there are prescribed time limits for the determination of applications made it is possible that there will be a large number of applications to be determined in late March continuing through April and into May 2005. It may be that to hear the applications, in respect of which a hearing is required, it will be necessary for as many of the Members of the Committee to be sitting on Sub-Committees as often as is possible for a period of some weeks. To this end hearings of Sub-Committees of the Licensing Committee have been scheduled and a list of the dates is attached at Appendix 'B'. Members will notice that times are given for both a.m. and p.m. for a period and it may be that one Sub-Committee begins hearing applications in the morning and will continue through the afternoon to conclude them and another Committee meets in the afternoon.

- 3.4 It will be suggested to applicants that, should they consent, applications will be considered on a phased basis and this may achieve a spreading of the workload. However, the phased hearing of applications has no statutory or regulatory authority and cannot be insisted upon. Nonetheless, other large authorities are planning to approach it in this way and it is hoped to adopt this practice in Runnymede if necessary.
- 3.5 Indeed, it may be the case that the number of applications expected does not materialise, or that they come in at a steady trickle over a period of months. There is a transitional period of six months within which transitional applications can be made and a period allowed for determination and appeals thereafter before the Licensing Act 2003 comes into full force in late 2005. If that is the case, then it may be that the numbers of Sub-Committees being suggested will not in fact be needed, and Members will be advised accordingly.
- 3.6 It is proposed that the [Licensing Officer?] will have a record of Member availability and will arrange for hearings by Sub-Committees comprising appropriate membership as required. It will be necessary to ensure that when a Sub-Committee is due to sit that all 3 Members are available and attend. The regulations as presently known do not allow for less than the full membership to hear applications. Therefore, if a Sub-Committee is constituted all Members must attend otherwise the Sub-Committee will not be able to hear the applications listed to be heard before it. The large number of Sub-Committees proposed allows for flexibility of membership which can take account of such things as illness, bias or personal interest or other.

4. Membership of Sub-Committees

- 4.1 There is still considerable debate as to what might disentitle a Member from sitting on a Sub-Committee. It is variously suggested that Ward Members or Members of a Planning Committee which has considered an application in respect of the same premises should not be allowed to take part. There is of course also the issue of bias where for example a Member has publicly expressed a view as to the merits of someone or a premises in respect of which a licence is sought. There is reported comment of Government Ministers at the time the Act was passed that it was not anticipated that Ward Members should sit on the hearing of applications in respect of licenses within their Wards. Other advice is that Ward Members, who have not otherwise disqualified themselves on account of bias or personal interest should be allowed to sit. It is not at this time proposed to disqualify any Member of the Licensing Committee. Members will be expected to disclose any prejudicial interest or appearance of bias which would, however, disqualify them.
- 4.2 To that end it is proposed that the Sub-Committees chosen to sit will comprise Members who have indicated their availability to sit on the day, who will be provided with details of the applications in advance, provided they have not disclosed an interest which would otherwise disentitle them from sitting or who would otherwise prefer to appear as Ward Member either in support or in opposition to an application. In so doing Members should be aware that they will nonetheless need to make a representation which is a "relevant representation" to be permitted to speak. They will not have rights to speak as Members of the Council per se.
- 4.3 In due course it may become possible to appoint a smaller number of Sub-Committees but there will still be issues with membership which may arise late in the day.

OFFICERS' RECOMMENDATION that -

subject to the Council agreeing to increase the membership of the Committee to fifteen:

- i) 455 Licensing Sub-Committees be constituted comprising every possible permutation of Members;**
- ii) the Director of Technical Services, through his appropriate staff, be authorised to select a Sub-Committee for each occasion on which a hearing is necessary; and**
- iii) the position be reviewed in September 2005 or earlier if necessary.**

(TO RESOLVE)

Background Papers

None.

6. LICENSING SUB-COMMITTEE - MINUTES (DAL)

The Minutes of the meeting of the Licensing Sub-Committee held on 25 November 2004 are attached at Appendix 'C'.

(FOR INFORMATION)

Background Papers

None.

7. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

where appropriate the press and public be excluded from the meeting during discussion of the report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part 1 of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)