

Time Commenced - 6.00 pm
Time Finished - 6.40 pm

**GENERAL LICENSING COMMITTEE
5 OCTOBER 2005**

Present: Councillor Khan (Chair)

Councillors Afzal, Baxter, E Berry, P Berry, Dhamrait, Marshall,
Jackson, Redfern, Skelton,

07/05 Apologies

Apologies for absence were received from Councillors Allen, Brown, Rehman and Richards.

08/05 Minutes of the Previous Meeting

The minutes of the meeting held on 13 July 2005 were approved as a correct record and signed by the Chair.

09/05 Late items introduced by the Chair

There were no late items

10/05 Declarations of Interest

There were no declarations of interest.

11/05 Liquor Licensing Act Update

The Committee considered a report from the Director of Corporate Services that provided an update of the progress of the Liquor Licensing Act 2003.

Michael Kay, Group Leader – Health and Safety – updated the Committee with details of the number of Licensing Applications received to date, how many had been granted and how many had appealed to the Magistrates.

Councillor Baxter stated that the Department for Culture, Media and Sport were encouraging Committee's to take more notice of representations. There had been some instances where the public had raised objections to applications and the Police had not when clearly there were issues. The Police should object when residents raised anti-social behaviour issues. Councillor Baxter advised that he had expressed these concerns with Inspector McLoughlan from Derbyshire Constabulary. Councillor Khan commented that members on the Sub-Committee's in Derby did take into account all representations giving them due consideration.

Councillor Peter Berry stated that it was not the fact that the Police did not object but when the public raised anti-social behaviour issues with the Police and these were not taken into account by the Police when considering objecting to an application.

Andrew Hopkin, Assistant Director – Environmental Health and Trading Standards, advised that the Committee could decide to write to the Police Authority expressing their concerns or invite them to a future meeting.

Councillor Evonne Berry raised concerns that the Fire Authority did not determine the maximum number of people allowed into an establishment. Michael Kay responded that it was the Establishments responsibility to do a fire risk assessment. The Fire Service did enforce the legislation and if they felt a risk assessment was incorrect they would put it right.

Councillor Evonne Berry advised that there was now an anti-social behaviour hotline which gave Councillors the ability to hold the Police to account. Councillors needed to ensure that this number gets out to people.

Councillor Redfern asked that as there had been no appeals to the Magistrates so far could this mean the Sub-Committee's were being too lenient. Michael Kay commented that it could also mean the Committee were making good decisions.

Councillor Redfern added that under the previous legislation when considering Public Entertainment Licence's, if any information received by the Committee gave any doubt then the application would be refused, even if this was against officer recommendation. Councillor Khan commented that he believed the Sub Committee's were being fair and sensible.

Andrew Hopkin stated that the Sub-Committee's had the ability to push, but not too far. It was all based on judgement. Councillor Khan added that he would not shy away from challenging legal advice if it was felt necessary.

Councillor Skelton stated that she felt the Sub-Committee's had got it right and she did not detect any issues in the strength of resolve or level of judgement. There was no difference between Licensing Sub Committee B and now how each application was appraised. The Sub-Committee's were just as stringent as they have always been.

Councillor Peter Berry raised concerns on behalf of the public that Sub-Committee meetings were perceived as being like a court hearing where they would be grilled by lawyers. This puts people off coming to object to applications. Also the form that had to be completed was complicated and needed to be in plain English. He also asked if the public were invited to come along to object. Councillor Redfern asked whether this process could be made easier.

Michael Kay commented that he was concerned if people who had made objections were not invited to attend the Sub-Committee meeting. He outlined the process for making objections. There was no standard format for objections as long as it was received in writing – letter, email or fax. Once an objection was received officers made sure it was relevant and related to one of the four licensing objectives. If not then more information is requested from the objector. Once an objection is deemed relevant the objector is written to with details of the hearing, inviting them to attend. With this letter is a single sheet with tick boxes which asks whether they felt the hearing was necessary, if they intended to attend the hearing or if not, would they would be sending representation.

Councillor Peter Berry stated that it was this form that was the problem. Michael Kay responded that he would look at re-wording the form to make it clearer. Andrew Hopkin added that in the New Year they would look at how many objections had been received and how many of these attended a hearing and report back to the Committee.

Members commented that members of the public attending a hearing needed to feel at ease and not feel intimidated. There should be better facilities for them so that they are not left waiting in a corridor.

Andrew Hopkin responded that there would be a full review in the new year and this would include the process of the hearing and accessibility.

Resolved:

- 1. To note the update.**
- 2. To ask the Assistant Director – Environmental Health and Trading Standards to re-word the form for objectors invited to attend hearings.**
- 3. To ask the Assistant Director – Environmental Health and Trading Standards to write to the Police Authority on behalf of the Committee expressing their concerns about the lack of representations on premises. Particularly where it was known that the Public had complained previously, and to invite the Police Authority to a future meeting of the Committee to explain why public complaints about a premise did not appear to be included in Police representations.**

MINUTES END