

# ITEM 4

Time commenced – 6.03pm

Time finished –7.34pm

## **GENERAL LICENSING COMMITTEE 13 OCTOBER 2010**

Present: Councillor Hird (Chair)  
Councillors Atwal, Barker, Berry, Harwood, S Khan, Jackson,  
Leeming, Redfern, Skelton, Whitby, F Winter and L Winter

### **13/10 Apologies**

Apologies for absence were received from Councillors Chera and Richards.

### **14/10 Late items introduced by the Chair**

There were no late items.

### **15/10 Declarations of Interest**

There were no declarations of interest.

### **16/09 Confirmation of the Minutes of the General Licensing Committee held on Wednesday 14 July 2010 and Wednesday 1 September 2010**

The minutes of the meetings held on 14 July and 1 September 2010 were agreed as a correct record and signed by the Chair subject to the minutes of 1 September recording Councillors Berry, S Khan and Redfern's comments with regards to the Chair's absence from the meeting. Concern was raised that the Chair was not present at the meeting due to her attending her Neighbourhood Forum instead. Members felt that the special meeting of the General Licensing Committee should have taken precedence.

### **17/10 Recommendations of Cross Party Working Group – Following Review of Licensing Policy**

The Committee considered a report from the Strategic Director of Neighbourhoods on the recommendations of the cross party working group following the Scrutiny Management Commission's review of the Licensing Policy. It was reported that the Licensing Authority was required to revise and publish the Policy at least once every three years, subject to a full consultation process. The consultation ended in September 2010, when the cross party working group

considered comments received during the consultation. The report gave details of the consultation and the recommendations of the cross party working group.

Members noted that the main amendments to the policy were the addition of the mandatory conditions that were published in April 2010.

Members raised concerns that all Responsible Authorities (RA's) still do not provide nil returns to applications received. It was noted that while external RA's could not be compelled to comply with the proposal, the position was different with the internal RA's that are part of the Council. The officer reported that all applicants were required to notify all RA's of their application as per the application form. The Committee noted that there was now the addition of the weekly licensing list that was circulated to all RA's and Members for information. Members suggested that a letter from the Chair be sent to the in-house RA's requesting that they comply with the nil returns procedure on all future applications received.

**Resolved:**

- 1. that the Chair of the General Licensing Committee write to all in-house Responsible Authorities requesting that they respond to all applications received, even with a nil return;**
- 2. to accept the recommendations/comments of the Cross Party Working Group; and**
- 3. to recommend to Council the revised Licensing Policy.**

## **18/10 Scrutiny Management Commission Response Update**

The Committee considered a report from the Strategic Director of Neighbourhoods on the scrutiny management commission response update. It was reported that following the review of the enforcement of the Council's Licensing Policy in March 2009, this report provided Members with an update on actions taken since the recommendations.

Members welcomed the progress that had been made since the review had been undertaken and praised the officers for their positive work.

**Resolved to note the contents of the report.**

## **19/10 Reform of the Licensing Act: Proposals**

The Committee considered a report from Councillor Barker on his views on a more fundamental review of the current licensing regime than was being proposed by the Home Office.

Members welcomed the report and the proposals but noted that their main concern was personal licences and how easy it was for licence holders to move from premises to premises with no detail of their background being provided to the local authority. The Committee expressed their disappointment that the national central licensing database, that was to be set up when the Act came into force, had never been put into place. This would have addressed concerns raised and not rely on the licence holders integrity, or lack of, as could be the case.

The Committee expressed regret that the Act had not done what it intended to with regards to 24 hour drinking. It was noted that unless all premises were given 24 hour licences there would always be migration to the premise that was open the latest. This still caused flash points for Derbyshire Constabulary and their already stretched resources.

Members agreed that they should lead on this area of concern and that the Chair should write to the Home Office and the Local Government Association setting out the concerns of the Committee.

**Resolved to that the Chair of the General Licensing Committee write to the Home Office and the Local Government Association on behalf of the Committee to express their concerns.**

MINUTES END