

Durham County Council

Inaugural General Licensing and Registration Committee

At the **Inaugural Meeting** of the **General Licensing and Registration Committee** held at the **County Hall, Durham** on **Thursday 9 April 2009** at **10.00 am.**

Present:

Councillor C Carr in the Chair

Members of the Committee

Councillors B Alderson, B Arthur, E Bell, J Bailey, J Blakey, G Bleasdale, D Bowman, D Boyes, D Brown, P Charlton, P Gittins, B Graham, J Gray, K Holroyd, J Hunter, J Lee, R Liddle, D Marshall, L Marshall, P May, D Morgan, R Rodgers, J Shiell, D Stoker, L Thomson and A Wright

Apologies

Apologies were received from Councillors D Barnett, J Brown, A Hopgood, O Temple, Andy Turner, J Wilkinson and M Williams

The Chairman welcomed Members to the Inaugural Meeting of the General Licensing and Registration Committee and introduced the Officers Chris Potter, Richard Langdon, Clare Greenlay, Neil Smalley and Sharon Spence.

1. Declarations of Interest

There were no declarations of interest received from Members in relation to the business on the agenda.

2. Minutes

The Minutes of the meeting held on Thursday 13 November 2009 were confirmed as a correct record and signed by the Chairman.

3. Dates and Venues of future meetings

The Committee noted a Report of the Head of Legal and Democratic Services detailing dates and venues of future meetings of the Licensing Committees and Sub-Committees (for copy see file of Minutes).

Members were informed that papers for the meetings will be distributed five working days in advance of the date of the meeting. Substitutions should be notified to Democratic Services.

4. Licensing Committees – Membership April 2009

The Committee noted a Report of the Head of Legal and Democratic Services detailing memberships of the Licensing Committees as at April 2009 (for copy see file of Minutes).

5. Statutory Licensing Sub-Committee Rota

This item of business was deferred, to be considered by the Statutory Licensing Committee, to follow.

The Chairman of the Committee was of the opinion that the following item of business was of sufficient urgency to warrant consideration.

6. Local Government Act 1972 – Appointment of Sub-Committees

The Committee considered a Report of the Head of Legal and Democratic Services to formally appoint the Area General Licensing and Registration Sub-Committees (for copy see file of Minutes).

Resolved:

That the recommendation set out in the report be received, to formally appoint the three Area General Licensing and Registration Sub-Committees with the functions as set out in the constitution, with such functions to be exercised concurrently.

7. Members' Training

Members were informed that steps will be taken to identify training needs and the Committee will be kept fully up-to-date with licensing issues. A legal officer will be in attendance at all meetings to answer questions and ensure that decisions made are within the law. Committees are quasi-judicial and Members should be aware that decisions may be appealed therefore detailed reasoning for decisions must be recorded.

Members were asked to read their papers well in advance of meetings in order that substitutes can be arranged in good time, if required.

In response to a question from Councillor Bell as to whether the Committee has any strategic influence Members were informed that decisions involving Hackney Carriage / Private Hire licenses require the Committee to establish what the Authority considers to be a "fit and proper person" and once this is set, decisions must be made within the framework.

In response to a question from a Member of the Committee regarding declarations of interest, a Licensing Officer responded that there is a difference between a personal interest and a prejudicial interest. A prejudicial interest occurs where a Member has a close acquaintance or a business interest with the applicant. This would exclude that Member from taking any part in the decision making process. A personal interest occurs when a Member has knowledge of an applicant but is not a close acquaintance. In

such cases, an interest should be declared but the Member may still take part in the decision making process.

In response to a question from a Member of the Committee regarding statutory functions, a Licensing Officer replied that licensing committees have power under the 1972 Act, whereas statutory licensing committees, which deal with matters such as gambling and liquor, have power under the 2003 Act.

Members of the Committee commented on the three-day training session, observing that the final day of the training had involved a lengthy powerpoint presentation which was perhaps not the best method of delivery. Licensing Officers noted this for future reference and suggested that Members may wish to observe Statutory Licensing Committees to gain experience. Specific training needs will be identified and further training will be arranged. Members suggested that it may be beneficial to arrange training in the form of mock-hearings.

In response to a question from a Member of the Committee, a Licensing Officer informed the Committee that the majority of applications are dealt with by Officers through the scheme of delegation. Members commented that it would be useful if a list of decisions made by officers could be made available to the Committee. Officers agreed to look into the best way of distributing this information.

Members commented that it is essential that adequate facilities, including retiring rooms, are made available.