

## **DURHAM COUNTY COUNCIL**

At a **Joint General Licensing and Registration and Statutory Licensing Committee** held in Council Chamber, County Hall, Durham on **Monday 31 January 2011 at 1.00 pm**

### **Present:**

**Councillor C Carr (Chair)**

### **Members of the Committee:**

Councillors B Alderson, B Arthur, J Bailey, J Blakey, D Boyes, P Charlton, B Graham, J Gray, K Holroyd, J Lee, R Liddle, P May, M Plews, J Shiell, D Stoker, O Temple, L Thomson, R Todd and J Wilkinson

### **Apologies:**

Apologies for absence were received from Councillor Edward Bell, Councillor Paul Gittins, Councillor Amanda Hopgood, Councillor Garry Huntington, Councillor David Marshall, Councillor Linda Marshall and Councillor Anne Wright

### **1 Declarations of Interest, if any**

Councillor O Temple declared an interest in relation to the following item of business where reference was made to village greens.

### **2 Proposed Amendment to the Constitution - Committee Provisions Applicable to Licensing**

Consideration was given to the report of the Head of Legal and Democratic Services which gave details of proposed amendments to the Constitution in relation to Committee provisions applicable to licensing, a copy of which had been circulated.

R Langdon, Solicitor reported that since 1 April 2009 the Council had operated with a Statutory Licensing Committee and a General Licensing and Registration Committee, the existing functions of which were set out in Appendix 2 of the report.

The division of licensing between General and Statutory had resulted in two separate Committees that could not cover each other's work and with the current structure there had been problems with the Area General Licensing and Registration Sub-Committee meetings being quorate.

The Council had resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which introduced the licensing of sex shops, sexual entertainment venues and other similar establishments.

Therefore the proposals aimed to enable a more efficient and economic provision of the Council's licensing function. It would enable the Statutory Licensing Committee to handle matters of General Licensing when occasions warranted it and provided an understanding of all aspects of the law when handling the new functions under the 1982 Act.

The proposals were set out in detail in Appendix 3 of the report and could be summarised as follows;-

- A General Licensing and Registration Committee made up of 27 Members.
- 3 General Licensing and Registration Sub-Committees of four Members to sit with the Chair or a Vice-Chair as a Panel of 5 Members appointed on a rota basis. The Chair to be a person also serving as a Chair of the Statutory Licensing Committee or Sub-Committee thereof. The quorum of the Sub-Committee to be 3.
- A Statutory Licensing Committee (a Sub-Committee of the General Licensing and Registration Committee) made up of 15 Members of the Council drawn from the General Licensing and Registration Committee. These Members would also be able to serve on other General Licensing and Registration Sub-Committees when occasion demanded.
- 3 Statutory Licensing Sub-Committees of 4 Members to sit with the Chair or a Vice-Chair as a Panel of 5 Members appointed by the Head of Legal and Democratic Services on a rota basis.

Finally Common Land and Village Green applications were currently reported to the General Licensing and Registration Committee. However these were not considered to be licensing issues but claims with respect to the use of land, and therefore more naturally fell within the remit of Highways Committee.

Members discussed the proposals in detail and asked a number of questions.

Councillor Temple referred to the proposal for village greens and common land and commented that Licensing Members had been required to undertake essential training before being able to consider applications. He suggested that, in the interim, until Members of the Highways Committee had undergone training those who had already been trained be utilised for any existing matters.

The Chair, Councillor Carr referred to the proposed quorum of 3 for the General Licensing and Registration Sub-Committees. He reiterated that the current quorum of 5 from a membership of 8 for the Area General Licensing and Registration Sub-Committees had caused problems in terms of meetings potentially being inquorate. However, notwithstanding the proposal to reduce the quorum he stressed the importance of all Sub-Committee Members making every effort to be present at meetings to which they were invited, and to nominate substitutes when they were unable to attend. It was suggested that it would be useful for the Chair of the

General Licensing and Registration Committee to be provided with a list of Member attendances on a periodic basis.

Reference was made to the requirement for political balance on the General Licensing and Registration Committee. Councillor Shiell stated that as the meetings were quasi-judicial, political balance was unnecessary and that in his experience there had been no political interference at any of the hearings. This was a view shared by all Members and it was therefore suggested that there be no requirement for political balance to be maintained in the membership of the General Licensing and Registration Committee and its Sub-Committees.

Councillor Shiell continued that he considered that the Licensing Committees were working well and that Members had developed in knowledge and experience, and he expressed his gratitude for their dedication.

In response to a further question R Langdon stated that in accordance with The Licensing Act 2003 a Statutory Licensing Sub-Committee could only consist of 3 Members, therefore under the proposed arrangements for 3 Panels of 5, there would be 2 substitutes at each hearing. Those Members who were substitutes were encouraged to remain throughout the hearing, not only in the event that they might be required but also to increase their knowledge and experience.

Following discussion it was **RESOLVED**

That the following recommendations be made to Council:-

1. The provisions set out in Appendix 3 of the report replace those in Appendix 2 to enable sufficient persons to cover the work required and ensure that the Statutory Licensing Committee is not limited to work associated with the Licensing Act 2003.
2. Where it is expedient to do so hearings required for the business of the General Licensing and Registration Sub-Committees be combined with hearings of the Statutory Licensing Sub-Committees.
3. All Members of the General Licensing and Registration Committee receive the same training.
4. The current provision for Common Land and Town and Village Greens be removed from the business of the General Licensing and Registration Committee and be dealt with by the Highways Committee. In the interim, until Highways Committee Members received training, those Licensing Members who had been trained deal with any existing village green matters.
5. There be no requirement to maintain political balance on the new General Licensing and Registration Committee and its Sub-Committees.

