

**MINUTES OF THE LICENSING COMMITTEE
TUESDAY, 14 MARCH 2006**

Councillors Haley (Chair), Basu, Bloch, E Prescott, Floyd, Knight, Newton, Patel (Deputy Chair) and Reynolds

Apologies Councillor Beacham and Rice

Also Present: Councillor **Error! No document variable supplied.**

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO24.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received from Councillor Rice and Councillor Beacham</p>	
LSCO25.	<p>URGENT BUSINESS:</p> <p><i>The Chair agreed to receive a late item of Counsel's Opinion and officer recommendations as it was essential to enable members to take a decision on the matter of extending the duration of the Licensing Bodies in Election Year.</i></p>	
LSCO26.	<p>DECLARATIONS OF INTEREST:</p> <p>None</p>	
LSCO27.	<p>DEPUTATIONS/PETITIONS:</p> <p><i>None</i></p>	
LSCO28.	<p>MINUTES:</p> <p><u><i>Matters arising</i></u></p> <ul style="list-style-type: none"> ▪ <i>Members asked for clarity on the decision as set out in paragraph LC20 of the minutes of 21 February and the Chair confirmed that at 9.30pm the Chairs of the respective Licensing Sub Committees must decide whether to adjourn or continue hearing the current item; waiving standing orders if necessary.</i> ▪ <i>Members also asked for an update on the Golden Stool application; the Licensing Manager advised that this would be heard at the Magistrates Court on 3rd and 4th July 2006.</i> ▪ <i>The Licensing Manager also advised members that the Mizguin had lodged an appeal.</i> 	

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	<p><i>RESOLVED:</i></p> <p><i>That the minutes of the meetings held on 21 February 2006 be agreed and signed by the Chair.</i></p>	
<p>LSCO29.</p>	<p>EXTENDING THE DURATION OF THE LICENSING BODIES IN ELECTION YEAR:</p> <p>Licensing Committee agreed at its meeting on 21 February 2006 to defer any recommendation to full Council on extending the duration of the Licensing Bodies in Election Year, pending receipt of Counsel's advice on the lawfulness of the measures proposed. This was not available at the time of despatch of the Agenda and Notice for this meeting. Members had now had the opportunity to consider Counsel's advice and subsequent officer recommendations which were set out in the late report.</p> <p>To recap, members had been asked to consider arrangements to continue the operation of one or more of the existing Licensing sub committees until the Annual Meeting in order to ensure that the Council's statutory duties to hear Licensing Applications under the 2003 Act were discharged.</p> <p>The Legal Services Representative set out this report and advised members that Counsel had advised, under the 2003 Act, that a Licensing Committee could function <u>with less than the</u> statutory minimum of 10 members; provided that there was a quorum of 4. Whilst it was not outside the regulations to have sub groups of less than 3, it was felt to be desirable to have a minimum of three.</p> <p>This ruling therefore eliminated the need to delegate powers to the Chief Executive; as proposed in the original report to the Licensing Committee on 21 February. It would also be acceptable to extend the powers of the existing Licensing Committee to 22 May 2006 (Annual Council), subject to the Committee only discharging essential functions to meet the statutory obligations of the 2003 Act in determining contested applications. In order to facilitate this, a small addition to the Terms of Reference was necessary, as set out in Appendix 3 to the report.</p> <p>Members unanimously agreed to the recommendation as set out below and expressed their satisfaction at having sought Counsel's opinion first.</p> <p>RECOMMENDED</p> <p>1. That Full Council be recommended, via the General Purposes Committee:</p>	

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	<ul style="list-style-type: none">• To confirm the current appointment of Members to the Licensing Committee to extend to the Annual Meeting of the Council on 22 May 2006, subject to the same conditions set out in (1) above<ul style="list-style-type: none">(i) The individual members being re-elected as Councillors(ii) That it has powers to act only for the purpose of determining contested matters that the Licensing Authority is required to decide before the newly appointed Licensing Sub-committee are able to meet.• To adopt the changes to the Terms of Reference of the Licensing Committee, set out in Appendix 3 to the report, as amendments to Part E7 of the Council's Constitution.	
LSCO30.	NOTES The meeting ended at 7.30 pm	

COUNCILLOR BRIAN HALEY

Chair