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## **REPORT OF THE APPEALS AND LICENSING COMMITTEE – 2 DECEMBER 2004**

### **1 CONSULTATION ON DRAFT STATEMENT OF LICENSING POLICY**

- 1.1 This item of business was referred by the Appeals and Licensing Committee on 2 December to Council with a recommendation that a Statement of Licensing Policy be approved. A copy of the officer's report to the Committee and the sheet of additional amendments (numbers 43-46) tabled at the meeting is attached at Appendix 1
- 1.2 The Committee noted that:-
- There had not been specific consultation with various church groups within the District. In addition to statutory consultees, the draft statement had been advertised in the local press and Rochford District Matters and posted on the Council's website. Copies had also been furnished on request and brought to the attention of identified interest groups.
  - Legislation had set the scene for deregulated licensing and the Policy Statement needed to reflect the legislative position.
  - Responses to this type of consultation tended to be from individuals/organisations with direct working involvement in the subject area.
  - Notwithstanding the submission from the police, the County Council would have to resolve the question of identifying a body with specific responsibility for child protection matters in advance of 7 February 2005. The Chief Executive had already communicated concern about this issue.
  - It would be of value for officers to be able to make inconsequential changes to the Statement (such as changes in the address details of specified organisations) at the earliest possible stage.
- 1.3 During debate on the consultation process it was observed that there could have been some difficulty in identifying all church groups within the District and that, depending on definition, the number of these could be quite high. It was also observed that, at a national level, churches were likely to have taken an interest in the associated legislation during its formulation.
- 1.4 The Committee agreed that the suggested actions, as set out in Appendix B of the report and the additional sheet, be incorporated into the draft Statement of Licensing Policy.

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1.5 It is proposed that Council **RESOLVES**

- (1) That the Statement of Licensing Policy, as revised and attached at Appendix 2, be approved.
- (2) That the Head of Housing, Health and Community Care be authorised to incorporate any inconsequential changes on an ongoing basis. (HHHCC)

**2 LICENSING ACT 2003 CHANGES REQUIRED TO THE COUNCIL'S CONSTITUTION**

2.1 This item of business was referred by the Appeals and Licensing Committee on 2 December to Council with recommendations for facilitating the discharge of the Council's functions under the Licensing Act 2003. A copy of the officer's report to the committee is attached at Appendix 3.

2.2 The Committee noted that:-

- Where licensed premises subject to an appeal fell within a Member's Ward, that Member could not be appointed to the Licensing Sub-Committee hearing the appeal.
- Separate consideration would need to be given to the question of whether the role of Licensing Sub-Committee Chairman should attract a specific allowance.
- It would be appropriate to delegate authority to officers, in consultation with the Chairman of the Licensing Committee, to appoint three Members to serve on a Licensing Sub-Committee and a Reserve Member.

2.3 During debate it was observed that Members of the proposed Licensing Committee would need to be mindful of declaring an appropriate interest should they be in attendance at a meeting of the Planning Services Committee when it is to consider a planning application relating to licensed premises.

2.4 It is proposed that Council **RESOLVES**

- (1) That the current Appeals and Licensing Committee be replaced with two Committees - a Licensing Committee and an Appeals Committee. The terms of reference of these Committees to be included in the Constitution on the basis set out at Appendix 1 of the report and membership for the remainder of the Municipal Year to be as follows:-

**Appeals Committee**

Chairman:  
Councillor Mrs B J Wilkins

Vice-Chairman:  
Councillor G A Mockford

Councillors:  
K A Gibbs, K H Hudson, T Livings,  
R A Oatham

**Licensing Committee**

Chairman:  
Councillor Mrs B J Wilkins

Vice-Chairman:  
Councillor G A Mockford

Councillors:  
Mrs R Brown, T G Cutmore,  
K A Gibbs, Mrs H L A Glynn,  
Mrs S A Harper, K H Hudson,  
A J Humphries, T Livings,  
C J Lumley, R A Oatham,  
D G Stansby, Mrs M A Starke,  
M G B Starke

- (2) That the words 'and an Appeals and Licensing Committee' in the final line of the third paragraph on page 1.2 of the Constitution be replaced with 'a Licensing Committee and an Appeals Committee' and the words 'Licensing Policy Statement' be included in item (g) on page 3.1 of the Constitution.
- (3) That the timetable of meetings for the period March to April 2005 be adjusted to include provision for daytime licensing hearings on Tuesdays (am and pm). The draft timetable for the 2005/06 Municipal Year to also include such provision.
- (4) That authority be delegated to the Head of Administrative and Members Services, in consultation with the Chairman of the Licensing Committee, to appoint three Members to serve on a Licensing Sub-Committee and a Reserve Member. (HAMS)

Sarah Fowler

Head of Administrative and Member Services

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**Background Papers:-**

None

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