

Licensing Committee

Wednesday, 17th December, 2014

MEETING OF LICENSING COMMITTEE

Members present: Councillor M. E. Campbell (Deputy Chairman)
(in the Chair);
Aldermen Rodgers and Webb;
Councillors Attwood, Clarke, Cunningham,
Groves, Hussey, Hutchinson, Magee, Mullan,
Ó Donnghaile and Spence.

In attendance: Mrs. S. Toland, Lead Operations Officer/Head of
Environmental Health;
Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies were reported on behalf of the Chairman (Alderman Ekin), Aldermen Browne, McCoubrey, R. Patterson and Stalford and Councillors McCarthy and Reynolds.

Minutes

The minutes of the meetings of 6th and 22nd October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

Non-Delegated Matters

Review of Procedures Governing the Licensing Committee

“1 Relevant Background Information

1.1 The Committee will recall that, at the meeting on 20th August, it endorsed a report on the outcome of Party briefings on a protocol to be used as a guide for this Committee in exercising its functions and that Officers should now proceed to develop detailed proposals which will include guidelines on:

- (i) arranging, making provision for and managing the meetings;**

- (ii) rules on submission of representations to Council;
- (iii) rules on exchange of submissions between relevant parties; and
- (iv) guidance on the role of the Chairman

2 Key Issues

- 2.1 Officers from Building Control, Democratic Services and Legal Services met subsequently to discuss the development of the protocol and the procedures governing the operation of the Licensing Committee.
- 2.2 A draft protocol which is proposed for use by the Licensing Committee has been forwarded to the Committee. It should be read alongside relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors and is not intended to replace either document. The key aims of the protocol are to ensure that:
- those who apply for, or object to, licences or permits before the Committee are able to make informed representations and know the case which they have to meet; and
 - the Committee makes decisions in an unbiased way.
- 2.3 The protocol is designed to ensure consistency of approach and place the Council in a stronger position to resist any potential legal challenge relating to the transparency of our decision making process.
- 2.4 The draft protocol consists of 4 sections under the headings:
- 2.5 **Representations to Committee**

This section outlines the process for hearing from deputations in relation to licensing applications and provides that all parties to an application may be present to hear all representations to an application at Committee. Given that Transition Committee meetings are open to the public and that all Committee meetings will be required to be so after March 2015, it is the intention that all parties remain present during the decision making process.

2.6 **Submission of representations to the Council**

This section outlines how information for consideration by Committee must be submitted within agreed timescales and

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provides for the sharing of information between all parties prior to the meeting taking place.

2.7 Role of the Committee Chairman

This section reinforces the role of the Chair particularly in relation to the hearing of deputations and in maintaining order during the meeting.

2.8 Role of Committee Members

This section reinforces the role of the Members of Committee and is included to aid decision making which is soundly based, lawful, fair and transparent.

2.9 Given that the governance arrangements for the new Council and its Committees are under review as part of the Local Government Reform process, the foregoing proposals will only apply until 31st March, 2015. However, should Members be minded to implement the draft protocol, those aspects of it that are deemed to work successfully can be incorporated into the governance arrangements for the new Council.

3 Resource Implications

Financial

3.1 None

Human Resources

3.2 None

Assets and other Implications

3.3 None

4 Equality Implications

4.1 There are no equality and good relations issues.

5 Recommendations

5.1 The Committee is requested to consider the draft protocol proposed for use by the Licensing Committee and, subject to any amendments arising from your discussions, recommend that the protocol be implemented. ”

The Head of Building Control provided an overview of the draft protocol and pointed out that it would be normal practice from 1st April, 2015, for Standing Committees to meet in public, with all parties, including applicants and objectors, being present during the presentation by officers of reports and the decision-making process. He suggested that the Committee should give consideration to either implementing that process in full within the

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intervening period in order to familiarise itself with the process or, alternatively, delaying its implementation until April. Any decision taken by the Committee would, he pointed out, require to be ratified by the Council at its meeting on 5th January and would, therefore, apply to meetings being held during the months of February and March.

During discussion, Members raised a number of concerns around the proposal to hold the Licensing Committee's meeting in public in advance of April, 2015. The point was made that, rather than implement the proposal in full at this stage, the Committee should use the opportunity to ensure that it was fully conversant with the process and that appropriate training was provided, if required. It would provide an opportunity also for any logistical or other issues, including the ongoing discussions around the recording of meetings, to be resolved.

In response, the Council's Solicitor suggested that, in view of the concerns which had been expressed, the Committee might wish to implement in the lead up to April, 2015, a third option, whereby it would, in considering an application, be briefed initially in private by officers and afforded an opportunity to obtain clarification on any issue. Deputations would then be admitted jointly to the meeting but would be required to leave in advance of the Committee reaching its decision.

After discussion, the Committee approved the draft protocol, subject to that part under the heading 'Representations to the Committee' being amended to reflect the suggestion which had been proposed by the Council's Solicitor. The Committee noted that a copy of the draft protocol was available on the Mod.gov site.