

Licensing Committee

Wednesday, 20th March, 2013

MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
Councillors Attwood, M. E. Campbell, Convery,
Groves, Hussey, Keenan, Lavery, Ó
Donnghaile, O'Neill, Spence and Webb.

In attendance: Mr. T. Martin, Head of Building
Control; Mr. S. Hewitt, Building Control
Manager; Mr. J. Argey, Solicitor; and
Mr. H. Downey, Democratic Services
Officer.

Apologies

Apologies for inability to attend were reported from the Deputy Lord Mayor (Councillor Cunningham), Alderman Rodgers and Councillors Jones and L. Patterson.

Minutes

The minutes of the meeting of 20th February were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th March, 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.

Expression of Sympathy

The Chairman, on behalf of the Committee, expressed sympathy to Councillor Lavery on the recent death of his sister.

Roads (Miscellaneous Provisions) Act 2010 - Road Closures for Special Events

The Committee was reminded that, at its meeting on 21st March, 2012, it had been advised that the introduction of the Roads (Miscellaneous Provisions) Act 2010 would provide councils with the power to temporarily prohibit or restrict, with the consent of the Department for Regional Development, the use of public roads in connection with special events, with a special event being defined as any sporting event, social event, entertainment or film-making on a public road.

The Head of Building Control reported that the Department for Regional Development was in the process of finalising a Commencement Order which was due to come into effect in April and lead to the implementation of the Roads (Miscellaneous Provisions) Act 2010. As a result, the Council would assume statutory responsibility for processing applications, consulting with the relevant agencies, publishing notices in newspapers, considering resulting representations, preparing road closure orders and ensuring that the appropriate signage was in place. A joint Department for Regional Development and Local Government team had been established, under the direction of the Society of Local Authority Chief Executives, to examine the operational issues for local councils arising from the introduction of the Act. Council officers had worked with Department for Regional Development representatives to produce guidance notes for councils and applicants on the legislation and had contributed to three awareness raising sessions which that Department had facilitated primarily for councils.

He informed the Members that, due to the regulatory nature of the legislation and the fact that associated applications could be subject to challenge and public representations, the Council now needed to ensure that the necessary governance arrangements, processes and policies were put in place. He pointed out that the Council, at its meeting on 1st May, 2007, had delegated to the Licensing Committee authority to determine applications on various matters, including Entertainments Licensing, and he recommended that, since the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 was similar in nature to those, the Committee assume responsibility also for determining applications under the Act. The Legal Services Section had advised that there would be no requirement to amend the Council's Standing Orders to make specific reference to the Act, as that could be accommodated therein under the definition of "such other matters of a licensing nature". He recommended also that, in order to deal as expediently as possible with applications, the Council's Scheme of Delegation be amended, in line with other licensing applications, to enable the Director of Health and Environmental Services to make Orders relating to special events, except in circumstances where representations were received. In such cases, or in others as the Director deemed appropriate, the relevant application would be submitted to the Committee for its consideration.

After discussion, the Committee agreed that:

- (i) the Council be recommended to delegate authority to the Licensing Committee to determine all applications, under the provisions of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010, for an Order to temporarily prohibit or restrict the use of public roads in connection with special events; and
- (ii) the need for the Committee to consider all applications would be reviewed one year after the commencement of the Order.

The Committee noted that the provisions contained within the aforementioned Act would come into operation upon the publication by the Department for Regional Development of the Commencement Order.