

LICENSING COMMITTEE

MINUTES OF THE MEETING of the Licensing Committee held on Friday 22 October 2004 at 11.15 am in the Executive Meeting Room, in the Guildhall, Portsmouth.

Present

Councillors Paula Riches (Chair)
Elaine Baker
Tom Blair
Margaret Foster
Jacqui Hancock
Lee Mason
Robin Sparshatt
Debbie Tomes

Apologies

Apologies for absence were received from Councillor Geoff Goble who was away. His standing deputy was not in attendance.

34 Members' Interests in accordance with Standing Order No 14 (AI 1)

Councillor Robin Sparshatt declared a non-prejudicial interest with regards to agenda item 4 – Betting, Gaming and Lotteries Act 1963 – Application for Track Betting Licence – Portsmouth Football Club – in that his father was chairman of the Football Club nearly 50 years ago.

Councillor Debbie Tomes declared a non-prejudicial interest with regards to agenda item 4 – Betting, Gaming and Lotteries Act 1963 – Application for Track Betting Licence – Portsmouth Football Club – in that her husband is a season ticket holder.

The Chair, Councillor Paula Riches, requested a change in order of business with regards to agenda item 4 – Betting, Gaming and Lotteries Act 1963 – Application for Track Betting Licence – Portsmouth Football Club – because the applicant and their solicitor were in attendance. This was agreed.

35 Betting, Gaming and Lotteries Act 1963 – Application for Track Betting Licence – Portsmouth Football Club (AI 4)

(TAKE IN REPORT BY THE LICENSING MANAGER)

On behalf of the applicants, Portsmouth Football Club, Mick Coleman (the Safety Officer) and Alan Thompson (the Conference and Banqueting Manager) were in attendance for this item. However, as members were mindful to agree with the recommendation they did not speak.

LM

RESOLVED that the application submitted by Portsmouth Football Club for the grant of a Track Betting Licence in pursuance of Schedule 3, Betting, Gaming and Lotteries Act 1963 be approved.

36 Minutes of the Licensing Committee Meeting held on 2 July 2004 (AI 2)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Licensing Committee meeting held on 2 July 2004 be agreed and signed by the Chair as a correct record.

37 Matters Arising from the Minutes (AI 3)

Minute No 29(a) – The Royal Beach Hotel

Councillor Elaine Baker asked for an update on the situation regarding private hire vehicles picking up customers outside the Royal Beach Hotel. The Licensing Manager responded by saying that she would raise the matter with the regional director of Luminar, the owners of the nightclubs at South Parade.

38 The Licensing Act 2003 – Draft Statement of Licensing Policy (AI 5)

(TAKE IN REPORT AND DRAFT POLICY BY THE LICENSING MANAGER)

During discussion of this item members agreed an amendment to paragraph 8.5 of the draft policy statement, with the insertion of “at any stage” in the first line so that it now reads “The Council will give due consideration to any concerns raised at any stage as regards disturbance in neighbourhoods but will balance any such representations with the wider cultural benefits.”

Members also proposed an additional recommendation (3), requesting that full consultation be held between the Planning, Building Control and Licensing Departments on both planning and licensing applications.

LM

RESOLVED that (i) the Licensing Committee approve the draft Statement of Licensing Policy, subject to the above amendment, as the consultation document for the purposes of the Licensing Act 2003;

(ii) the Licensing Committee approve the timetable for the consultation period, consideration of responses to the consultation process and submission of reports on the final policy (including any amendments if necessary) to the Licensing Committee, Executive and Council as appropriate;

(iii) the Licensing Committee request City Council approval that there be full liaison between the Planning, Building Control and Licensing Departments with regards to planning and licensing applications.

39 The Licensing Act 2003 – The New Committee and Delegations (AI 6)

(TAKE IN REPORT BY STEPHEN KERR, SOLICITOR AND THE LICENSING MANAGER)

During the introduction of his report, Stephen Kerr, circulated revised recommendations following further advice received from a QC, who specialises in licensing issues.

LM/SK

RESOLVED (1) that the Council, as licensing authority for the purposes of the Licensing Act 2003, be recommended to approve as from 7 February 2005 –

- (i) the creation of a licensing committee of 15 members delegated to carry out the licensing functions of the City Council with regard to the Licensing Act 2003;**
- (ii) that the Licensing Committee form sub-committees each to comprise three named members to deal with:**
 - (a) the functions set out in the annexed schedule, and**
 - (b) any other function delegated to the Licensing Committee, whether under the Licensing Act 2003 or other legislation.**
- (iii) that licensing matters (under the Licensing Act 2003) be delegated to the Head of Legal and Democratic Services, other than: the formulation or review of policy; the functions identified in recommendation (ii) above; matters reserved to the Licensing Committee or a sub-committee by the Council's statement of policy and by clear advice in government guidance issued under Section 182 of the Act;**
- (iv) that each licensing sub-committee member be allocated from the Licensing Committee membership two named alternate members;**
- (v) that separate licensing sub-committees and officers, be authorised to carry out their functions at the same time where that is in the interests of the good management of the Council's licensing functions.**

(2) that in the event of a Head of Legal and Democratic Services not being appointed before 7 February 2005 the functions delegated to the office be undertaken by the Deputy Monitoring Officer until such appointment is made.

(3) that the Council be recommended to appoint the 15 members of the new Licensing Committee at the next Council meeting.

(4) that in accordance with the Local Government and Housing Act 1980 Section 17 appointments to licensing sub-committees shall not be made on the basis of proportionality between political groups.

(5) that the current functions delegated to the Council's Licensing Committee be delegated to the new Licensing Committee established for the purpose of carrying functions under the Licensing Act 2003.

A supplementary report providing members with additional information on the progress of preparations for the implementation of the Licensing Act 2003, within the Licensing Section was circulated for discussion.

LM

RESOLVED (1) that the Licensing Committee noted the contents of the report;

(2) that the City Council note and approve the contents of the report.

40 Date of Night-Time Tour (AI 7)

Nickii Humphreys, the Licensing Manager, circulated a proposed itinerary for the Licensing Committee tour to be held on Friday 26 November 2004. Members are requested to meet at the Civic Offices underground car park at 8.45 pm to visit the Private Shop in Commercial Road, or 9.45 pm if members do not wish to visit these premises. The remainder of the tour will include a visit to the Guildhall Walk area, Aqua Cars Limited, Gunwharf Quays, the University of Portsmouth Students' Union, a further bus tour of South Parade/ Guildhall Walk/Gunwharf and Albert Road.

The Licensing Manager welcomed any further suggestions from members as to places they may wish to visit.

The meeting concluded at 12.50 pm.

Chair

LCW/DMF
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