

MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY,  
1 SEPTEMBER 2004 AT 7.30 PM

PRESENT: Councillor M P A McMullen (Chairman)  
Councillors W Ashley, J Demonti, D M Hone,  
T Milner, L Pinnell, J J Taylor, J D Thornton,  
J Warren.

ALSO IN ATTENDANCE:

Councillor J O Ranger

OFFICERS IN ATTENDANCE:

Neal Hodgson	- Assistant Director (Regulatory Services)
Philip Baxter	- Interim Licensing Manager
Linda Bevan	- Committee Secretary
Simon Drinkwater	- Assistant Director (Law and Control)

226 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillor P R Ballam, B W J Sapsford and M J Tindale.

RESOLVED ITEMS

ACTION

227 MINUTES

RESOLVED – that the Minutes of the meeting held  
on 19 May 2004 be confirmed as a correct record  
and signed by the Chairman.

The Assistant Director (Regulatory Services) reported that the Government had recently confirmed the proposals for implementation of the Licensing Act 2003. There would be a transition period during which the new and existing system would run in parallel. This would start on 7 February 2005 (the first appointed day) and continue until November 2005 (the date of the second appointed day had yet to be confirmed).

The Committee was asked to comment on the draft statement of licensing policy. This reflected guidance and legislation issued under the Act and had to be reviewed every three years. The Act specified organisations which had to be consulted on the policy, and authorities were encouraged to consult others in addition to this. The Committee considered a list of all those who had been consulted.

It was reported that the licensing authority could adopt a special policy of refusing certain licence applications to prevent cumulative impact if it was felt that the number of licensed premises in an area could give rise to problems of public disorder and nuisance but such a policy could not be absolute. Each application had to be considered on its merits. Specific consultation would be needed on such a policy and evidence would be needed to support the policy before it could be adopted.

Members expressed concern at the effects of the new legislation on the area and were reassured by officers that the policy could be reviewed sooner than the three years specified for a review. It would be necessary to provide evidence to support any objections and close liaison with the Police would be needed to support this.

Members noted that the policy stated that the Council would not normally seek a limit on children's access to licensed premises above that specified in the Act. They asked for a copy of the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic

drinks in a socially responsible manner referred to in the draft Policy to be circulated to Members of the Committee for information.

It was emphasised by officers that under the law it was an offence to serve someone who was intoxicated. Members felt the intention to uphold this should be included in the policy and officers undertook to amend this accordingly.

RESOLVED – that the Licensing Policy be approved subject to the addition of a paragraph highlighting that it is an offence to serve people who are intoxicated.

## 229 LICENSING ACT 2003 – ISSUES FOR LICENSING COMMITTEE

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The Assistant Director (Regulatory Services) submitted a report on a number of issues for consideration of the Committee following the Government's confirmation of proposals for implementation of the Licensing Act 2003, and invited Members to voice any further concerns they had over the new legislation.

The Government had suggested a scheme of delegation to officers, Committee and Sub-Committees which was considered by Members. Guidance was awaited on procedural arrangements. Training would be provided for Councillors serving on the appropriate Committees and appropriate officers by a leading authority on the subject, and there would be practical training on procedures to be followed at meetings.

A timetable of key events leading to the implementation of the new legislation was also considered.

Members noted the dates of training and that a number of Sub-Committees would be needed depending on the number of applications submitted, which might exceed several hundred.

ACTION

RESOLVED – that the report be received and Members attend training on 24 November or 14 December 2004, on the new legislation and an additional day on procedures to be followed at Committee/Sub-Committee meetings.

ARS

The meeting closed at 8.15 pm