

Licensing Committee Minutes

Wednesday 27 March 2019

PRESENT

Committee members: Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Colin Aherne, Rachel Leighton, Zarar Qayyum, Matt Uberoi, Asif Siddique, Matt Thorley

Officers: Valerie Simpson - Interim Strategic Lead for Environmental Health and Regulatory Services, Adrian Overton – Licensing Manager, Cristina Perez-Trillo – Licensing Officer, Adesuwa Omoregie – Legal Advisor, Gerta Kodhelaj – Legal Advisor and Charles Francis, Committee Coordinator.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Wesley Harcourt, David Morton, Victoria Brocklebank-Fowler and Frances Stainton.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LICENSING SUB-COMMITTEE PROCEDURE

Adesuwa Omoregie – Legal Advisor introduced the Licensing Sub-Committee Procedure report which recommended that a standard procedure was adopted when dealing with all licensing applications which needed to be determined by the Licensing Committee and its Sub-Committees.

Adesuwa Omoregie drew the Committees' attention to the three report recommendations and explained that if the procedure was agreed, then there was still flexibility to amend it over time, by delegating authority to the Head of Environmental Health in consultation with the Chair of the Licensing Committee.

Adrian Overton explained that the Licensing Authority had concerns about the proposed time limit of 5 minutes for each party to address the Committee and 3 minutes to sum up (as set out in 4.5 of Appendix 1). In complex applications or when reviews were being considered, he advised the Committee, that the

Licensing Authority thought this proposal was too stringent and might result in an increased number of applications which were appealed. As a result, Adrian Overton recommended that the Committee consider increasing the amount of time each party was entitled to address the Committee.

Cllr Colin Aherne referred to the strict time limits imposed on speakers at the Planning, Development and Control Committee and stated that he did not agree with extending the time to address Committee beyond the limits detailed in Appendix 1 of the report. Adesuwa Omoregie suggested that a degree of flexibility could be introduced in complex applications or when reviews were being considered and that a limited extension of time might be granted at the discretion of the Chair of the meeting. The Licensing Committee agreed the recommendation proposed by the Legal Advisor.

In relation to Representations (as set out in 2.0 to 2.3 of Appendix 1), Adrian Overton expressed concern about point 2.2 and the need to ensure the Council did not accept anonymous representations or requests for reviews. He pointed to past instances, where residents had stated they were the Chair of a Residents Association but there was no provenance to prove or disprove this assertion. On this basis he asked the point 2.2 of Appendix 1 be amended by an extra sentence added after the licensing objectives stating –

Representations made by unregistered resident associations should be accompanied by the names, addresses and signatures of all residents who have given their consent to the representation being submitted on their behalf.

Mr Overton also suggested that section 7.2 of the hearing procedure should be amended to add '*unless all parties involved in the hearing have given their consent then the decision can be made without the need for a hearing*'.

As such the whole of 7.2 should read as follows -

7.2 In the event that the request for the adjournment of the decision is made less than 72 hours before the scheduled date for the hearing the decision on the request for the adjournment will be made at the hearing, unless all parties involved have given their consent then the decision can be made without the need for a hearing.

Cllr Matt Thorley asked whether the Licensing Department held a register of current Residents Association Chairs, and if it did not, then it would be useful to compile a database so that the provenance and legitimacy of speakers could be checked quickly and easily.

With regards to the Notice of Hearing (as set out in 3.7 of Appendix 1), the Committee noted that a hyperlink to Committee papers would be sent to all interest parties, rather than physical copies of the reports.

The Committee discussed The Submission of Evidence (as set out in 4.9 of Appendix 1) and agreed that the late submission of evidence would be permitted if all parties agreed. Where agreement between all parties was not reached, the

Committee agreed that the application would need to be adjourned to a future date.

Resolved –

That the Committee approve the Procedure specified in Appendix 1, subject to the following amendments:

- I. That the proposed time limit of 5 minutes and 3 minutes summing up time to address committee be amended at the discretion of the Chair, in either complex applications or reviews.
- II. That delegated authority be granted to the Head of Environmental Health in consultation with the Chair of the Licensing Committee to amend the procedure if required.
- III. That section 2.2 in relation to representations from residents' associations be amended and that section 7.2 in relation to adjournments also be amended as highlighted earlier in these minutes.
- IV. That the approved procedure be used as a template for other licensing applications considered by the Committee and for this to come into force from the next Licensing Sub-Committee meeting i.e. from April 2019 onwards.

Meeting started: 7.00 pm
Meeting ended: 7.25 pm

Chair

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