

Minutes of the meeting of the **LICENSING COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 November 2012 at 9.30 am

Present:

Chairman: Councillor B W Butcher

Councillors: P M Beresford
J A Cronk
B Gardner
P S Le Chevalier
S M Le Chevalier
S C Manion
M J Ovenden
M A Russell
A R Smith
J M Smith
R J Thompson

Officers: Senior Solicitor
Licensing Team Leader
Team Leader - Democratic Support
Democratic Services Officer

288 APOLOGIES

Apologies for absence were received from Councillors S R Nicholas and D G Smallwood.

289 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

290 MINUTES

The Minutes of the meeting of the Committee held on 12 June 2012 were approved as a correct record and signed by the Chairman.

291 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committee held on 26 June 2012, 4 July 2012, 6 July 2012 and 25 July 2012 were received and approved as a correct record.

292 REGULATION OF INVESTIGATORY POWERS ACT 2000 - JUDICIAL APPROVAL

The Senior Solicitor in presenting the report, advised Members that the report title should correctly read as 'Judicial Approval' and not 'Judicial Review' as listed in the agenda.

The report had been produced as a result of changes contained within the Protection of Freedoms Act 2012 to Local Authority Authorisations made under the Regulation of Investigatory Powers Act 2000 (RIPA). These changes which came into effect from 1 November 2012 required approval by a Justice of the Peace

before the Council could use one of the three permitted means of covert surveillance available to it for preventing or detecting crime.

Although the use of RIPA was an executive function, it was necessary for the Council and the Licensing Committee to approve the authorisation in order to ensure that the necessary delegations were in force where the offences to be investigated were not the responsibility of the executive.

RESOLVED: That the arrangements for the discharge of council functions set out in Section 6 of Part 3 of the Council's Constitution be amended by the insertion of the following delegation to the Solicitor to the Council and the Community Safety, CCTV and Parking Manager:

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
Regulation of Investigatory Powers Act 2000	To make any necessary application to a Justice of the Peace for an Order approving the grant of an authorisation under the Regulation of Investigatory Powers Act 2000	

293 FEES AND CHARGES 2013/14

The Licensing Team Leader presented the report on Fees and Charges 2013/14. The complete list of fees, even where there were no changes, were listed for transparency and to ensure all fees and charges were properly set.

The Committee was advised that the fees were separated into four categories:

- Licensing Act fees;
- Gambling Act fees;
- Hackney Carriage and Private Hire fees; and
- Miscellaneous fees

The Licensing Act fees were set by Central Government and not by the Council and there had been no changes to the level of these fees since 2005. However, the fees under the Gambling Act were set within guidelines and it was recommended that minor changes be made to some fees as set out in the report.

RESOLVED: (a) That the Fees and Charges for 2013/14 as set out in Annexes 2 and 3 be approved.

(b) That, as a general principal, it be agreed that the fees were set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level then be determined.

- (c) That the fees be adopted at, or close to government directed levels without the need for further reporting, in cases where the Council was awaiting for Government guidance and it had not been possible to set a fee level at this stage.
- (d) That authority to make minor adjustments to the fees and charges be delegated to the Director of Environment and Corporate Assets in consultation with the Director of Finance, Housing and Community.

The meeting ended at 9.44 am.