

## **Licensing Committee**

### **Minutes of the meeting held on 16 January 2017**

#### **Present**

Councillor Ludford (in the Chair)  
Councillors Barrett, Connolly, Cookson, Evans, Grimshaw, Hughes, S. Judge,  
Madeleine Monaghan, Paul and Stone.

#### **Apologies**

Councillors Hassan, Longsdon and Loughman.

#### **LC/17/1      Minutes**

The minutes of the meeting on 24 October 2016 were submitted for consideration.

#### **Decision**

To approve as a correct record the minutes of the meeting held on 24 October 2016.

#### **LC/17/2      Licensing (Premises) Quarterly Report Qtr. 2 16/17 (1 July 2016 and 30 September 2016)**

A report of the Head of Planning, Building Control and Licensing was presented to the Committee. The report informed the Committee of decisions made in relation to applications managed by the Premises Licensing Team between 1 July and 30 September 2016.

The Committee noted the outcome of a Judicial Review which resulted from an interim steps hearing for Boom Off Licence which had determined the suspend the premises licence pending the outcome of a full review. The Judicial Review sought the quashing of the licence suspension and the award of costs to the licence holder. The application sought urgent consideration of the matter by the High Court due to the financial impact of the suspension. The matter was heard at the High Court on 17 August 2016.

The Council contested the claim on the grounds that under s53A of the Licensing Act 2003 it is no part of the licensing authority's function to determine the validity of the certificate based on the merits of the chief superintendent's opinion giving rise to it. The authority is bound, however, to consider what is raised in the certificate when making its 'interim steps' determination. This principle had been established in a separate case (Lalli v Commissioner of the Metropolis [2015] EWHC 14 (Admin)).

The issue for consideration by the Licensing Authority is not whether the matter should or should not be before the Licensing Authority, but what is necessary to do, on the evidence presented, to promote the licensing objectives. Therefore, it was submitted that the Council had acted lawfully in imposing the interim steps in accordance with the summary review process.

At the High Court, the judge dismissed the application for judicial review describing it as “wholly misguided” and awarded the Council costs of £7500.

**Decision**

To note the report.