

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON THURSDAY 3 JUNE 2010 FROM 7PM TO 7.45PM**

Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Mike Gore, Kate Haines, Kirsten Miller, Sam Rahmouni, Chris Singleton, Malcolm Storry, Dee Tomlin and Bob Wyatt

Also present:-

*Julia O'Brien – Principal Environmental Health Officer (Licensing)
Steve Richardson – Health and Protection Manager
Madeleine Shopland – Senior Democratic Services Officer*

PART I

5. MINUTES

The Minutes of the meetings of the Committee held on 7 April and 20 May 2010 were confirmed as a correct record and signed by the Chairman.

The resolution of Item 47 of the minutes of the meeting held 7 April was clarified. It was also noted that Councillor Miall's name had been misspelt in the minutes of the meeting of 20 May.

6. APOLOGIES

Apologies for absence were received from Councillors Gilder, Helliard-Symons and Miall.

7. DECLARATIONS OF INTEREST

There were no declarations of interest made.

8. PUBLIC QUESTION TIME

There were no public questions.

9. MEMBER QUESTION TIME

There were no Member questions.

10. LICENSING ACT 2003 – POLICY REVIEW

The Health and Protection Manager presented the draft Licensing Act 2003 – Policy Review.

During the discussion of this item the following points were made:

- The Council was required to review its Licensing Policy at least every 3 years. It could however choose to review the policy after a shorter period of time.
- The current policy was due to expire in September 2010. The Council was required to consult formally on the policy.
- No adverse consultation responses had been received when the policy had been sent out for consultation 3 years previously.
- Members examined the draft proposed Licensing Policy. It remained unchanged from previous years. The Health and Protection Manager commented that the Enforcement Policy referred to in the document was now called the Corporate Services Enforcement Policy. Also, the scheme of delegation would need to be updated if the Committee delegated decisions relating to minor variation applications and the

removal of the requirement for a Designated Premises Supervisor in certain community premises later in the meeting.

- There had been some discussions regarding whether a Special Policy should be adopted for a specific area of the Borough. However, this was no longer being sought.
- The Committee considered the organisations which the Council was required to consult with. It was noted that there were no bodies which represented personal licence holders based in the borough. A Citizens Panel was consulted as representatives of residents and the Chamber of Commerce was consulted with as representatives of local businesses.
- A Member requested that the format of the policy be improved.
- With regards to the licensing objective Prevention of Public Nuisance, a Member noted that since the Policy was first implemented, premises' hours of operation had generally increased. He questioned whether the prevention of public nuisance was therefore now potentially a greater issue.
- The Committee expressed concern regarding the delegation to officers of all decisions regarding whether a complaint was irrelevant, frivolous or vexatious. The Health and Protection Manager emphasised that this was recommended by the statutory guidance and that whilst such decisions were delegated to him he would not take such decisions lightly. Members commented that should such a situation arise it might be useful for the Health and Protection Manager to consult with ward members who might be able to provide useful local knowledge.

RESOLVED:- That the draft policy be sent to the statutory consultees for consultation.

11. MINOR VARIATIONS UNDER THE LICENSING ACT 2003

The Committee examined a report on Minor Variations under the Licensing Act 2003.

During the discussion of this item the following points were made:

- Government guidance recommended that decisions relating to applications for minor variations be delegated to licensing officers.
- It was noted that the licensing authority must process and determine any applications for minor variations within 15 working days. Representations could be received from Interested Parties within the first 10 working days (determination could therefore not be made during this period). Whilst any representations received needed to be taken into account there was no right to a hearing. The Committee emphasised that it was important that anyone submitting a representation were informed of the final decision and the reasons why it had been reached. Members were assured that a requirement of the Council's Enforcement Concordat was that parties were informed of decisions made and the reasons behind them.
- The Committee noted the 4 main types of minor variation application and variations which could not be made using the minor variation process such as changing the named Designated Premises Supervisor. If it was thought that the variation applied for would impact negatively on the licensing objectives the application should be refused.
- A Member expressed concern regarding the wording of changes which could not be made under the minor variation process.
- The Committee were informed of the administrative process that applications for minor variations would entail.
- The Committee agreed that it would be helpful to be kept informed on a six monthly basis of decisions taken by officers.

RESOLVED:- That decisions relating to minor variation applications be delegated to the Principal Environmental Health Officer (Licensing).

12. REMOVAL OF THE REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR IN COMMUNITY PREMISES UNDER THE LICENSING ACT 2003

Members received a report on the removal of the requirement for a Designated Premises Supervisor in Community Premises under the Licensing Act 2003.

During the discussion of this item the following points were made:

- Government guidance recommended that decisions relating to the removal of the requirement for a Designated Premises Supervisor in certain community premises, be delegated to officers.
- Councils could, in some circumstances, allow certain community premises that had or that were applying for a Premises Licence that authorises the sale of alcohol, to apply that the requirement that there should be a Designated Premises Supervisor be removed and an alternative condition put on the Licence that all sales of alcohol be supervised and authorised by the licence holder (a management committee or board).
- It was noted that the Council as licensing authority must be satisfied that the management committee arrangements were sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- Members were informed that the Police could object on the grounds of crime and disorder and that any Responsible Authority could seek reinstatement of the conditions through licence review.

RESOLVED:- That decisions relating to the removal of the requirement for a Designated Premises Supervisor (DPS) in certain Community Premises applications be delegated to the Principal Environmental Health Officer (Licensing).

These are the Minutes of a meeting of the Licensing and Appeals Committee

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