

**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 3 AUGUST 2009**

Councillors Demirci, Dodds, Lister (Vice-Chair), Newton, Thompson, Aitken and Baker

Apologies Councillors Beacham, Edge and Scott.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO14.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Beacham, for whom Cllr Aitken was acting as substitute, Cllr Scott, for whom Cllr Baker was acting as substitute and from Cllr Edge.</p>	
LSCO15.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO16.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCO17.	<p>MINOR VARIATIONS TO PREMISES LICENSES AND CLUB PREMISES CERTIFICATES AND THE SUPERVISION OF ALCOHOL SALES IN COMMUNITY PREMISES</p> <p>Joyce Golder, Legal Officer, presented a report to advise members of the changes to the Licensing Act 2003 and the Premises Licences and Club Certificates Regulations 2005 with regard to minor variations and the requirements for Designated Premises Supervision Community Premises to be removed, such changes having come into effect from 29 July 2009.</p> <p>Further to a consultation by the DCMS, a new minor variations process had been introduced and the requirement for Community Premises to have a Designated Premises Supervisor had been removed. It was noted that the Council had responded to the consultation requesting that no changes be made to the system. The report gave details of the nature of the changes, and it was reported that any changes to conditions on a licence would be treated as a full variation, unless the overall impact of the condition remained unchanged, in which case the new minor variations process might be applied. It was also reported that, where a new condition was mutually agreed by the licensee and responsible authority, the minor variations process might be followed. It was reported that the period for determination of any application under the new minor variations process was 15 working days, and that there was no right of appeal by the applicant. Representations could be made on an application, but these would be for the responsible authority to take into account in reaching their decision and not for the purposes of a hearing. The Committee was asked to approve the delegation of authority to the</p>	

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Head of Enforcement Services and the Licensing Lead Officer to grant or refuse minor variations under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 and take all related procedural steps and decisions. The proposed amendment to the Officer Scheme of Delegation in the Council's Constitution to reflect this recommendation were set out in the report, and the Committee was asked to request that Full Council adopt this amendment.

The Committee asked for clarification of whether live music could be added to a licence under the new minor variations process, in response to which the Licensing Officer, Ms Dale Barrett, reported that this would be possible but that the responsible officer would take into consideration representations from local residents and from the noise team on the impact of live music, in reaching a decision on such an application.

Ms Barrett clarified that the removal of the requirement for Community Premises to have a Designated Premises Supervisor was a completely separate issue from the new minor variations process, and would have no impact on the employment of SIA-approved door supervisors. In response to a question from the Committee, it was clarified that Community Premises included premises such as community halls and venues managed by means of a committee and operated on a not for profit basis, and that examples of Community Premises in the borough included the Bernie Grant Centre and the Jacksons Lane arts centre.

In response to a question from the Committee regarding how the new minor variations process, particularly in respect of live music, related to Section 696, Ms Barrett reported that s.696 enabled the police to obtain in writing details of live acts proposed by an organiser in order to carry out their own checks and to liaise with the Licensing Authority, and was an option already available to the police, although it was only used in practice where specific concern was identified in relation to an act. It was reported that it was necessary to balance the encouragement of live music with the needs of the local community. It was confirmed that there was no specific role for Councillors in the new minor variations process, but that, as at present, the right of review would apply to any licences, including those amended under the new process.

In response to concerns raised by the Committee that Members would only receive a report on decisions made under the new minor variations process on a six-monthly basis, it was agreed that the Chair of the Licensing Committee should receive a report on such decisions each month.

RESOLVED

- i) That the power to grant or refuse minor variations under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 be delegated to the Head of Enforcement Services and the

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	<p>Licensing Lead Officer, including all related procedural steps and decisions.</p> <p>ii) That a report on decisions made under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 be produced for the Chair of the Licensing Committee on a monthly basis.</p> <p>iii) That Full Council be requested to adopt an amendment to the Officer Scheme of Delegation in the Council's Constitution whereby power be delegated to the Head of Enforcement Services and the Licensing Lead Officer to grant or refuse minor variations under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 and take all related procedural steps and decisions, as set out in detail in appendix 1 of the report.</p>	
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COUNCILLOR HARRY LISTER
Chair