

Time commenced – 6.00pm
Time finished – 6.24pm

**GENERAL LICENSING COMMITTEE
10 FEBRUARY 2010**

Present: Councillor Redfern (Chair)
Councillors Baxter, Berry, Hird, Hussain, Leeming, Poulter,
Rawson, Skelton, Tuplin and Winter

20/09 Apologies

Apologies for absence were received from Councillors Jackson and Williams.

21/09 Late items introduced by the Chair

In accordance with Section 100(B)(4) of the Local Government Act 1972, the Chair agreed to admit the following item(s) on the grounds that advice was required to be given to the Committee before the next scheduled meeting:

Lacors' Guidance: the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 – minute number 26/09 refers.

22/09 Declarations of Interest

There were no declarations of interest.

**23/09 Confirmation of the Minutes of the General
Licensing Committee held on 16 December 2009**

The minutes of the meetings held on 16 December 2009 were agreed as a correct record and signed by the Chair subject to the addition of Councillor Winter's apologies.

24/09 Licensing Act Minor Variations

The Committee considered a report from the Director of Environmental Services on Licensing Act Minor Variations. The Minor Variation Procedure was introduced on 29 July 2009. The purpose of the procedure was to allow operators to make small changes to their Premises Licence or Club Premises Certificate and to allow community centres to make an application to dis-apply the usual mandatory conditions that relate to Personal Licence holders and

Designated Premises Supervisors. In relation to Premises Licenses and Club Premises Certificates, only changes that would not undermine the licensing objectives would be permitted.

It was reported that following the previous meeting of the Committee, officers had sought clarification on the definition of minor changes to structure. It was noted that minor changes to structure would not adversely impact on the four licensing objectives. They would not increase the capacity for drinking, not affect access between the public part of the premises and the rest of the premises and not impact on noise reduction controls.

Members agreed that following Government recommendation the decision making process be delegated to the Assistant Director of Environmental Health and Trading Standards.

Resolved:

- 1. To approve the report about the introduction of the Minor Variation Procedure and the need to agree an officer delegation scheme;**
- 2. To recommend Council to adopt the Minor Variation Procedure and delegate decision making powers under the procedure to the Assistant Director Environmental Health and Trading Standards.**

25/08 Request for Views on the Exemption of Small Live Music Events from the Licensing Act 2003

The Committee considered a report from the Director of Environmental Services about DCMS consultation on proposals for exemption of Small Live Music Events from the provisions of the Licensing Act 2003.

Members raised concerns regarding the adequacy of enforcement measures at affected premises without further clarification of the detail of the exemption, which may cause issues for enforcement officers.

It was reported that the licence would be revokable and that there would be opportunities for interested parties and Responsible Authorities to make representations.

The Chair suggested that as a way forward, a draft response would be produced by her with the assistance of the Assistant Director of Environmental Health and Trading Standards, which would then be circulated to the Committee members for comment before being sent to the DCMS..

Resolved:

1. **To note the report;**
2. **To authorise the Chair and the Assistant Director of Environmental Health and Trading Standards to respond to DCMS subject to receiving Members comments.**

26/08 **Lacors' Guidance: the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003**

The Committee received a verbal report from Olu Idowu – Principal Solicitor, on to role of elected Members at Sub Committees. It was reported that Members were now classed as interested parties under the Licensing Act and could make representations in their own right in response to premises licence and club premises certificate applications.

Members questioned whether they needed to represent the ward in which the premises was located. It was noted that this was not the case, they could make representations or apply for a review to any premises in any ward.

Concern was raised as to whether a constituent would still need to have contacted a Member with their concerns about the premises. It was reported that as Members were now classed as interested parties they could now make representations or call for a review in their own right. The Principal Solicitor did inform the Committee that Members would still need to adhere to the Model Code when involved in applications, and they would not be able to sit on the Sub Committee considering the application. The Committee were also informed that LACORS guidance, since issued, made it clear that it would be inappropriate to ask for assistance with applications from Licensing Officers as this is not an entitlement available to any other interested party.

The Chair stated that all Council Members would shortly receive a letter setting out the information discussed and copies of the LACORS guidance and FAQ's would be made available on the Member Library on CMIS.

Resolved to note the verbal report.

MINUTES END