

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Monday, 3rd August 2009 at 11.00 am in the Reception Suite, Civic Offices, Telford**

**PRESENT:** V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, A.A.Mackenzie, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

#### **LC-34        APOLOGIES FOR ABSENCE**

Councillors R.G.Chaplin, G.J.L.Davies and K.L. Tomlinson

#### **LC-35        DECLARATIONS OF INTEREST**

None

#### **LC-36        URGENCY RESOLUTION**

The Chairman of the Committee stated that she was of the opinion that the following item of business should be dealt with as a matter of urgency at this meeting in order to avoid any unnecessary delay.

#### **LC-37        LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES CERTIFICATES) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2009**

The report of the Head of Prevention & Protection was presented to the Committee which sought to inform Members of the regulatory reform for Minor Variations to Premises Licences and Club Premises Certificates and to inform of the regulatory reform for supervision of alcohol sales in Church and Village Halls &c . The report also requested the Committee to consider whether delegated powers could be granted to the Licensing Operations Manager to approve and determine applications for minor variations in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

The Committee was advised that changes were being made by Legislative Reform to the Licensing Act 2003 for the introduction of new arrangements to facilitate minor variations to be made to Premises Licences and Club Premises Certificates and also to remove the mandatory condition on premises licences for Churches and Village Halls requiring sales of alcohol to be authorised by a designated premise supervisor and personal licence holder.

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 inserted new provisions into the Licensing Act 2003 to establish procedures for the variation of premises licences and club premises certificates in cases where the Licensing Authority considered that none of the variations proposed by the holder of the licence or certificate could have an adverse effect on the promotion of any of the licensing objectives. Under the new provisions, the holder of a premises

licence or club premises certificate may apply to the relevant licensing authority for variation of the licence or certificate.

In determining an application, the Licensing Authority must consult responsible authorities and must take into account any relevant representations made concerning the application by those authorities or by an interested party, provided that the comments were made in writing within ten working days following the date of receipt of the application by the Licensing Authority.

Members were further informed that the Licensing Authority must grant an application under the new provisions only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the Licensing Authority must reject the application. The procedure differed from the normal procedure for the variation of a premises licence or club premises certificate, where the applicant must give notice of the application to each responsible authority and where the application must be referred to a hearing of the Licensing Sub-Committee in the event that a responsible authority or interested party makes a relevant representation.

The Committee were advised that an application may not be made if the effect of the variation(s) proposed in the application would be to extend the period for which a premises licence has effect; to vary substantially the premises to which a premises licence or club premises certificate related; to specify an individual as the designated premises supervisor; to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at community premises. It was pointed out that variations of this type must be made through the normal variations procedure.

Under the Regulation the Licensing Authority was required to reach its determination within a period of fifteen working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the authority must return the (statutory) application fee. The report sought the Committee to grant delegated authority to the Licensing Operations Manager to approve and determine any applications for minor variations that were received in accordance with the new Regulation as detailed above.

The Committee was also informed of the Regulatory Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 the power of which was to insert new provisions into the Licensing Act 2003 so that the mandatory conditions, relating to a premises licence specifying a designated premises supervisor and personal licence holder for the sale of alcohol, be disapplied in relation to premises licences held by village halls, church halls, chapel halls, community halls and similar community premises.

Members were advised that where the mandatory conditions were disapplied, an alternative mandatory condition would be automatically applied instead. The effect of the alternative condition would be that responsibility for authorising sales of alcohol would fall on the premises licence holder itself, which would be considered to be the committee or board of individuals responsible for the management of the premises. These individuals would be required to undertake the responsibilities that would normally be undertaken by a designated premises supervisor. The new regulations would state that provided the premises licence holder (i.e. the committee) had properly authorised the sale of alcohol, for example in written form through a hire agreement, an organisation or hirer using these premises for the sale of alcohol under the authority of the premises licence would not be required to obtain a personal licence.

There would be no automatic disapplication of the conditions in respect of any premises. A management committee of a community, church or village hall that sought the removal of the conditions from an existing licence, or wished to apply for a licence that did not include them would need to apply to the licensing authority for the conditions to be removed and the alternative condition imposed instead.

The Committee was further advised that the licensing authority would be required to determine the application taking into account any representations from the police. If such representations included a statement to the effect that in the exceptional circumstances of the case, granting the application would undermine the crime prevention objective, the authority would be required to reject the application. It was further mentioned that where a premises licence has had the usual mandatory conditions removed in this way, they may be reinstated if concerns arose over the promotion of any of the licensing objectives by means of an application for review.

Following a discussion, it was;

**RESOLVED –**

- (a) that the contents of the report in relation to Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 and the Regulatory Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 be noted; and,
- (b) that delegated authority be granted to the Licensing Operations Manager to approve and determine applications for minor variations in accordance with the provisions contained within the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

**LC-38      EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the

likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

**LC-39            PRIVATE HEARING – MR.G.B – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE**

After hearing the evidence presented by the Council's Licensing Operations Manager and her witnesses and the applicant and his legal representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

**RESOLVED** – that the Committee considered that they were satisfied that the applicant was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked immediately in accordance with Section 52 of the Road Safety Act 2006.

The meeting ended at 2.45 pm.

**Chairman:**

**Date:**