

A meeting of the **LICENSING COMMITTEE** will be held at **HUNTINGDON RACECOURSE** on **WEDNESDAY, 16 SEPTEMBER 2009** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting of the Committee held on 13th May 2009.

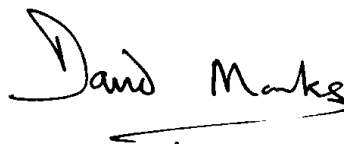
2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see notes 1 and 2 below.

3. LICENSING ACT 2003 REGULATORY REFORM (Pages 3 - 8)

To receive a report by the Head of Democratic and Central Services on changes to the Licensing Act 2003 that took effect on 29 July 2009.

Dated this 8 day of September 2009



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*

2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs A Jerrom, Democratic Services, Tel: 01480 388009, email: amanda.jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in Great Hall, Priory Centre, St Neots on Wednesday, 13 May 2009.

PRESENT: Councillors K M Baker, P L E Bucknell, J J Dutton, R W J Eaton, A Hansard, T D Sanderson, R G Tuplin and J S Watt

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J T Bell, R S Farrer, R Powell, and J M Sadler

1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor J M Sadler be elected Chairman of the Committee for the ensuing municipal year.

2. ELECTION OF CHAIRMAN FOR MEETING

In the absence of Councillor J M Sadler it was

RESOLVED

that Councillor A Hansard be elected Chairman for the duration of the meeting.

Councillor A Hansard in the Chair

3. MINUTES

The Minutes of the meeting of the Committee held on 5th November 2008 were approved as a correct record and signed by the Chairman.

4. MEMBERS' INTERESTS

No declarations were received.

5. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor J T Bell be appointed Chairman of the Committee for the ensuing municipal year.

6. APPOINTMENT OF SUB-COMMITTEES

The Committee agreed that its Membership should be divided into

three groups, from which the Director of Central Services, after consultation with the Chairman, is authorised to convene Sub-Committee hearings comprising three Members, therefore it was

RESOLVED

that the Committee establish three groups from which Members would be appointed

RESOLVED

- | | |
|--------------|---------------------------|
| Group (1) i. | Baker, Farrer, Sadler |
| ii. | Baker, Bucknell, Sadler |
| iii. | Bucknell, Farrer, Sadler |
| iv. | Baker, Bucknell, Farrer |
| Group (2) i. | Bell, Hansard, Watt |
| ii. | Bell, Hansard, Tuplin |
| iii. | Bell, Tuplin, Watt |
| iv. | Hansard, Tuplin, Watt |
| Group (3) i. | Dutton, Eaton, Sanderson |
| ii. | Dutton, Eaton, Powell |
| iii. | Eaton, Powell, Sanderson |
| iv. | Dutton, Powell, Sanderson |

Chairman

**LICENSING ACT 2003 REGULATORY REFORM
(Report by Head of Democratic and Central Services)**

1. INTRODUCTION

The purpose of this report is to acquaint members with changes to the Licensing Act 2003 that have been brought about by three new statutory instruments that took effect on the 29th July 2009.

The statutory instruments are:

- The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 No 1772
- The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 No 1809
- The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) 2008 No 1724

1.1 The changes introduce a simplified process for minor variations to premises licences and club premises certificates and remove the requirement, subject to certain provisions, for a designated premises supervisor (DPS) for community premises licensed for the sale of alcohol.

1.2 Guidance has been issued under section 182 of the Licensing Act 2003 on both the simplified process for minor variations and the removal of the requirement for a DPS and personal licence holder at community premises. The guidance has recommended that the decision making process is delegated to officers.

2. Minor Variation

2.1 The purpose of a minor variation is to enable premises licences and club premises certificates to be varied by a less costly process and less time consuming process. The fee set by Government is £89.00. The overall test for a minor variation will be whether the proposed variation could impact adversely on any of the four licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

2.2 Small variations that do not impact upon the licensing objectives can be processed as a minor variation, Government guidance envisages that the type of application made under this process will be for:

- Minor changes to the structure or layout of the premises
- Small adjustments to licensing hours

- The removal of out of date, irrelevant or unenforceable conditions or the volunteering of conditions by licence holders
 - Adding certain licensable activities
- 2.3 For any other changes to the licence which are not considered minor for example the authorisation for the sale of alcohol between 23.00 and 07.00 hours or to authorise an increase in the amount of time on any day when alcohol may be sold/supplied a full application will need to be made in accordance with current arrangements.
- 2.4 The Local Authority Co-ordinators of Regulatory Services (LACORS) has produced a Councillor Briefing and this is attached at appendix A.
- 2.5 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. If not, then the application can be processed as a minor variation and there will no hearing, regardless of whether or not representations are received. In line with the Government Guidance, therefore, the decision making process needs to be delegated from the licensing committee to officers. If there is an adverse impact, then a full variation will be required. Full variation applications with no representations are already delegated to officers and where representations are received, the current procedure of holding a hearing will not change.
- 2.6 There is no requirement for applicants to notify responsible authorities. Responsible authorities will only be involved at the request of the licensing authority. The licensing authority is recommended to consult with responsible authorities if it is considered the variation may impact adversely on the licensing objectives. The views of responsible authorities are to be taken into account in reaching a decision.
- 2.7 Interested parties are able to make a representation following a minor variation application. Interested parties are advised of the application by way of a public notice that applicants are required to place on the premises for a period of ten working days following the application. Representations must be taken into account by officers when arriving at a decision. There is no right to a licensing hearing. The licensing authority can not impose conditions they may however be volunteered by the applicant. The complete process from receiving an application to the officer making a decision to grant or refuse must be accomplished within fifteen working days. Should a decision not be reached within this time frame the application is deemed refused and the applicant must be refunded the application fee.
- 3. Removal of the Requirement for the Designated Supervisor in Community Premises**
- 3.1 The change allows community premises to make application to remove the mandatory condition that requires premises selling alcohol to have a DPS. It is substituted by a mandatory condition “that every supply of alcohol must be made or authorised by the management committee”. The condition also removes the necessity for a personal licence to be involved in authorising the sale of alcohol. The police must be served with a copy of the application and they may issue a notice to the licensing authority seeking a refusal if they are satisfied that the granting of the application would undermine the crime prevention objective. Officers would be unable to determine the application

following the receipt of such a notice and the matter would be referred to a Licensing Sub-Committee for determination. The application fee has been set at £23.00 by Government who consider it to be a simplified process similar to an application to vary the DPS.

4. Recommendation

4.1

- It is recommended that members note the contents of this report.
- Members to delegate to the Head of Administration and Democratic Services or in his absence the Central Services Manager the power under:
 1. Licensing Act 2003 section 41 to determine a minor variation application to vary a premises licence.
 2. Licensing Act 2003 section 86 to determine a minor variation application to vary a club premises certificate.
 3. Licensing Act 2003 section 19 determine a application for the mandatory alcohol condition requiring a designated premises supervisor in respect of a premises licence to be disapplied.

BACKGROUND INFORMATION

Guidance issued under section 182 of the Licensing Act 2003
Guidance circulated by Lacors on minor variations and changes to designated premises supervisor requirement.

Contact Officer: Mr G Peck Licensing Manager
☎ 01480 388010

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Appendix A

Councillor Briefing

Licensing Act: Minor variations: a quick overview

Summary:

A minor variations procedure has been introduced in order to allow operators to make small changes to their (Licensing Act) premises licences in England and Wales. The procedure was introduced as the financial cost to operators of making minor amendments to their licences was found to be disproportionate in view of the negligible impact such changes would have.

Only changes that would not undermine the licensing objectives are permitted under this procedure.

The Government recommends that the LA delegates decision making on Minor Variation applications to licensing officers. Interested parties, such as residents can make representations, which must be taken into account, but there is no hearing.

What type of applications will be made under this process?

The Guidance envisages 4 main types of minor variation application:

- Minor changes to the structure or layout or a premises
- Small adjustments to licensing hours
- Conditions: removal of out of date irrelevant or unenforceable conditions or volunteering of conditions
- Licensable activities: adding certain licensable activities

Fees

The fee per application is £89, and notably if the application is not dealt with within 15 working days, the fee must be refunded.

The application procedure

Applications are made to the licensing authority on standard forms. The application must be advertised on a white notice at the premises. There is no requirement to advertise the application in a local newspaper and no requirement to notify the responsible authorities.

Timescale

The licensing authority must process the application and determine it within 15 working days.

The first 10 working days of the 15 working day period constitute a consultation period in which Interested Parties may make representations to the licensing authority. LAs may also wish to consider the application and consult relevant responsible authorities during this time. A determination cannot be made during the 10 day consultation period.

Delegation

The Government recommends that the LA delegates decision making on Minor Variation applications to licensing officers. There are no hearings under the minor variation process. It is likely therefore that there will be no councillor involvement in this decision-making process.

Role of responsible authorities

There is no requirement for applicants to notify responsible authorities of their application. Instead, responsible authorities are involved at the request of the licensing officer responsible for determining the application.

The [DCMS Guidance](#) suggests that licensing officers “must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.”

Role of interested parties (residents and other organisations/individuals)

Interested parties may make representations based on the licensing objectives. Representations do not trigger a hearing under the Minor Variations process, but the Guidance states relevant representations must be into account in the decision-making process.

Live music

DCMS is encouraging licensing authorities to encourage the growth of live music whenever appropriate and possible through the minor variations procedure. For more information about this approach, please see a First article, available [here](#)

For more information please contact emily.scantlebury@lacors.gov.uk