

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Corporate Training Suite, Eastfield House, Huntingdon on Wednesday, 27 January 2010.

PRESENT: Councillor J M Sadler – Chairman.

Councillors K M Baker, J T Bell,
P L E Bucknell, J J Dutton, R W J Eaton,
A Hansard, D J Priestman, P D Reeve,
R G Tuplin and J S Watt.

APOLOGIES: An Apology for absence from the meeting was submitted on behalf of Councillor R S Farrer.

15. MINUTES

The Minutes of the meeting of the Committee held on 27th October 2009 were approved as a correct record and signed by the Chairman.

16. MEMBERS' INTERESTS

Councillor JT Bell declared an interest in Minute No. 17 by virtue of his membership of Upwood and the Raveleys Parish Council, Councillor PLE Bucknell declared a personal interest in Minute No. 17 by virtue of his association with the licence holder.

17. SECRET GARDEN PARTY

With the aid of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book), Members' attention was drawn to the granting in perpetuity of a premises licence under the Licensing Act 2003 for a large annual open air event, the Secret Garden Party and the steps taken by the authority to minimise its impact on the local community and public services over the course of the weekend when it was held.

The Committee was reminded that in recent years, following representations from interested parties, the application had necessitated a hearing by a Licensing Sub Committee which had usually extended to a full day's duration.

Members were advised that as no representations from interested parties or responsible authorities had been received following the submission of a recent application for a licence in perpetuity, this had been granted with conditions consistent with the operating schedule that accompanied the application. As a result there would be no further need for the organisers to apply for a licence in future years and the only way for this to be varied would be by application for a

variation by the organisers or as a result of a review triggered by a representation from a responsible authority or interested party.

The Committee was advised that the licence granted would be based on the application submitted for 2010 and would enable an event to be held for a period of 5 days in each calendar year, with a maximum attendance on site at any one time of 26,000 people of whom no more than 17,000 would be paying public and guests. Six months' notice would be required by the licensing authority and responsible authorities prior to the date of the event each year.

Given the scale of the event, the Committee was advised of the extensive measures taken by the licensing authority, in conjunction with responsible authorities, to minimise its impact on the area. Officers from the Licensing Section and Environmental and Community Health Division would be on site for most of its duration and would be holding planning and de-briefing meetings with the event organisers and other responsible and relevant organisations.

Whilst Members acknowledged that the Secret Garden Party was a well managed event of national renown which made a major contribution to the local economy without detracting from local policing, they understood that it did have a significant impact on resources within the Democratic and Central Services and Environmental and Community Health Divisions.

RESOLVED

that the contents of the report be noted.

18. LICENSING COMPLIANCE AND ENFORCEMENT POLICY

The Committee considered a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) to which was appended a draft licensing compliance and enforcement policy statement which had been reviewed in the light of the Regulatory Enforcement and Sanctions Act 2008.

Members were reminded that a report on the Council's enforcement policies submitted to the previous meeting of the Panel had highlighted the need for them to be reviewed. The existing licensing enforcement policy had therefore been updated to have regard to both the Act and the new Regulators' Compliance Code.

Having been informed that good practice required licence holders to be consulted on the new policy statement prior to its adoption the Committee was informed that the draft would be advertised on the Council's website and copies would be sent to all relevant responsible authorities.

RESOLVED

- (a) that the draft licensing compliance and enforcement statement contained in the annex to the report now submitted be approved;
- (b) that the statement be made available for the purposes of consultation; and

- (c) that the Head of Democratic and Central Services be authorised to amend the draft in the light of any comments received and adopt the statement, after consultation with the Chairman and Vice Chairman of the Licensing and Protection Panel.

19. CHANGES TO LICENSING PROCESSES UNDER THE LICENSING ACT 2003

Members considered a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) detailing Government proposals to simplify requirements under the Licensing Act 2003 in respect of three current processes which had been recognised by stakeholders as being unduly restrictive and burdensome.

Members were advised that the changes would not have any impact on the licensing objectives but consultation would be undertaken prior to the changes being made.

The Committee was informed that the Government's proposals included the removal of the requirement that licensing authorities determine and publish a Licensing Statement every 3 years and would require them to consult only those stakeholder groups likely to be affected when conducting a revision of a licensing statement rather than the full list of mandatory consultees.

Referring to Interim Authority Notices (IANs) and Reinstatements on Transfer (RTs) it was explained that the period during which specific persons would notify a licensing authority following the death, incapacity or insolvency of the license holder or apply for an RT, would be extended from 7 to 28 consecutive days. The period during which the police could object to an IAN would be extended from 48 hours to 2 working days and the period during which an interim authority had effect extended from 2 months to 3 months.

In respect of Temporary Event Notices the period during which the police could object would be extended from 48 hours to two or three working days and a new power introduced which would allow the police to accept a late notification of less than ten working days before the first day of an event.

The Committee heard that it had been recognised for some time that changes were required to some sections of the Licensing Act 2003 and the proposals were of a practical nature that would not impact on the licensing objectives. In acknowledging that the proposals would assist in reducing unnecessary work and aid licensing authorities, the police, stakeholders, licence holders and the general public, the Committee

RESOLVED

that the Head of Democratic and Central Services be authorised to respond to the consultation with the response contained in the annexes to the report now submitted.

20. CHANGES TO POLICE AND CRIME ACT

With the aid of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) Members were acquainted with amendments to the Licensing Act 2003 that had been made under the Police and Crime Act 2009.

The Committee was advised that once guidance had been issued, members of licensing authorities would be able to act as interested parties allowing them to make representations in respect of applications for and variations to premises licences and club premises certificates and to make applications for the review of such licences or certificates without the need to reside within the vicinity of the premises. Members acknowledged the merits of the new guidance which they felt might benefit those residents who preferred to retain anonymity but still have issues raised.

Members were informed that a more serious offence of persistently selling alcohol to children would now be committed if alcohol was sold at the same premises to an individual under the age of 18 years on two or more occasions within three months. If convicted, the penalty was a maximum fine of £10,000 and suspension of a licence for up to three months. Further legislative change would enable the prosecution of under 18s if found without reasonable excuse to be in possession of alcohol in a public place on three or more occasions within a 12 month period, the maximum fine being £500.

RESOLVED

that the contents of the report be noted.

21. SMALL LIVE MUSIC EVENTS

The Committee considered a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) acquainting Members with a consultation being undertaken by the Department of Culture Media and Sport on a Government proposal to exempt by way of a Legislative Reform Order, small live music events from the requirement to obtain authorisation under the Licensing Act 2003.

Members were advised that currently anyone wishing to carry out a licensable activity had to obtain authorisation by way of a premises licence, club premises certificate or temporary event notice and anyone wishing to add the provision of live music to an existing licence or certificate would have to apply for a full or minor variation.

The Committee heard that the Live Music Forum had been set up to evaluate the impact of the Act on the performance of live music. One of the recommendations made by the forum was that venues

attracting less than 100 people should be exempt from the Act.

The Government had therefore proposed that small live music events be exempted from the Act in licensed and unlicensed premises subject to the performance taking place wholly inside a building, the audience not exceeding 100 people and the performance not taking place between 11pm and 8am. Following concerns raised by local authorities and police over the impact of the exemption on the licensing objectives the Government had proposed that local residents, businesses and responsible authorities would be able to apply to the licensing authority for a specified premise to be excluded from the exemption. Members heard this might result in a number of applications to exclude premises from the exemption.

RESOLVED

that the Head of Democratic and Central Services be authorised to respond to the consultation questionnaire as contained in the annex to the report now submitted, following receipt of comment from the Head of Environmental and Community Health Services.

Chairman