

**LICENSING ACT
COMMITTEE**

2.00 P.M.

8TH OCTOBER 2009

PRESENT:- Councillors Joyce Taylor (Chairman), Tony Wade (Vice-Chairman),
Chris Coates, Roger Dennison, Janie Kirkman, Ian McCulloch,
Sylvia Rogerson, Malcolm Thomas and Morgwn Trolinger

Apologies for Absence:-

Councillors Anne Chapman, Helen Helme, Bob Roe and Ron Sands

Officers in attendance:-

Steve Wearing	Licensing Manager
Luke Gorst	Assistant Solicitor
Tom Silvani	Democratic Support Officer

6 MINUTES

The Minutes of the meeting held on 28 May 2009 were signed by the Chairman as a correct record.

7 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 LICENSING ACT 2003 - NEW PROVISION FOR MINOR VARIATIONS OF PREMISES LICENCES AND DISAPPLICATION OF THE PROVISION FOR A DESIGNATED PREMISES SUPERVISOR IN COMMUNITY PREMISES

The Licensing Manager presented a report to inform the Committee of amendments to the Licensing Act 2003 to introduce a simplified process for minor variations to premises licenses and club premises certificates and to enable the removal of the requirement for a designated premises supervisor and personal licence holder at community premises.

Members were informed that the recent amendments to the Licensing Act 2003 consisted of two new procedures designed to simplify the application process for premises licences. The first procedure introduced a process by which an application to vary a licence may be submitted through a fast track system without the need to submit the application to all the responsible authorities and without the need to advertise in a newspaper. This is called a minor variation and can only be done if the variation will not impact adversely on any of the licensing objectives.

It was reported that, under this process, the applicant was not required to advertise the variation in a newspaper or circular or copy it to responsible authorities. However, they

must display it on a white notice for a period of 10 working days in which time representations may be made in the usual manner.

Members were advised that an application to remove a licensable activity would normally be approved as a minor variation. Variations to add the sale by retail or supply of alcohol to a licence were excluded from the minor variations process and would be treated as full variations in all cases. It was reported that an application to add a licensable activity could be treated as a minor variation, for example a premises licensed to provide music might want to allow the performance of plays.

The second procedure introduced a process by which community or village halls may apply to have alcohol provision on their licences without the need for a designated premises supervisor.

It was reported that the amendments to the 2003 Act allowed certain community premises which had, or were applying for, a premises licence that authorises the sale of alcohol to also apply to include an alternative licence condition to enable them to authorise the sale of alcohol without the need for a Designated Premises Supervisor. An application could only be made if the licence holder was a committee or board of individuals with responsibility for the management of the premises. The effect of the alternative licence condition would be that the licence holder (i.e. the management committee) was responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All such sales would have to be made or authorised by the licence holder. There would be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder. The management committee would be collectively responsible for complying with license conditions and the law.

Community premises were defined as premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.

The committee expressed concern that if a management committee started to delegate authority to third parties, organisations could use this as a loophole to stage events without proper experience. Members were advised that if the police were not satisfied that events would be adequately controlled then an objection to the application could be made.

It was proposed by Councillor Wade and seconded by Councillor Kirkman:-

“That the recommendations, as set out in the report, be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposal, whereupon the Chairman declared the proposition to be carried.

Resolved:-

That the report be noted, and that the Committee delegate to the Head of Legal and Human Resources, the Licensing Manager and any staff he/she designates in writing, the authority to determine applications for minor variations to Premises Licences/Club Premises Certificates, and that the Monitoring Officer be requested to implement the necessary consequential amendment to Part 3 Section 14 of the Constitution.

10 GAMBLING ACT 2005 - REVIEW OF STATEMENT OF GAMBLING LICENSING POLICY

The Licensing Manager presented a report that informed the Committee of arrangements for carrying out a review of the Council's Statement of Gambling Licensing Policy in accordance with the statutory timetable contained within the Gambling Act 2005.

It was reported that Section 349 of the Gambling Act 2005 provided that each licensing authority shall, before each successive period of three years, prepare a statement of principles that they proposed to apply in exercising their functions under the Act during that period, and, publish that statement.

The authority's existing Statement of Gambling Licensing Policy was established in January 2007, the policy was now due to be reviewed and a revised statement issued by January 2010. The revised draft Statement of Gambling Licensing Policy had been drawn up. The consultation process was scheduled to last for a period of 12 weeks from 27 July until 19 October 2009. It was noted that the licensing authority must publish the final version of its Statement of Gambling Licensing Policy by no later than January 2010.

It was reported that Members would be kept informed of developments regarding the consultation on the review of the Statement of Gambling Licensing Policy over the coming months. It would be necessary for any proposed changes to the existing policy to be approved by this Committee and subsequently by full Council at its meeting to be held on 16 December 2009, prior to publication of the revised policy in January 2010.

Members requested that when the report was taken to full Council an Appendix be attached to show what amendments had been made and what had originally been contained in the Gambling Licensing Policy.

The Committee discussed premises that had been sub-divided to create more than one Adult Gaming Centre premises licence, an arrangement that enabled operators to locate up to 4 category B gaming machines in each separate licensed area. It was reported that this practice had been considered acceptable having regard to earlier editions of the Gambling Commission's guidance to local authorities. However, the third edition of the commission's guidance issued in May 2009 had recommended a list of factors which licensing authorities should be aware of when applications for sub-divisions of Adult Gaming Centre premises licences were considered. As a consequence of this latest guidance, future sub-division applications would be scrutinised more closely. Premises were required to maintain a 'sterile area' to separate Adult Gaming Centres which must have a purpose other than gambling, for example refreshment.

It was proposed by Councillor Kirkman and seconded by Councillor Wade:-

"That the report be noted."

Upon being put to the vote, Members voted unanimously in favour of the proposal, whereupon the Chairman declared the proposition to be carried.

Resolved:-

That the report be noted.

Chairman

(The meeting ended at 3.08 p.m.)

**Any queries regarding these Minutes, please contact
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