

**LICENSING ACT
COMMITTEE**

2.00 P.M.

20TH JUNE 2013

PRESENT: Councillors Vikki Price (Chairman), Josh Bancroft, Shirley Burns,
Chris Coates, Mike Greenall, Billy Hill, Val Histed, Margaret Pattison,
Joyce Taylor and Malcolm Thomas

Apologies for Absence:

Councillors Tracey Kennedy, Terrie Metcalfe and Paul Woodruff

Officers in Attendance:

Wendy Peck	Licensing Manager
Luke Gorst	Assistant Solicitor
Jane Glenton	Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIRMAN

The Chairman requested nominations for the position of Vice-Chairman.

It was proposed by Councillor Burns and seconded by Councillor Margaret Pattison:

“That Councillor Greenall be appointed Vice-Chairman of the Licensing Act Committee for the Municipal Year 2013/14.”

There were no further nominations and the Chairman declared Councillor Greenall nominated.

Resolved:

That Councillor Greenall be appointed Vice-Chairman of the Licensing Act Committee for the Municipal Year 2013/14.

2 MINUTES

The minutes of the meeting held on 31st January 2013 were signed by the Chairman as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 ELECTION OF CHAIRMEN OF SUB-COMMITTEES

Members received the report of the Licensing Manager to enable the Committee to make arrangements for the charring of Licensing Act Sub-Committees during the forthcoming municipal year.

The Licensing Manager reported that the procedure for establishing sub-committees to deal with hearings under the Licensing Act 2003 had been agreed at the Committee's

meeting on the 14th February 2005. At that time, it had been resolved that three members be appointed chairmen of the sub-committees in addition to the Chairman and Vice-Chairman of the Licensing Act Committee.

Members were advised that the ad hoc sub-committees, comprising three members empanelled from the pool of fifteen Licensing Act Committee members, included one of the five appointed chairmen.

This arrangement had continued, although in some municipal years, the Committee had nominated four, rather than five, chairmen. In 2012/13, the sub-committees had met on twelve occasions.

The Committee considered the arrangements for the municipal year 2013/14. The Chairman advised that, in her opinion, it would be sensible to reduce the number of chairmen of the sub-committees to four, in view of budgetary constraints and the special responsibility allowance of £435 that was paid to each sub-committee chairman.

It was proposed by Councillor Burns and seconded by Councillor Bancroft that there be a total of four chairmen of the sub-committees, comprising the Chairman and Vice-Chairman of the Licensing Act Committee and two other named members, and that each ad hoc sub-committee includes one of these four members, who acts as chairman. The proposition was agreed.

The Chairman requested nominations for the two other chairmen of the ad hoc sub-committees. Councillor Thomas was nominated by Councillor Hill and seconded by Councillor Greenall. Councillor Taylor was nominated by Councillor Pattison and seconded by Councillor Bancroft. The nominations were agreed.

Resolved:

- (1) That there be a total of four chairmen of the ad hoc Licensing Act Sub-Committees, comprising the Chairman and Vice-Chairman of the Licensing Act Committee and two other named members, and that each ad hoc sub-committee includes one of these four members, who acts as chairman.
- (2) That the other two chairmen of the ad hoc sub-committees be Councillors Thomas and Taylor.

6 EFFECT OF THE LIVE MUSIC ACT 2012 ON THE LICENSING ACT 2003

Committee received the report of the Licensing Manager to inform Members of the Live Music Act 2012 and the changes which affect the Licensing Act 2003.

It was reported that the Act had come into force on 1st October 2012 and removed the licensing requirements for amplified music between 8.00 a.m. and 11.00 p.m. before audiences of no more than 200 people in premises authorised to sell alcohol for consumption on the premises; in workplaces not otherwise licensed under the Licensing Act 2003; and for unamplified live music between 8.00 a.m. and 11.00 p.m. in all venues, irrespective of audience size.

Where licensable activities, such as the sale of alcohol, continued to take place on the premises, any existing conditions on the licence which related to live music, would be suspended and would not have effect between the hours of 8.00 a.m. and 11.00 p.m.

Members were advised that it would be possible to impose new conditions or reinstate the effect of existing live music conditions following a review of the licence or club premises certificate relating to premises authorised for the sale of alcohol on the premises.

It was reported that the licensing requirements for the provision of entertainment facilities, such as making music, dancing and entertainment of a similar description to making music and dancing, would no longer be licensable.

The Act also widened the current licensing exemption for music, which was integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applied to live or recorded music, instead of just live music which was unamplified.

It was reported that the Live Music Act did not allow any premises to create a noise nuisance. If live music took place at such a volume as to cause a nuisance, the Environmental Protection Act 1990 statutory nuisance powers would still apply (whether the live music required a licence or not).

Unlicensed venues that would previously have submitted a Temporary Event Notice (TEN) to cover the live music that they wished to provide would still require a TEN if the organiser wished to add alcohol to the event.

Members were advised of an update from the Minister for Sport and Tourism, informing of consultation on the implementation of further proposals which required changes to primary legislation. As well as achieving deregulation of the three key activities outlined, it was reported that the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 would clarify the position on combined fighting sports, so that it was clear in law that activities, such as boxing or wrestling, remained licensable, as would dance of an adult nature. It was expected that the Order would commence on Thursday, 27th June 2013.

Resolved:

That the effect of the Live Music Act 2012 on the Licensing Act 2003, and any licensing implications that may occur as a result of it, be noted.

Chairman

(The meeting ended at 2.28 p.m.)

**Any queries regarding these Minutes, please contact
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