



Committee: LICENSING ACT COMMITTEE

Date: THURSDAY, 20 JUNE 2013

Venue: LANCASTER TOWN HALL

Time: 2.00 P.M.

A G E N D A

1. **Apologies for Absence**
2. **Appointment of Vice-Chairman**
3. **Minutes**

Minutes of meeting held on 31 January 2013 (previously circulated).

4. **Items of Urgent Business Authorised by the Chairman**
5. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2, of the Code of Conduct, Members are required to declare the existence and nature of any other interests, as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

6. **Chairmen of Licensing Act Sub-Committees** (Pages 1 - 2)

Report of Licensing Manager

7. **Effect of the Live Music Act 2012 on the Licensing Act 2003** (Pages 3 - 5)

Report of Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Vikki Price (Chairman), Josh Bancroft, Shirley Burns, Chris Coates, Mike Greenall, Helen Helme, Billy Hill, Val Histed, Tracey Kennedy, Terrie Metcalfe, Margaret Pattison, Roger Sherlock, Joyce Taylor, Malcolm Thomas and Paul Woodruff

(ii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email jglenton@lancaster.gov.uk.

(iii) Changes to Membership or apologies

Please contact Members' Secretary, telephone (01524) 582170, or email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
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Published on Monday, 10 June 2013.

LICENSING ACT COMMITTEE**Chairmen of Licensing Act Sub-Committees
20 June 2013****Report of Licensing Manager****PURPOSE OF REPORT**

To enable the Committee to make arrangements for the chairing of Licensing Act Sub-Committees during the forthcoming municipal year.

This report is public

- (1) That the Committee appoints for the new municipal year a number of members to chair the ad hoc sub-committees established to hear individual applications under the Licensing Act 2003 and the Gambling Act 2005.**

1.0 Introduction

- 1.1 The procedure for establishing sub-committees to deal with hearings under the Licensing Act 2003 was agreed at the Committee's meeting on the 14th February 2005. As Members are aware, each sub-committee must comprise three members of the Committee, and is convened by the Head of Governance, as and when required, from the fifteen members.
- 1.2 It was further agreed in 2005 that the then chairman and vice-chairman and three other named members be appointed as chairmen of the sub-committees, and that each ad hoc sub-committee would include one of these members who would act as the chairman.
- 1.3 This arrangement has continued, although in some municipal years, the Committee has nominated four rather than five chairmen.
- 1.4 For Members' information, there were five chairmen nominated for 2012/13, namely Councillors Paul Aitchison, Malcolm Thomas, June Ashworth, Mike Greenall and Roger Sherlock
- 1.5 It is always difficult to estimate in advance the workload of the sub-committees. In 2012/13, sub-committees met on twelve occasions.

2.0 Proposal Details

- 2.1 The Committee is now requested to consider the arrangements for the municipal year 2013/14, and to decide how many and which members to appoint to chair the sub-committees.

3.0 Details of Consultation

- 3.1 None

4.0 Options and Options Analysis (including risk assessment)

4.1 There is a need for the Committee to appoint sub-committee chairmen. Having four or five chairmen has worked well in previous years, but it is for the Committee to determine how many to appoint.

5.0 Conclusion

5.1 The Committee is recommended to appoint a number of its members to chair the sub-committee hearings.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

FINANCIAL IMPLICATIONS

The Independent Remuneration Panel (IRP) made provision for special responsibility allowances to be paid to the chairman and other Licensing Act Sub-Committee chairmen. The IRP's calculations were based on the Committee chairman and two other sub-committee chairmen receiving allowances. Dependent upon the number of sub-committee chairmen appointed, there could be up to four allowances paid (at £435 each) and this could be met from within the members allowances budgets. However, the fact that a member is only entitled to receive one special responsibility allowance means that there is leeway within the budgetary provision.

LEGAL IMPLICATIONS

The proposal is in accordance with the provisions of the Licensing Act 2003, which provides for the establishment of one or more sub-committees consisting of three members of the Committee, but makes no further provision as to how this should be arranged.

BACKGROUND PAPERS

None

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LICENSING ACT COMMITTEE**Effect of the Live Music Act 2012 on the
Licensing Act 2003
20 June 2013****Report of Licensing Manager****PURPOSE OF REPORT**

The report is to inform members of the Live Music Act 2012 and the changes which affect the Licensing Act 2003

This report is public.

Recommendations

Members are requested to note the report which has been prepared to ensure that they are aware of the Live Music Act 2012 and any licensing implications that may occur as a result of it.

1.0 Report

- 1.1 The Live Music Act 2012 was introduced as a private members bill with Government support. It received Royal assent in March 2012 and came into force on 1 October 2012.
- 1.2 The Act removes the licensing requirements for:
 - amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption **on** the premises;
 - amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003 (or licensed only for the provision of late night refreshment); and
 - unamplified music between 8am and 11pm in all venues (irrespective of audience size).
- 1.3 Where licensable activities (such as the sale of alcohol) continue to take place **on** the premises, any existing conditions on the licence that are related to live music will be suspended and shall not have effect (during such periods that live music is not licensable (8am to 11pm)). However, it will 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.

- 1.4 The Live Music Act 2012 also removes the licensing requirements for the provision of entertainment facilities i.e. the provision of facilities for:
- Making Music
 - Dancing
 - Entertainment of a similar description to making music and dancing.
- 1.5 The Act also widens the current licensing exemption for music which is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music, instead of just live music which is unamplified.
- 1.6 The changes, however, do not prevent Environmental Protection Act 1990 Statutory Nuisance powers being used if noise from live music causes nuisance (whether it requires a licence or not).
- 1.7 If the provision of live music during the 8am to 11pm timeframe causes problems at a licensed premises, the premises can still be the subject of a review hearing. At the hearing the committee can reinstate any pre-existing conditions relevant to live music and/or add new licence conditions, as though live music were a licensable activity.
- 1.8 In the main most on-licensed alcohol premises that are likely to provide live music already have the provision included on their current licences. There are some, mainly new licences that may wish to take advantage of this change in the law and provide live music for their customers between 8am and 11pm.

There may be some unlicensed venues that previously would submit a Temporary Event Notice (TEN) to cover the live music that they wish to provide. These again are fairly limited and if the organiser wishes to add alcohol to the event it will still require a TEN.

Live music includes vocal and instrumental music and also karaoke singing. The backing tracks and any recorded music that accompanies the live music in most cases are likely to be considered as part of the live music provision

The Live Music Act does not allow any premises to create a noise nuisance.

- 1.9 As the licensing requirement for facilities for making music, dancing and anything of a similar description have been removed from the Licensing Act 2003, they no longer need to be applied for and included in a licence. Therefore new application forms have been issued by the Home Office for the following:
- (f) new premises licence
 - (h) variation to premises licence
 - (u) new club premises certificate
 - (t) variation to club premises certificate
 - (k) provisional statement
 - (mv1) minor variation and
 - (ten) temporary event notice

2.0 Conclusion

2.1 Members are requested to note the changes to the Licensing Act 2003 as a result of the introduction of the Live Music Act 2012.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Legislation exists within the Licensing Act 2003 to address issues with premises. Also the Council can use other powers for noise, anti-social behaviour etc.

FINANCIAL IMPLICATIONS

There are no financial implications directly associated with the changes to the Licensing Act 2003 as a result of the introduction of the Live Music Act 2012.

LEGAL IMPLICATIONS

That the Council meets any legal obligations under the Licensing Act 2003 as amended by the Live Music Act 2012.

BACKGROUND PAPERS

None.

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