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Licensing Committee (Miscellaneous)

Tuesday 4 August 2009

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Stephens, Vice Chair.

Councillors Delbridge, Drean, Gordon, Kerswell, Lock, Miller MBE, Mrs Nelder, Mrs Nicholson and Rennie.

Apologies for absence: Councillors Bowie and Mrs Dolan and Mrs Bowyer

The meeting started at 10.00 am and finished at 10.25 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

7. APPOINTMENT OF CHAIR AND VICE CHAIR

It was resolved that Councillor Lock be appointed as Chair and Councillor Mrs Stephens be appointed as Vice Chair for this meeting.

8. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

9. MINUTES

It was resolved that the minutes of the 9 June 2009 Licensing Committee (Miscellaneous), 12 May 2009, 26 May 2009, 9 June 2009, 22 June 2009 and 21 July 2009 Licensing Sub Committee (Miscellaneous) were approved as a correct record.

10. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

11. LICENSING ACT 2003 - MINOR VARIATIONS TO PREMISES LICENCES & CLUB PREMISES CERTIFICATES AND THE SUPERVISION OF ALCOHOL SALES IN COMMUNITY PREMISES

The Senior Licensing Officer provided the Committee with an update on the Licensing Act 2003 – Minor Variations to Premises Licences and Club Premises Certificates and the Supervision of Alcohol Sales in Community Premises on the following –

- (i) the report submitted to the Committee requested for officers to have delegated power to grant or refuse applications for minor variations to premises licences and club premises certificates;
- (ii) officers were not required to serve the application for minor variations upon responsible authorities; unless they were in any doubt about the impact of the variation upon licensing objectives in which case they had to consult with them as necessary;
- (iii) the licensee was required to display a white notice at the premises giving details of the minor variation applied for; the heading would be in font size 32 for better visibility;
- (iv) the white notice would be displayed in a prominent place in the premise for 10 working days; officers would then have a further 5 days in which to determine the application;

- (v) changes to the application for minor variations would be reduced from a maximum fee of £600 to £89.

In response to questions raised it was reported that –

- (vi) applications submitted to the Licensing department might increase as the new system would be cheaper, quicker and easier to use;
- (vii) Plymouth City Council were not required under the Licensing Act 2003 to notify ward Councillors personally of applications that had been received, however details of applications were displayed on the Council website for anyone to see;
- (viii) the possibility of having a training session for Members upon the changes and variations to the Licensing Act would be investigated;
- (ix) un-enforceable conditions were conditions on a licence which could not be easily enforced; an example was provided by the Senior Licensing Officer in which it may be stated on a premise licence that training would be provided to members of staff on a regular basis. The Senior Licensing Officer explained that a 'regular basis of training' did not specify whether training took place weekly, monthly or bi-monthly. The removal of unenforceable conditions would enable officers to specify definitions and better enforce conditions;
- (x) officers would seek advice from responsible authorities if they thought that the application for a minor variation to their licence was a cause for concern;
- (xi) officers would take into account input from local residents;
- (xi) the white form highlighting the application for a minor variation to a licence, would be placed in a prominent position in the premise;
- (xii) there would be no right to appeal if an application for a minor variation to a licence was refused;
- (xiii) officers would report periodically to the Licensing Committee (Miscellaneous) with details of applications for minor variations and the delegated decision that had been taken

It was resolved that –

- (1) members delegate to the Manager of the Public Protection Service the power to grant or refuse minor variations;
- (2) officers present a report to the Licensing Committee periodically to advise Members of delegated decisions that have been taken.

12. **EXEMPT BUSINESS**

There were no items of exempt business.