

LICENSING COMMITTEE

8 SEPTEMBER 2009

Present: County Councillor Bridges (Chairperson);
County Councillors Ford, Grant, Goddard, Kelloway, Elgan
Morgan and Smith

Apologies: County Councillors Cox, Griffiths and Derrick Morgan

L9 : MINUTES

The minutes of the meeting held on 7 July 2009 were approved by the Committee as a correct record and signed by the Chairperson.

L10 : MINOR VARIATIONS PROCEDURE

At its meeting of 9 September 2008 the Committee received a report for information regarding a consultation document issued by the Department of Culture Media and Sport (DCMS) seeking views on proposals to introduce a new minor variations process. In respect of this, Statutory Instrument 2009/1772 The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 was made on 30 June 2009 and came into effect on 29 July 2009.

The new process may only be used for minor variations to Premises Licences or Club Premises Certificates. It may not be used to extend the period during which the licence has effect or to authorise the supply of alcohol or extend the hours for the sale of alcohol. Minor variations will include:-

- Minor changes to the layout or structure of the premises
- Small adjustments to the licensing hours
- The removal of out of date, irrelevant or unenforceable conditions or additions of volunteered conditions
- The addition of certain licensable activities

Members discussed the application process. Officers provided details of how applications would be determined.

RESOLVED – That the report be noted and that the Chief Strategic Planning and Environment Officer and the Operational Manager (Licensing and Strategic Services) be delegated authority to determine applications for minor variations in respect of Premises Licences and Club Premises Certificates.

L11 : COMMUNITY PREMISES SUPERVISION

At its meeting of 9 September 2008 the Committee received a report for information regarding a consultation document issued by the Department of Culture Media and Sport (DCMS) seeking views on proposals to remove certain requirements at community premises such as church and village halls. In respect of this, Statutory Instrument 2009/1724 The Legislative Reform (Supervision of Alcohol Sales and Church and Village Halls) Order 2009 was made on 30 June 2009 and came into effect on 29 July 2009.

This new Order amends the Licensing Act 2003 with effect that the amendments allow Licensing Authorities to grant, or vary Premises Licences to include an alternative condition relating to the supervision of alcohol sales in community premises. Community premises are defined as church or chapel halls, or any other village, parish or community hall.

The application procedure was set out in the report.

RESOLVED – That the report be noted and that in respect of applications made in accordance with the provisions of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009:

- (1) the Chief Strategic Planning and Environment Officer and Operational Manager (Licensing and Strategic Services) be delegated authority to approve the alternative condition to enable the removal of the mandatory conditions in Sections 19(2) and 19(3) of the Licensing Act 2003 where not representations have been received, and;
- (2) the Licensing Sub Committee be delegated authority to consider applications where representations are received.

L12 : AUTHORISATION OF OFFICERS

Following the deletions of two Operational Manager posts in Strategic

Planning and Environment Services the service has been restructured and it is necessary to ensure that the Operational Managers' in the service have the appropriate level of authority to enable them to effectively carry out their licensing functions.

The Committee received a report requesting their approval for David Ivor Holland (Operational Manager – Consumer Protection) and Phil Williams (Operational Manager – Development and Building Control) to exercise delegated powers subject to the protocol in the Scheme of Delegations and the Council Constitution and pursuant to the Licensing Act 2003 and the Gambling Act 2005.

RESOLVED – That

(1) David Ivor Holland (Operational Manager - Consumer Protection) and Phil Williams (Operational Manager – Development and Building Control) be authorised to issue Notices and Orders; to grant and refuse consents; to implement the relevant provisions in respect of offences or other requirements; to give effect to applications for registration and to issue licences; and to approve or reject applications; and to arrange for the execution of works pursuant to the Licensing Act 2003 and the Gambling Act 2005 and any rules, regulations and/or Orders made thereunder (or any replacement or re-enactment thereof);

(2) for the avoidance of doubt those powers and authorisations previously approved by the Council in relation to the Officers remain unchanged except to the extent that such authorisation would be inconsistent with this report.

(3) the authorisations shall remain in force until revoked by the Council. For the avoidance of doubt, any authorisation and appointment shall be automatically revoked upon the officers ceasing for whatever reason to occupy a post within Strategic Planning and Environment or ceasing to be in the employment of the Council or its successors.

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Chairperson