

LICENSING COMMITTEE

3 JULY 2012

Present: County Councillor Morgan (Chairperson);
County Councillors Manzoor Ahmed, Bridges, Boyle,
Evans, Goddard, Kelloway, Marshall, McGarry and
Benjamin Thomas

L1 : CHAIRPERSON

The Committee noted that Council on 17 May 2012 appointed County Councillor Morgan as the Chairperson of this Committee.

L2 : DEPUTY CHAIRPERSON

The Committee noted that Council on 21 July 2012 appointed County Councillor Manzoor Ahmed as the Deputy Chairperson of this Committee.

L3 : APPOINTMENT OF COMMITTEE AND TERMS OF REFERENCE

The Committee noted that on 17 May 2012 Council appointed the following Members to this Committee:

Manzoor Ahmed, Bridges, Boyle, Evans, Ford, Goddard, Hudson, Kelloway, Marshall, McGarry, Benjamin Thomas

The following terms of reference were approved:

‘To be the Councils Licensing Committee as required by the Licensing Act 2003 and Gambling Act 2005 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under those Acts.’

L4 : MINUTES

The minutes of the meeting held on 6 December were approved by the Committee as a correct record and were signed by the Chairperson.

**L5 : SECTION 106A OF THE LICENSING ACT 2003 –
DELEGATION OF FUNCTIONS IN RESPECT OF TEMPORARY
EVENT NOTICES**

The Committee received a report advising them the recent Police Reform and Social Responsibility (PRSR) Act 2011 made a number of changes to the Licensing Act 2003. The licensing authority was now permitted to impose conditions on a Temporary Event Notice following an objection. The report set out the implications of this change, requested the Committee to authorise officers under Section 106A of the Licensing Act 2003, and to consider the delegation of these functions

Previously, when Temporary Event applications were received only the Police were able to object under the licensing objective the prevention of crime and disorder. Since the changes brought about by the PRSR the Police and Environmental Health Officers (Noise Pollution) can object under any of the licensing objectives. The PRSR also permits the Licensing Authority to attach conditions to a Temporary Event Notice following the receipt of objections.

At present, following objections from the Police, the issuing of a counter-notice, which would prevent an event from taking place, is delegated to a Licensing Sub Committee. It was proposed that the function of issuing a 'statement of conditions' under Section 106A of the Licensing Act be delegated to officers in instances where the objection received from relevant persons only relates to the imposition of existing Premises Licence conditions. All other instances would be delegated to the Licensing Sub Committee. Officers advised that this would assist in the administration of Temporary Event Notices and would not over burden the Licensing Sub Committee with applications that simply require the imposition of existing conditions.

RESOLVED – That:

- (1) the report be noted;
- (2) the Head of Regulatory and Supporting Services be authorised to perform the functions of the licensing authority in accordance with the requirements of Section 106A of the Licensing Act 2003 in respect of issuing of 'statements of conditions' in instances whereby the objection(s) relate to the imposition of existing Premises Licence conditions;

- (3) the Head of Regulatory and Supporting Services be authorised to delegate authority to enable authorised staff to perform this function of the Act.

L6 : ALCOHOL AND ENTERTAINMENT PREMISES LICENSING – SUMMARY OF ACTIVITIES 2011/12

The Committee received a report providing summarised details of the work undertaken by the Licensing Service relating to the Licensing Act 2003 during the year 1 April 2011 to 31 March 2012. The report provided information on the various aspects of the works undertaken by the Service during the period and provided comparison with previous years.

In respect of the number of Licensing Sub Committee decisions that were subsequently taken to appeal in the Magistrates Court, Members requested that the Committee be advised of the outcome of those proceedings in future activity summary reports. The Head of Regulatory and Support Services agreed to bring a report on the number of appeals taken to Magistrates Court during the year, and an indication the outcomes of those appeals, to a future meeting. An undertaking was also given that all future summary reports would include a section on the number of the Committee's decisions which are subsequently appealed during the year.

RESOLVED – That

- (1) the report be noted;
- (2) the Head of Regulatory and Support Services bring a report to a future meeting providing details of the number of decisions which are subsequently appealed at the Magistrates Court and their outcomes during the year;
- (3) information regarding decisions which are subsequently subject to appeals in the Magistrates Court be included in the annual summary report in future.

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Chairperson