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MINUTES OF A MEETING OF THE LICENSING COMMITTEE Committee Room 2 - Town Hall 17 May 2012 (7.30 - 8.15 pm)

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman), Lynden Thorpe (Vice-Chair), Georgina Galpin (Vice-Chair), Linda Trew (Vice-Chair) and Frederick Thompson

Residents' Group Brian Eagling

Labour Group

Independent Residents Group

Apologies were received for the absence of Councillors Robert Benham, Denis Breading and Linda Van den Hende.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

There was no interest declared at this meeting.

9 MINUTES

The minutes of the meeting held on 31 March 2011 were agreed as a correct record and signed by the Chairman

10 STREET TRADING LICENSING

Officers informed the Committee that this report was not available for the consideration at this meeting.

11 LICENSING ACT 2003 - POLICE AND SOCIAL RESPONSIBILITY ACT 2011

The Committee considered a report that detailed an amendment to the Licensing Act 2003 that was implemented on 25 April 2012 by the provisions of the Police and Social Responsibility Act 2011.

The report outlined one of the changes that related to the removal of section 13 (3) which defined who could be an “interested person” in relation to a licensing application. The effect of this was that any person may now object to a license and s/he does not need to live within the vicinity of the premises.

The report informed the Committee that on the introduction of the Licensing Act 2003, the council had a policy that the licensing officer would notify residents within 50 metres of a premises to let them know that an application had been made for every premises licence application or variation application received. This was over and above the legal requirement for the premises to display a blue notice and advertise in the local press.

The report also stated that since 25 April 2012 all current applications had been available for viewing on the council’s website under the licensing pages. This included details of the application, how to make an objection and the closing date for the consultation.

At the same time, the applicant was still required to advertise the application by placing a blue notice at the premises and advertising the application in the local press so that people who lived near the premises had the opportunity to be alerted that an application had been made.

The report recommended that the Committee consider the proposal that the licensing team no longer write to residents within 50 metres of a premises when an application for a new premises licence or variation of an existing premises licence was made.

The Committee was of the view that the notification letter provided local residents an opportunity to be aware of an application in progress and provided more people with the right to object to applications. The Committee felt that ceasing to write to residents in the vicinity of the premises would lead to less public awareness of those applications and this may result in a reduction in public engagement in the licensing application process.

RESOLVED:

The Committee decided to retain the policy requirement to write to residents within 50 metres of a premises following a premises licence or variation application.

12 UPDATE ON CHANGES TO THE LICENSING ACT 2003

The following Licensing changes were implemented on 25 April 2012 and were outlined to the Committee:

1. Temporary Events Notices (TENs)

The Police and Environmental Health Officers were now able to object to TENS where they considered that the proposed activities were likely to undermine a licensing objective.

2. Penalties for under age sales had increased and the voluntary closure period was also increased.

The fine for persistent underage sales had doubled from £10,000 to £20,000, and the new legislation made it easier to shut down businesses found to be persistently selling alcohol to those under 18.

The new legislation also increased the period of voluntary closure, as an alternative to a fine, from 48 to 336 hours.

3. Licence Fee - Suspension of Licence

Premises licences and club premises certificates would be suspended on failure to pay the annual licence fee.

4. Additional offences had been added for disclosure for personal licence applications.

5. The statement of licensing policy now needed to be updated every 5 years instead of 3 years.

Other changes planned for October 2012

- Early Morning Restriction Order

An Early Morning Alcohol Restriction Order (EMRO) – This was a currently uncommenced power in the Licensing Act 2003 that would enable Licensing Authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they considered this appropriate for the promotion of the licensing objectives.

- Late Night Levy

The late night levy would enable Licensing Authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It would be a local power that Licensing Authorities could choose whether or not to exercise. It must cover the whole of the licensing authority's area.

Changes planned for April 2013

- Local authority will be able to set fees on a cost recovery basis.

Subject to ministerial approval, the Licensing Authority would have the power to set fees on a cost-recovery basis. The costs may also include the costs of acting as other responsible authorities under the Act, e.g. as a

planning authority. A consultation on this matter would be undertaken. The new fee structure was unlikely to fully take effect until 2013.

Changes to the live music Act 2011

These changes would remove 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 2003 Act (or licensed only for the provision of late night refreshment); and
- unamplified live music between 8am and 11pm in all venues.

This was planned for commencement on 1 October 2012

13 **URGENT BUSINESS**

None

Chairman