

**MINUTES OF A MEETING OF THE LICENSING ACT 2003 COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 15 SEPTEMBER 2009**

Present: Councillor Newton (Chair), Dobbs (Vice Chair), Thacker, Swift, Peach and Nawaz.

Officers in attendance: Terri Martin, Regulatory Officer
Amy Brown, Solicitor
Gemma George, Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Murphy and Councillor Saltmarsh.

2. Declarations of Interest and Whipping Declarations

There were no declarations of interest or whipping declarations.

3. Minutes of the Meeting held on 16 June 2009

The minutes of the meeting held on 16 June 2009 were approved as a true and accurate record.

4. Introduction of changes to the Licensing Act 2003 brought about by Regulatory Reform

The Committee received a report which highlighted changes to the Licensing Act 2003 which had arisen from changes in legislation.

The Regulatory Reform process identified areas of the Licensing Act 2003 legislation which could be improved in order to improve the burden on applicants. In order to enable these changes, three new Statutory Instruments had been introduced with further guidance issued under section 182 of the Act. These instruments had come into force on 29th July 2009.

The changes in legislation recommended certain functions of the new application process to be delegated to an Officer. This required changes to Peterborough City Council's Constitution.

These changes would be recommended for adoption at Full Council on 14th October 2009 to enable the Council to continue to fulfil its statutory duties.

The three new Statutory Instruments had introduced two new application processes complete with new prescribed forms and fees. The first application process was the introduction of a 'Minor Variation Application', which allowed an applicant to make minor changes to the premises licence with a 'lighter touch' to the application process. The second new application process gave certain premises (church and village halls) the ability to make an application to disapply mandatory conditions with regards to the requirement of a Designated

Premises Supervisor (DPS) or personal licence holder to authorise sales of alcohol to take place, in exchange for an alternative condition.

Guidance recommended that decisions on minor variations should be delegated to Licensing Officers. Also an application to disapply the mandatory conditions and have the alternative licence condition instead, was very similar to the current DPS Variation application and should also be delegated in the same way. Therefore, when an application was received and had met the requirements of the regulations and no objections were received then this would be considered by officers.

Members were invited to comment on the report and the following issues and observations were highlighted:

- Members expressed concern regarding the possibility of officers having to make decisions on contentious issues. Members were assured that contentious issues would only be dealt with by the Committee.
- Members questioned whether once decisions had been made by officers, whether there was any appeal process available afterwards. Members were advised that there was no appeal process, but the issue could be taken to a judicial review.
- Members requested an example of a minor variation. Members were informed that an example of a minor variation could be the inclusion of live music to the licence.

Resolved:

The Committee noted the legislative changes to the Licensing Act 2003 which would need to be adopted in the Council's Constitution with regard to delegated authority for new application processes:

- (1) Statutory Instruments 2009 No.1772 Licences and Licensing, Regulatory Reform. The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009
- (2) Statutory Instruments 2009 No.1724 Licences and Licensing, Regulatory Reform. The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009.
- (3) Statutory Instruments 2009 No.1809 Licences and Licensing. The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

As per new guidance issued under Section 182 of the Licensing Act 2003.

9.30am-9.40am
Chairman