

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING COMMITTEE** held at The Council Chamber, Priory House, Chicksands on Wednesday, 14 October 2009

PRESENT

Cllr L Birt (Chairman)
Cllr T Green (Vice-Chairman)

Cllrs D Bowater
I Dalgarno
M Gibson
K Janes
Ms J Nunn

Cllrs A A J Rogers
J A G Saunders
G Summerfield
P F Vickers

Apology for Absence: Cllr H J Lockey

Member in Attendance: Cllr P N Aldis

Officers in Attendance: Mrs C Bell Team Leader Public Protection
Miss H Bell Democratic Services Officer
Mrs S Childerhouse Head of Public Protection (North)
Mrs M James Licensing Officer
Mrs P Letting Licensing Assistant
Mrs J Moakes Assistant Director Community Safety
& Public Protection
Mr M Woolsey Principal Solicitor

L/09/1 **Minutes**

RESOLVED

that the Minutes of the meeting held on 18 June 2009 be confirmed and signed by the Chairman as a correct record.

L/09/2 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

L/09/3 **Petitions**

The Chairman advised that no petitions in accordance with the Scheme of Public Participation, set out in Annex 2 in Part 4 of the Constitution, had been received.

L/09/4 **Public Participation**

No applications had been received in accordance with the Scheme of Public Participation, set out in paragraph 1 of the Scheme of Public Participation, Appendix 1 to part 4 of the Constitution.

L/09/5 **Delegation of Functions - Minor Variations**

The Committee received and considered a report of the Head of Public Protection concerning minor variations to premises licences and club premises proposing that the Licensing Committee delegate responsibility for all minor variations to premises licences and club premises certificates to officers.

The report advised that on 29 July 2009 the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 and the legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 came into force. The regulations provided an update to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 and the Order amending the Licensing Act 2003. A copy of the guidance issued under Section 182 of the Licensing Act 2003 was appended to the report.

In accordance with the Government Guidance it was therefore recommended that the Director of Sustainable Communities be authorised to determine applications for minor variations at premises licences and club premises (such delegation would include authority to determine whether an application did not constitute a minor variation i.e. that would not adversely impact on any of the four licensing objectives).

RESOLVED

- 1. that the Director of Sustainable Communities be authorised to determine applications for minor variations of premises licences and club premises certificates in accordance with the provisions contained within the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2008.**
- 2. that accordingly paragraph 4.3.10 of the Scheme of Delegation to Officers be amended by the addition of the following delegations and that the Constitution Advisory Group be advised accordingly.**

Delegation	Qualifications (if any)
<i>Determination of whether an application is deemed to be a minor variation.</i>	None.
<i>Determination of application for a minor variation to a premises licence</i>	None.
<i>Determination of application for a minor variation for a club premises certificate</i>	None.

L/09/6

Licensing Sub Committees

The Committee received and considered a report of the Head of Public Protection setting out information to allow the Committee to take a decision on the number and composition of the Licensing Sub-Committees for Central Bedfordshire and furthermore as to decisions being taken by Ward Members in relation to premises within their ward.

The report advised that part E3 of the Constitution, Committee Procedure Rules, paragraph 7.1 stated that the Licensing Committee may appoint one or more sub-committees to discharge its functions by virtue of Section 9 paragraph (1) of the Licensing Act 2003. There is no limitation to the number of Members who may sit as substitutes on the Committee, therefore to maximise flexibility at the Committees meeting following the annual Council meeting held on 18 June 2009, it was agreed that any Member of the Licensing Committee i.e. all nine remaining members should be authorised to act as a substitute at the meetings of the Licensing Sub-Committee.

In previous legacy authorities more than one licensing sub-committee was established, this was due to the anticipated volume of work that would be associated with the introduction of the Licensing Act 2003. The legacy authorities had a different view on Members taking a decision in relation to the premises within their own wards areas, legacy Mid Beds District Council allowed, the legacy South Beds District Council did not. Legal opinion in relation to the aforementioned was attached at appendix to the report.

It was brought to Members attention that presently the Constitution only made provision for one Licensing Sub-Committee:- Members would therefore need to have regard to what value would be added to the democratic process by introducing more than one sub-committee. When considering membership of the Licensing Sub-Committee there would appear to be two other options available:-

- (i) Firstly 12 Members of the Licensing Committee to provide a pool from which the Sub-Committee is drawn;

- (ii) Secondly, four Sub-Committees are set up, each comprising of three standing Members drawn from the Licensing Committee.

Following a detailed discussion, the Committee expressed the view that they forward option (1) as set out in the report, whereby 12 Members of the Licensing Committee provide a pool from which the Sub-Committee of three Members be drawn.

In the interest of impartiality, the Committee were invited to take a decision on the Ward Members being involved in the decision making process relating to a premises in their area. Due to the quasi-judicial business of the Sub-Committee it was also recommended that non-members are not invited to contribute to the debate unless invited to do so by an Objector.

RESOLVED

1. ***that the appointment of one Licensing Sub-Committee for Central Bedfordshire comprising of three Members to be drawn from the 12 Members of the Licensing Committee be made.***
2. ***that having regard to the legal advice now submitted and attached to the report, a Ward Member who is also a Member of the Licensing Committee be permitted to participate in a meeting of the Sub-Committee which is determining a licensing application relating to their ward.***

L/09/7

Special Meeting of Licensing Committee

RESOLVED

that a Special meeting of the Licensing Committee be held on Wednesday, 13 January 2010 following the conclusion of the Regulation Committee which commences at 9.30am, to be held in the Council Chamber, Priory House, Monks Walk, Chicksands, Shefford, to receive reports on the Licensing Manager in relation to the Gambling Act 2005 Statement of Policy and the Licensing Act 2003 Policy.

(Note: The meeting commenced at 11.20 a.m. and concluded at 11.55 a.m.)