
MEETING	GAMBLING & LICENSING ACTS COMMITTEE
DATE	7 AUGUST 2009
PRESENT	COUNCILLORS MERRETT (CHAIR), SUE GALLOWAY, HORTON, HYMAN, LOOKER, MOORE, ORRELL, PIERCE, REID, TAYLOR, B WATSON AND WISEMAN (VICE-CHAIR)
APOLOGIES	COUNCILLORS AYRE, FUNNELL AND RUNCIMAN

15. DECLARATIONS OF INTEREST

At this point in the meeting members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

16. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 5 June 2009 be approved and signed by the Chair as a correct record, subject to the resolution at minute 4 being amended, as underlined, to read:

“That Members note the contents of the report and the published mandatory and discretionary codes as outline in the government published document Selling Alcohol responsibly and ask Officers to respond, incorporating points agreed by Members”.

17. PUBLIC PARTICIPATION

It was reported that there was no registered speakers for this meeting.

18. MINOR VARIATION REPORT

Members considered a report advising them of amendments to the Licensing Act 2003 in respect of minor variations of premises licences and club premises certificates and for the supervision of alcohol sales in church and village halls. The report also sought revision to the delegations under the Act to be consistent with the legislative changes.

The Licensing Act has been in force since November 2005 and since then it has been under constant review. As a result, the government has produced two amendments to the primary legislation under the Legislative and Regulatory Reform Act 2006. The first is a simplified process for minor variations to premises licences and club premises certificates and the second, the removal of the requirement for a designated premises supervisor and personal licence holder at community premises.

Officers advised Members that under the old process, obtaining a variation to a premises licence could be costly and lengthy. The new order is intended to simplify the process and save time, money and resources for both applicants and the Council. Under the new order, Officers will be authorised to determine all applications for minor variations.

In answer to Members questions, Officers advised that all variation applications would be carefully considered and treated with caution from the outset and that if Officers were not happy with an application it would be refused.

Certain Members expressed concern that there could be some problems resulting from the changes, and expressed particular concern over the fact that it is recommended by Parliament that the provision of live music is to be encouraged. The Legal Officer reminded Members that as an Act of Parliament, the changes would have to be embraced, but advised that how City of York Council now deals with variation applications is key.

Members queried whether they could receive a 6 monthly report that would outline how the new order is working in practice and highlight any problems. Officers agreed this could be done.

Following a discussion on Licensing Hearings in general, Members queried with the Legal Officer whether Solicitors working on the behalf of Licensed Premises should be allowed to add text to the official notices advertising a proposed licence or variation. The Legal Officer confirmed he would look into this matter.

In relation to the second order, Officers advised that designated premises supervisors for community facilities such as church halls are usually volunteers who do not wish to put their names to a licence. The order is proposing that such facilities can be run by formally constituted committees, rather than by an individual. Members noted the change.

RESOLVED: (i) That Option 1 be approved and the delegations under the Licensing Act 2003 be amended to authorise Officers to determine all applications for minor variations made under sections 41A and 86A of the Licensing Act 2003.

REASON: To maximise the resource efficiencies available to the Council by virtue of

the deregulatory order for minor premises licence and club premises certificate variations.

(ii) That Members receive a 6 Monthly report to inform them on how the simplified process for minor licence variations is working.¹

REASON: To keep members informed.

iii) That Members noted the amendments to the Licensing Act 2009 in respect to the supervision of the supply of alcohol at community premises.

REASON: To keep members informed of changes in relevant legislation.

Action Required

1. Licensing Officers to note request for 6 monthly report and add to work plan.

DH

, Chair

[The meeting started at 2.05 pm and finished at 2.35 pm].