

## Late Information – Council 10 November 2009

### Item 5 – Matters considered by the Cabinet and/or other committees

#### b. LICENSING – MINOR VARIATIONS DELEGATION

##### Licensing Committee (20 October 2009)

The Licensing Manager explained that the minor variations procedure had been introduced by Government in order to allow operators to make small changes to their premises licences. He was aware of Members' concerns and assured the Committee that all Members would be notified of any applications that were received. He noted that nationally, no councils had yet not accepted the delegation to officers. He also commented on the experience of the Licensing Officers at the District Council. The fee for a minor variation application was £89 and the Licensing Manager advised that, even with the delegation, this would potentially not cover the cost to the District Council. He advised that the cost to the Council should a Licensing Committee meeting need to be arranged to determine any application was in the region of £400. There were also potential risks with organising Licensing Committee meetings to determine applications as representations could be received anytime during the 15 day determination period.

The Chairman reiterated his concern as expressed at a meeting of the Modern Local Government Group (27.08.09) which was that Officers could allow permission to host live music under the new procedure and also remove licensing conditions, even where representations had been received in opposition. He was also concerned regarding the time limit to make representations as this would allow an operator to submit a controversial application during a time when local residents were on holiday and this time scale would be insufficient to enable a parish council to make an objection. He suggested that the solution would be to retain the Licensing Committee's existing delegated powers to determine applications and it could delegate to the Sub-Committees to determine the fast track applications, which in his opinion might not be minor in their effect on local residents. This process could be reviewed in a year.

The Licensing Manager assured Members that Officers could not add additional conditions to a licence and that statute prescribed what matters were to be classified as minor variations. As Officers also had a duty to local people, they would consider all relevant information when deciding the outcome of applications for minor variations.

The Committee discussed in detail the suggestion of the Chairman, concerns expressed by Members and the practicalities of delegating to Officers as compared with determining applications at Sub-Committee level.

The Legal Services Manager advised that the Council was required by statute to notify the public of formal meetings five clear days before the meeting was held. The Council could also not routinely despatch late information.

The Licensing Manager assured the Committee that all Members would be notified of applications for minor variations as soon as they were received.

The Officers recommendation was moved and seconded and following a vote it was:

Resolved: That the Council be recommended:

a) to approve the following delegation to the Community and Planning Services Director;

“To determine all applications for Minor Variations to premises licences/club premises certificates”; and

b) that the Constitution (Part 13 – Delegation to the Community and Planning Services Director – Licensing) be amended accordingly.

c. OFFICER RESPONSIBILITIES AND DELEGATIONS – REMOVAL OF DESIGNATED PREMISES SUPERVISORS AT COMMUNITY PREMISES

*Licensing Committee (20 October 2009)*

Chairman advised that following a change in the law, operators of community premises were now allowed to apply to have the standard mandatory conditions under section 19 of the Licensing Act 2003 removed from their premises licence.

The Licensing Manager advised that he had written to the operators of all community premises regarding the change and to date had received no applications for removal of the conditions.

The Chairman suggested some alternative wording which clarified that Officers would only have delegated authority to deal with applications for the removal of the mandatory condition to have a designated premises supervisor, rather than any discretionary conditions which might subsequently be imposed by a licensing sub-committee.

Following a vote the Committee unanimously agreed:

Resolved: That the Council be recommended:

a) to approve the following delegation to the Community and Planning Services Director;

“To determine all applications for the removal of the mandatory condition to have a Designated Premises Supervisor at Community Premises”; and

- b) that the Constitution (Part 13 – Delegation to the Community and Planning Services Director – Licensing) be amended accordingly

f. GAMBLING ACT – STATEMENT OF LICENSING POLICY

Licensing Committee (20 October 2009)

The Chairman advised that the draft Statement of Licensing Principles had recently been to public consultation. Members were asked to consider the comments received to the consultation as outlined in Appendix B to the report.

The Committee discussed in detail the suggestions for amendments included in Appendix B. With regard to most suggestions the Committee accepted the Officers suggested amendments, and the following further amendments to the Statement were made:

- The map size on page 4 should be increased.
- No change would be made to the Statement on page 5 with regard to a ‘No Casinos’ resolution.
- No change would be made to the Statement with regard to application procedures for more than two gaming machines at a premises as Members were of the view that each application should be considered on its own merit.
- No change be made to the wording on Travelling Fairs on page 21. The Licensing Manager assured Members that travelling fairs occupying pitches within the District, particularly the Otford Road site in Sevenoaks Town, would be subject to checks to ensure compliance with the Statement.
- Remove the first two paragraphs under the Introduction on pages 3 and 4.
- After the first paragraph on page 4 the wording “The current statement came into force on 3 January 2007.” would be included.
- Paragraph 7 on page 8 would be replaced with the wording suggested in Appendix B.
- A similar wording to that included in the Licensing Hearing agendas relating to the rights of ward Members would be included in paragraph 6 on page 8.

- The Annex of the Statement be amended to include the statutory limits on numbers of B3A gaming machines.

Resolved: That, subject to the above amendments, the Council be recommended to approve the Statement of Principles for the Gambling Policy as set out in Appendix A to the report.

Services Select Committee (27 October 2009)

The Licensing Manager advised that the Council was required to consult on the Gambling Act every three years. General consultation on all aspects of the Policy had been completed during June to August 2009. The final draft of the Policy would be presented to Council on 10 November 2009 and had already been considered by the Licensing Committee (20.10.09) and Cabinet (22.10.09).

It was clarified that for the Council to pass a no casino resolution a separate consultation would be needed.

Resolved: That the Council be recommended to adopt the Statement of Licensing Principles for the Gambling Act Policy.

**Item 6g**

Please find attached a replacement Balance Sheet at p.119.

**Item 7**

**A further question to that in the agenda papers has been received from Cllr. Underwood under Procedural Rule 19.3.....**

“Would the Leader confirm that the allocation of committee seats has been done under the Widdecombe rules and that all parties and political groups have been duly credited accordingly to their allowance and have all such seats been accepted?”

**Item 10 – Reports of the Select Committee Chairmen**

The report of the Chairman of the Environment Select Committee for the meeting on 6 October 2009 and the Chairman of the Services Select Committee on for the meetings held on 18 August 2009 and 27 October 2009 is attached.