



# Rutland County Council

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Minutes of a meeting of the **LICENSING ACT COMMITTEE** held in the Council Chamber, Catmose, Oakham, at 7.00 pm on Tuesday, 3<sup>rd</sup> November 2009.

PRESENT: Mr V Dighé (in the Chair)  
Mr J T Dale  
Mr P J W Golden  
Mr P W Jones  
Mr M A Oxley  
Mrs E J Rodger  
Mr N M Wainwright

Officers present:	Mr S Haigh	Public Protection Manager
	Miss A Hair	Democratic Services Officer
	Mr P Trow	Director of Community Services

Apologies: Mr B W Roper.

## 518. MINUTES OF PREVIOUS MEETING

### RESOLVED

That the minutes of the Licensing Act Committee held on 3 June 2008 be confirmed and signed by the Chairman.

## 519. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the items on the agenda for this meeting.

## 520. PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions had been received.

## 521. QUESTIONS WITH NOTICE FROM MEMBERS

No questions with notice from Members in accordance with the provisions of Procedure Rule No. 219 had been received.

## 522. NOTICES OF MOTION FROM MEMBERS

No Notices of Motion from Members in accordance with the provisions of Procedure Rule No. 220 had been submitted.

## 523. LICENSING ACT 2003 REVIEW OF PREMISES LICENCE PROCEDURES

Report No.197/2009 from the Director of Community Services was received which presented for consideration by Members ways in which the statutory process can be enhanced, without being in breach of the law or the guidance, in order to improve communications surrounding applications for premises licenses.

During consideration the Committee noted the following points:

- a. The Council sought to raise public awareness of the licensing procedure. A corporate view had been to notify all Members of the Council and the Strategic Management Board of all licence applications received.
- b. The Council as the Licensing Authority cannot actively invite representations. Soliciting representations is against the law and contrary to guidance.
- c. Representations must address one of the four licensing objectives, and the person making the representation must live in the vicinity of the application premises.
- d. The law, regulations and guidance do not allow licensing authorities much discretion; however the Council was committed to making the process more transparent where possible. Where representations were received that could not be accepted due to not addressing one of the four licensing objectives, or where the person making the representation did not live within the vicinity, a letter clearly explaining why the representation could not be accepted would be sent.
- e. There was no requirement to notify residents living adjacent to application premises and it was acknowledged that this was a difficult area as notifying residents may be construed as soliciting representations. It was agreed that the Director of Community Services and the Public Protection Manager would liaise with neighbouring authorities to ascertain how they as licensing authorities dealt with this issue, and investigate what could be done with regard to notifying residents within the confines of the legislation, act and guidance.
- f. The Statutory Guidance allows for Ward Members making representations on behalf of objectors, however Councillors are members of the Licensing Authority and as such are prohibited from soliciting representations.
- g. The matter of 'vicinity' was interpreted by officers. A 'direct link' was considered to be associating people causing the nuisance with the application premises. It was acknowledged that once people left the immediate vicinity of the application premises, they are beyond the licence holder's control and their conduct becomes a matter for the police.
- h. The Licensing Authority notifies those parties outlined in paragraph 4.4 of the report on behalf of the applicant.

## RESOLVED

1. That all Members and the Strategic Management Board be notified of Premises Licenses applications and applications for variations to licenses in future.
2. That the reasons for rejecting an objection to a licence application be fully explained to the person(s) submitting a representation and that they be advised to contact the Police and/or their ward member if they have views that they wish them to take into account.

## 524. LICENSING ACT 2003 MINOR VARIATIONS TO PREMISES LICENSES

Report No.237/2009 from the Director of Community Services was received which informed Members of the recent amendment to the Licensing Act 2003 which included a new category "Minor Variations". The report outlined the new regulations that have also been introduced which set out the procedures for dealing with Minor Variations to premises licenses.

During consideration the Committee noted the following points:

- a. The introduction of the Minor Variations category was designed to shorten the time taken to process applications.
- b. Officers would reject any applications made under this new category that did not constitute a 'minor variation'. Decisions would be at the discretion of the Licensing Officer but would also be considered by the Public Protection Manager and the Director of Community Services.
- c. Members would be notified of all applications under this new category.

## RESOLVED

That **COUNCIL BE RECOMMENDED** to approve:

1. That the processing of minor variations applications is delegated to the Public Protection Manager and the Director of Community Services.
2. All elected Members and the Strategic Management Board be notified of all applications for minor variations to licenses.

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Mr P W J Golden left the meeting at 8.00pm and did not return.

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## **525. LICENSING ACT 2003 YELLOW AND RED CARD APPROACH TO LICENSING REVIEWS**

Report No.238/2009 from the Director of Community Services was received which presented for the Committee's consideration the use of the Yellow And Red Card Approach to Licensing Hearings as outlined in the letter from the Department of Culture, Media and Sports dated 2 September 2009 and attached at Appendix 1 to the report.

During consideration the Committee noted the following points:

- a. Rutland was a small enough County where this review process could be managed without using the Yellow and Red Card system, which would potentially put unnecessary pressure on resources.
- b. It was agreed that there were sufficient steps the authority could take without using this system.

## **526. ANY OTHER URGENT BUSINESS**

There were no items of urgent business.

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The Chairman closed the meeting at 8.10pm.

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Chairman