

## LICENSING AND GAMBLING COMMITTEE

HELD:8 DECEMBER 2009

Start: 7.05pm

Finish: 7.25pm

PRESENT: Councillor Kay (Chairman)  
Councillor G M Roberts (Vice Chairman)

Councillors: Ainscough M Pendleton  
Collinson Pratt  
Jones Saxon  
Mrs. Melling Mrs Stephenson

Officers: Executive Manager Community Services (Mr D. Tilleray)  
Public Protection & Licensing Manager (Mr P. Charlson)  
Senior Licensing Officer (Mrs M. Murray)  
Exchequer Services Manager (Mr P. Blakey)  
Principal Solicitor (Mr L.Gardner)  
Member Services Officer (Mrs. J. Brown)

### 9. APOLOGIES

Apologies for absence were received from Councillors Swiffen and W G Roberts.

### 10. MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

### 11. URGENT BUSINESS

There were no items of urgent business.

### 12. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 13. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

### 14. MINUTES

RESOLVED: That the minutes of the meeting held 28 July 2009 be received as a correct record and signed by the Chairman.

### 15. MINUTES OF SUB COMMITTEES

The minutes of the Licensing Sub – Committees held 13 July, 3 August, 27 August, 23 September and 23 November 2009 were submitted.

RESOLVED: That the above minutes be noted.

### 16. LICENSING ACT 2003 - MINOR VARIATIONS AND DESIGNATED PREMISES SUPERVISORS IN "COMMUNITY" PREMISES

Consideration was given to the report of the Executive Manager Community Services as contained on pages 625 to 630 of the Book of Reports, which advised Members of changes to the regime under the Licensing Act 2003 (the Act) with regard to “minor variations” to premises licences and club premises certificates and also to the removal of the requirement for a Designated Premises Supervisor and personal licences at “community” premises.

RESOLVED: A. That the delegation arrangements for the Executive Manager Community Services be amended to read as follows:

“2) To determine applications under the Licensing Act 2003 as follows:

- A) Applications for Personal Licence - If no Police representation(s) have been made.
- B) Application for Premises Licence/Club Premises Certificate – If no relevant representation(s) have been made.
- C) Application for Provisional Statement – If no relevant representation(s) have been made.
- D) Application to vary Premises Licence/Club Premises Certificate – If no relevant representation(s) have been made except where (K) applies.
- E) Application to vary Designated Premises Supervisor – If no relevant representation(s) have been made.
- F) Request to be removed as Designated Premises Supervisor – All cases.
- G) Application for transfer of premises Licence – If no Police representation(s) have been made.
- H) Application for Interim Authority – If no Police representation(s) have been made.
- I) Decision on whether a complaint is irrelevant, frivolous, vexatious etc – All cases.
- J) Application from a Community Premises to remove the requirement for Designated Premises Supervisor – If no Police representation(s) have been made.
- K) Application for minor variation to Premises Licence / Club Premises Certificate – All cases.”

B. That the delegation arrangements for the Licensing Sub - Committee be amended to read as follows:

“1) To determine applications under the Licensing Act 2003 as follows:

- A) Applications for Personal Licence - If Police representations have been made.
- B) Applications for Personal Licence, with unspent convictions – All cases.
- C) Application for Premises Licence/Club Premises Certificate – If relevant representation(s) have been made.
- D) Application for Provisional Statement – If relevant representation(s) have been made.
- E) Application to vary Premises Licence/Club Premises Certificate – If relevant representation(s) have been made.
- F) Application to vary Designated Premises Supervisor – If Police representation(s) have been made.
- G) Application for transfer of premises Licence – If Police representation(s) have been made.

- H) Application for Interim Authority – If Police representation(s) have been made.
- I) Application to review Premises Licence/Club Premises Certificate – All cases.
- J) Decision to object when the local authority is a consultee and not the relevant authority considering the application – All cases.
- K) Termination of a police objection to a Temporary Event Notice – All cases.
- L) Application from a Community Premises to remove the requirement for Designated Premises Supervisor – If Police representation(s) have been made.”

**17. LICENSING ACT 2003 - 'YELLOW AND RED CARD' APPROACH TO REVIEWS OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

Consideration was given to the report of the Executive Manager Community Services, as contained on pages 631 to 638 of the Book of Reports, which asked for approval of a 'yellow and red card' approach to reviews of premises licences and club premises certificates heard under the Licensing Act 2003.

- RESOLVED:
- A. That the use of a 'yellow and red card' approach to reviews of premises licences and club premises certificates heard under the Licensing Act 2003 be approved.
  - B. That the Council's Statement of Licensing Policy be amended to reflect the use of a 'yellow and red card' approach to reviews of premises licences and club premises certificates heard under the Licensing Act 2003.
  - C. That the Council's pool of standard conditions be amended to include the conditions detailed in Appendix 1 of the report.

**18. GAMBLING POLICY**

Consideration was given to the report of the Executive Manager Community Services, as contained on pages 639 to 690 of the Book of Reports, seeking approval for a revised Statement of Licensing Policy, as required by the Gambling Act 2005.

RESOLVED: That the revised Statement of Licensing Policy be approved and published.

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-CHAIRMAN-