

Runnymede Borough Council

LICENSING COMMITTEE

28 January 2010 at 6.30 pm

Members of the Committee present: Councillors Mrs P I Broadhead (Chairman), R N Jones (Vice-Chairman), R J Edis, P A Francis, Mrs E Gill, Mrs M T Harnden, C Knight, D W Parr and Mrs M Roberts

Members of the Committee absent: Councillor Mrs F J Barden

With the permission of the Chairman, Councillor J J Wilson also attended the meeting.

531. FIRE PRECAUTIONS

The Chairman read out the fire precautions.

532. MINUTES

The Minutes of the meeting of the Committee held on 17 November 2009 were confirmed and signed as a correct record.

533. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs F J Barden.

534. REVENUE ESTIMATES FOR 2010/2011

(Ref: Minutes of the Licensing Committee, January 2009, page 715, para 460)

Members considered the draft Revenue Estimates for the Licensing Act 2003 and Gambling Act 2005 related functions of the authority for 2010/2011.

The Estimates had, as in previous years, been constructed in line with the Financial Forecast and the revenue reductions targets approved by the Council in 2009.

Although there were few significant changes in the budget, the Committee noted an increase in the central recharge by the Scanning Department to more accurately reflect the work they undertook on behalf of the Licensing Section in respect of the Council's Document Management System.

Members were also informed of a reduction in income from annual fees, due to the current economic climate, which had prompted several business to successfully appeal against the rateable value of their property. The number of new applicants had also fallen accordingly.

The overall Licensing budget had been reduced by £1,500 in order to generate additional revenue reductions. Officers were keen to stress that this did not represent a reduction in service but had been achieved by trimming the Supplies and Services section of the budget in line with actual expenditure.

Members noted that all the fees and charges associated with the Licensing budget were set by statute and had not been altered since their introduction in 2005. However, the introduction of a simplified process for dealing with minor variations could, Officers estimated, result in a further reduction in income of £1,000.

In respect of Gambling, Officers confirmed that a change in legislation now applied a flat rate to the fees for multiple (more than 2) gaming machines in licensed premises. Therefore, Officers estimated an increase in the number of machines in 2010/11.

**RESOLVED that –**

- i) the draft revenue estimates for 2010/11 be approved as submitted and Corporate Management Committee be requested to make provision accordingly; and**
- ii) the proposed fees and charges for 2010/11, be approved to be effective from 1 April 2010**

535. DEPARTMENT FOR CULTURE, MEDIA AND SPORT (DCMS) CONSULTATION – PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS

The Committee was given a brief overview of a consultation paper issued by the Department for Culture, Media and Sport, concerning a proposal to exclude certain live music events from the need to be licensed as regulated entertainment under the Licensing Act 2003.

The document set out the Government's proposals to exempt small live music events in licensed and unlicensed premises subject to the following conditions:

- a) the performance took place wholly inside a building
- b) the audience did not exceed 100 people and was accommodated entirely inside the building where the performance was taking place
- c) the performance did not take place between 11pm – 8am
- d) the performance did not take place in a premises which was subject to an "exclusion decision" – (the Government proposed that residents, interested parties and responsible authorities could apply for a premises to be excluded from the exemption).

Members learned that the process would be similar to the current one for reviewing premises licences and club premises certificates, except that:

- it would apply to licensed and unlicensed premises;
- the evidence submitted in support of the application must focus on the impact of the live music event(s) on the promotion of the licensing objectives;
- the licensing authority would be responsible for placing a notice on premises to advertise the application
- licensing authorities would only have two options following a hearing: to allow the exemption to continue; or to exclude (revoke) it;
- an exclusion decision would take effect immediately, even if there was an appeal; and
- Exclusions in licensed premises would be noted on the licence or club premises certificate; exclusions in unlicensed premises would be entered in a new section in the Licensing Register.

Officers confirmed that the Local Authorities Coordinators of Regulatory Services (LACORS) was co-ordinating responses to the consultation and had expressed concern in respect of any sort of exemption for this type of event. Their concern was echoed by the Committee which noted that Section 177 of the Licensing Act 2003 already contained a limited exemption for certain premises to have unamplified live music, subject to a less than 200 capacity.

The Committee concluded it would be appropriate to submit a response to the consultation. However, owing to time constraints, there was insufficient time to consider the matter in any depth, which was at best very complicated to understand. It was suggested that Officers draw up an explanatory paper for circulation to Members and that Members submit any comments to the Senior Licensing Officer. A draft response then be prepared in consultation with the Chairman.

**RESOLVED that –**

**a response to the DCMS consultation on the proposal to exempt small live music events be prepared subject to consultation with the Chairman.**

536. LICENSING SUB-COMMITTEE – MINUTES

The Committee received for information the Minutes of the meeting of the Licensing Sub-Committee held on 16 December 2009, as attached at Appendix 'A'.

Chairman

(The meeting ended at 6.52 pm)