

Runnymede Borough Council

LICENSING COMMITTEE

22 September 2009 at 7.30 pm

Members of the Committee present: Councillors Mrs P I Broadhead (Chairman), R N Jones (Vice-Chairman), Mrs F J Barden, 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: None

276. FIRE PRECAUTIONS

The Chairman read out the fire precautions.

277. MINUTES

The Minutes of the meeting of the Committee held on 10 June 2009 were confirmed and signed as a correct record.

278. FINANCIAL MONITORING STATEMENT

(Ref: Minutes of Licensing Committee, June 2009, page 46, para 61)

The Committee received for information the Financial Monitoring Statement showing the latest financial projections for the 2009/10 financial year for licensing related matters.

Members noted with concern that the savings target of £2,000 had been reinstated, noting that it totalled £7,000 across (principally) the Licensing section when the Regulatory function was taken into account.

Members remarked that the department dealing with these matters was small, had fixed costs and with most fees and charges being set by statute there was very little scope for any more savings to be found without resorting to reducing staffing resources, which they were not prepared to accept. The situation was compounded by some licence holders either paying late or not at all owing to the current economic climate.

Therefore, the Committee asked for the feasibility of achieving the savings target to be reviewed by Corporate Management Committee, via the Director of Finance.

279. LICENSING ACT 2003 – NEW PROCESS FOR MINOR VARIATIONS

Members noted that changes with regard to the way in which minor variations to premises licences and club premises certificates were dealt with under the Licensing Act 2003, which had taken effect from 29 July 2009, had occasioned the need to consider how best such applications there under could be processed in an efficient and timely manner.

The Committee was aware that the old process had required the applicant to apply to the Licensing Authority, pay a prescribed fee, serve copies of the application on all the Responsible Authorities and advertise the application in the local press and display a notice at the premises in question. If, after 28 days no objections had been raised the variation would be granted. If objections were raised, and if mediation failed, the matter would be determined by the Licensing Sub-Committee.

Members were advised that the new process removed the need for the applicant to advertise in the local press or copy their application to the Responsible Authorities. Once received, the Licensing Authority was required to consult, only where it was deemed necessary, and after the 10 day objection period had elapsed to determine the application no later than 15 working days from the day the application was received. The Licensing Authority could grant the application or refuse it, with no

power to impose conditions and no right of appeal. If the Licensing Authority failed to determine within the prescribed period the application was deemed refused, and the application fee of £89 had to be returned to the applicant.

Members noted from Guidance accompanying the Order the circumstances which indicated what a minor variation might be. These generally fell into 4 categories: (1) minor changes to the structure or layout of a premises; (2) small adjustments to licensing hours; (3) the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and (4) the addition of certain licensable activities. However, the Order stated that the new fast track minor variation process could not be used if the application:

- was to extend the period for which a premises licence has effect;
- varied substantially the premises;
- was to change the Designated Premises Supervisor;
- was to add the sale of alcohol as a licensable activity; or
- was to authorise the sale of alcohol at any time between 2300 and 0700hrs or to increase the amount of time on any day during which alcohol may be sold.

The process had also been simplified by removing the requirement for a hearing and replacing it with such applications being delegated to Licensing Officers. It was agreed this was the most practical solution and that it would be prudent at the same time to grant delegated authority to the Director of Technical Services to utilise the Council's existing Standing Order 42 procedure for dealing with matters of urgency which currently did not extend to those under the remit of the Licensing Act 2003.

Members were concerned by the fixed fee of £89 which applied regardless of the Non Domestic Rating of the premises making an application for a minor variation. It was recognised that based on the current number of applications to vary the Council could potentially lose approximately £800. However, if the lower fee attracted applicants to make more variations the loss could be mitigated.

The Committee noted that the Council's Licensing Policy, which was due to be reviewed in 2010, would need to be updated to reflect the new procedures and Officers had also taken the opportunity to incorporate the procedure to be followed after the demise of the Surrey County Districts Film Licensing Joint Committee earlier in the year.

Officers informed the Committee that the first application for a minor variation had been received and that the outcome would be reported to the next meeting of the Committee in November.

RESOLVED that –

- i) the power to grant or refuse applications for minor variations of a premises licence or club premises certificate be delegated to the Director of Technical Services;**
- ii) in the case of urgent action which would ordinarily need decision or authority of the Licensing Committee or a Sub-Committee of it but which cannot reasonably be delayed until the next meeting of the Licensing Committee or sub-committee, the discharge of the functions exercisable by the Licensing Committee or a sub-committee of it be delegated to Officers to be exercised in accordance with Standing Order 42 of the Constitution of the Council; and**
- iii) the Licensing Policy and Constitution be amended accordingly**

280. LICENSING SUB-COMMITTEE – MINUTES

The Committee received for information the Minutes of the meeting of the Licensing Sub-Committee held on 21 July 2009 as attached at Appendix 'A'.

Chairman

(The meeting ended at 7.58 pm)