

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY, 26 SEPTEMBER 2013

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck and Quentin Webb

Also Present: Sarah Clarke (Team Leader - Solicitor), Alexander Kirk (Solicitor - Environment), Brian Leahy (Senior Licensing Officer), Emilia Matheou (Technical Officer), Jason Teal (Performance, Research & Consultation Manager) and Julia Waymouth (Principal Licensing Officer),

Apologies for inability to attend the meeting: Councillor Billy Drummond and Councillor Manohar Gopal

Councillors Absent: Councillor Sheila Ellison and Councillor Laszlo Zverko

PART I

4. Minutes

The Minutes of the meeting held on 20 March 2013 and 14 May 2013 were approved as a true and correct record and signed by the Chairman.

5. Declarations of Interest

There were no declarations of interest received.

6. Licensing Policy: Update following new government legislation

The committee considered the report on the updated and amended Licensing Policy Statement as required under the Licensing Act 2003, Part 2.

The Chairman introduced the paper. He brought to the Committee's attention that there was a legal requirement to consider and review the Policy every five years. He noted that a number of minor tweaks and changes had been made and that once approved by the Committee, the Policy would be published for public consultation. The consultation responses and final version of the Policy would be considered by the committee at the next meeting on 16 December 2013 before being ratified by full Council in the new year.

Emilia Matheou confirmed the Chairman's statement that there was a legal requirement to review the Policy. She advised that the Policy had previously been reviewed in 2010. The changes to the current version, which the Committee was being asked to consider, had been made to the Policy to reflect the recently adopted Policing and Social Responsibility Act (2011) and Live Music Act (2012). Modifications included:

- the requirement for licences in certain circumstances had been removed.
- the evidential burden for considering applications had been reduced.

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- the bodies who could object to late night licenses had been extended to include Environmental Health.
- references to now disbanded partner agencies and responsible bodies, for example, the Primary Care Trust, had been amended.
- The previous requirement had been to review the Policy every three years; this had been extended to every five years.

Councillor Geoff Mayes queried the reference to time on paragraph 2.2.18. It was confirmed that this should be 5am, rather than 5pm. The committee asked that the 24hour clock be used in all future references to timing to ensure clarity.

Councillor Adrian Edwards queried the definition of 'surrounding area' and 'area'. Emilia Matheou answered that this referred to the site of the premises. For clarity it was suggested that the word 'curtilage' be used to more specifically define the area. Sarah Clarke noted that the definition of the surrounding area might be dependent on the issue in question, for example, a condition on a licence for litter would also include the surrounding area, not just the site itself. She queried if the term 'surrounding area' reflected national guidelines and that 'curtilage' might be too specific a definition. She noted that it would be useful to retain the broader term, which would reflect the national guidance.

Brian Leahy explained that the Government had not provided Local Authorities with a legal definition of 'surrounding area'. He advised however that the Policy set the framework around which applications were made and it was not necessary to set prescriptive conditions at this stage.

Councillor Andrew Rowles sought clarification as to the duration of a 'temporary event'. Emilia Matheou advised it was seven days (extended from four).

Councillor Mayes queried the meaning of the term 'ambient music' in paragraph 8.6.6. Brian Leahy confirmed that this related to background music being played at the end of event.

Councillor Edwards queried who 'any other person defined by the act' (paragraph 10.2) referred to. Brian Leahy responded that this was a direct quote from Government guidance and meant that any individual could raise an objection. Therefore, although there were responsible authorities as defined in law, this power was extended to anyone, including those not resident in West Berkshire. He added however, it was for the Committee to determine if an objection was relevant and on what grounds.

Councillor Rowles queried whether the Policy included all licensed premises or whether there were any exceptions. Brian Leahy confirmed that it covered all licences. Sarah Clark referred to paragraph 1.5 which highlighted what the Policy covered and suggested that the current phrasing needed to be more explicit.

Councillor Tony Linden proposed to accept Officer Recommendation to publish the draft Policy for consultation, subject to the discussed amendments. This was seconded by Councillor Mollie Lock.

The Chairman asked the Committee to vote on the proposal. At the vote the Committee voted unanimously to publish the draft Policy for consultation.

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RESOLVED that the draft Policy be **published for consultation**, subject to the amendments discussed, as per Officer Recommendation.

(The meeting commenced at 6.30pm and closed at 7.00pm)

CHAIRMAN

Date of Signature