

Meeting LC **03M** 09/10  
Date **9 February 2010**

## South Somerset District Council

**Draft Minutes** of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 9 February 2010**

(10.00am – 11.05am)

### **PRESENT:**

#### **Members:**

Nigel Mermagen	In the Chair
Dave Bulmer	Peter Roake
John Vincent Chainey	Keith Ronaldson
Tony Fife	Alan Smith
John Hann (from 10.45 am)	Linda Vijeh
Roy Mills	Martin Wale

#### **Officers:**

Anne Herridge	Committee Administrator
Anita Legg	Licensing Officer
Nigel Marston	Licensing Enforcement Officer

***NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.***

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### **21. Minutes (Agenda Item 1)**

The minutes of the Licensing Committee held on 8 December 2009 and sub committee meetings of 18 November 2009, 17 December 2009 and 5 January 2010, were approved as a correct record and signed by the chairman.

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### **22. Apologies for Absence (Agenda Item 2)**

No apologies for absence were received.

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### **23. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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### **24. Public Participation (Agenda Item 4)**

#### **Questions/comments from members of the public**

There were no members of the public at the meeting.

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## 25. Live Music Consultation (Agenda Item 5)

The Licensing Officer presented the report and explained that the Government recommendation was to exempt small live music events from the Licensing Act 2003.

The Licensing Service think the proposal will lead to some problems and wanted members input. All live music events not currently exempted require authorisation no matter how small the event. Officers were concerned that other licensable activities will take place at exempted live music events which are still licensable, such as the sale of alcohol and the playing of recorded music. This Licensing Authority currently issues some five to six hundred temporary events notices each year. Persons giving these notices are aware of the legislation and the process involved, , if the proposed changes go ahead it is likely to result in confusion and it would make what is currently a simple operation complicated.

The Live Music Forum has lobbied the government to exempt small live music events from the Act for audiences of no more than 100 people, (subject to other requirements) whether or not the premises are licensed, as their opinion is that the current regime places an administrative and financial burden on the live music industry.

In response to member's questions, Officers replied that:

- applications for temporary events notices (TEN's) currently cost £21, not a lot compared to the average price charged by bands;
- applications for TEN's can be made on line shortly, which will cut down on administration costs;
- it would be difficult to check numbers are below 100. Officers would not be attending the events as they would not have prior notification that they were taking place, apart from advertisements. Enforcement is likely to be carried out by Environmental Protection (EP);
- The Council's enforcement policy already starts with a light approach to small events in most instances and get few objections;
- (EP) do have most of their complaints from the smaller type of events as they are not run on the same lines as the larger events;

The Licensing Officer explained that spontaneous music did not currently need a licence. Should the proposal go ahead, it is likely to result in a loss of the income of £21.00 per TEN notice which would reduce the total annual income of the Licensing Service; overall costs would possibly increase should more complaints be received from the small live music events.

The Licensing Enforcement Officer explained that the application method for TEN's was currently very simple and meant that the Licensing Service know what events were going on in various wards. If small music events were deregulated the Licensing Service would have no control should anything go wrong. A proportion of TEN's are checked and Licensing Officers join forces with EP to check those events particularly such times as Bank Holidays.

The Officers explained that the Deputy Leader of the Council had already approved the answers given by the Licensing Service but members' support for the feed back to the Department of Culture, Media and Sport was sought before it was sent off.

Members in general were content with the response of the Licensing Service and members voted 8 in favour of the resolution and 1 against.

**Resolved:** That the Licensing Committee considered and approved the answers given by the Licensing Service to the questions posed by the Government concerning the consultation.

(Voting 8 in favour, 1 against)

*Head of Service:* Laurence Willis, Assistant Director – Environment  
*Lead Officer:* Anita Legg, Licensing Officer, Licensing Service  
*Contact Details:* [anita.legg@southsomerset.gov.uk](mailto:anita.legg@southsomerset.gov.uk) or (01935) 462137

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The Licensing Officer handed members a report entitled 'Consultation on a proposal to amend the Licensing Act 2003 to simplify the procedures for Licensing Statements; Interim Authority Notices; and Temporary Event Notices'

The report had been received late and was for Information only because the response was needed by the date of the Licensing meeting and the Deputy Leader of the Council had already agreed the Licensing Service responses.

The Officer explained that the new proposals A for Licensing Statements are:

- That the requirement for Licensing Authorities to revise licensing statements every three years be removed
- That the requirement of the Licensing Authorities to consult all of the stakeholders for all revisions to be replaced with the requirement to consult such stakeholders as it considers may be affected by the revision.

Members of the Licensing Committee were in agreement with the first proposal as they felt it made sense not to have to revise licensing statements every 3 years, as it was an expensive exercise.

In response to a question, the Licensing Officer replied that Licensing Authorities would still be required to consult all stakeholders before the determination of a new licensing policy. With regard to revisions if there was any doubt relating to who the appropriate stakeholder was, more than one would be consulted.

The new proposals B for Interim Authority Notices (IAN) and Reinstatements on Transfer are:

- That the period during which an IAN can be issued is extended to 28 consecutive days
- That the period during which a Reinstatement of Licence on transfer is extended to 28 consecutive days
- That the period to which police can make an objection to an IAN be amended from 48 hours to 2 working days
- That the period during which an IAN has effect, to be extended from 2 months to 3 months.

Members of the Licensing Committee were in agreement with this new proposal- (B), particularly the change to 2 working days rather than 48 hours, which could potentially start from a Friday.

The new proposals C for Temporary Event Notices (TEN) are:

- That the Police be given discretion to allow TEN's to be given without the mandatory notice period of 10 working days, which is subject to an absolute minimum notice period of 3 working days
- That if the Police have used their discretion to accept a lesser period than 10 working days, that they issue a confirmation notice to the Licensing Authority.
- That the Police objection period be amended from 48 hours to read 2 working days and
- That the police objection period be extended from 48 hours to 3 working days.

Members of the Licensing Committee were concerned that if the Police used their discretion and accepted a lesser period than 10 working days it could lead to problems as investigations may not be as thorough with the time constraint. The 10 day notice period had always worked well and was necessary, the general public were aware that they had to give the 10 working days notice and any change could confuse things. The person who gave the TEN may not receive their copy acknowledged by the Council before the event, which would result in non-compliance with requirement section 109 of the Act concerning keeping a copy of the TEN at the premises. Again 2 working days was a far better option than 48 hours. Both the Licensing Committee and the Department of Culture Media & Sport (DCMS) were in favour of extending the Police objection period from 48 hours to 2 working days rather than 3 working days due to the restricted time period for holding hearings if necessary.

The Chairman thanked the Officer for the report and he reminded members that the responses had already been given but members in general supported those replies.

## 26. Licensing Committee Forward Plan (Agenda Item 6)

There were no suggestions for further reports at this moment in time.

### RESOLVED:

1. that members commented upon and noted the proposed Licensing Committee Forward Plan as attached at Appendix A.

*Head of Service: Laurence Wills, Assistant Director - Environment*

*Lead Officer: Anne Herridge, Committee Administrator*

*Contact Details: Anne.herridge@southsomerset.gov.uk or (01935462570)*

## 27. Next Meeting (Agenda Item 7)

Members noted that the next scheduled meeting of the Licensing Committee would take place on Tuesday 6 April 2010 at 10.00 am at the Council Offices, Brympton Way Yeovil.

*Anne Herridge Committee Administrator, Legal and Democratic Services SSDC*

*Anne.herridge@southsomerset.gov.uk or (01935 462570)*

The Licensing Enforcement Officer gave members a brief summary of the recent successful enforcement action in the area.

He highlighted the successful Zero Project events held at Chicago Rock Yeovil for under 18 year olds. It was hoped to soon extend these events to Chard, Ilminster and Crewkerne. The well regulated events were popular with young people and their parents; work is ongoing to protect the brand name so that any events held within South Somerset would be instantly recognisable by young people and their parents.

The chairman asked that an update on the Licensing service be included in the Licensing agenda in the future and he thanked officers for their continued hard work.

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Chairman