

# LICENSING ACT 2003 COMMITTEE

Monday, 14 September 2009

<u>Present:</u>	Councillor	S Taylor (Chair)	
	Councillors	A Taylor J Salter H Smith C Teggin R Wilkins S Clarke	IO Coates W Duffey D Kirwan S Niblock C Povall
<u>Apologies</u>	Councillors	WJ Davies D Knowles	D Mitchell

## 4 DECLARATIONS OF INTEREST

Members were asked to consider whether they had any personal or prejudicial interests in connection with any item(s) on the agenda and, if so, to declare them and state what they were.

Councillor Niblock declared a personal interest in minute 6 by virtue of his membership of the Merseyside Fire and Rescue Authority.

## 5 MINUTES

The Committee was requested to receive the minutes of the meeting held on 19 May, 2009.

**Resolved – That the minutes of the meeting held on 19 May, 2009, be approved as a correct record.**

## 6 DRAFT STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Director of Regeneration submitted, for the Committee's approval, the Draft Statement of Principles under The Gambling Act 2005 in order that it might be circulated for consultation and a final statement could be presented to Council for approval on 14 December 2009.

Under the Gambling Act 2005 a new regime for regulating gambling and betting came into effect on 1 September 2007. Wirral Borough Council became the Licensing Authority responsible for granting premises licenses in Wirral in respect of:

- Betting premises
- Bingo premises
- Family entertainment centres
- Adult gaming centres
- Casino premises

The Licensing Authority also had responsibility for certain gaming machine permits, temporary use notices and occasional use notices, as well as the registration of small society lotteries. The Gambling Act 2005 required the Council to prepare and publish a statement of Licensing Principles that the Authority would apply when considering applications under the Act. A Statement of Licensing Principles was approved by Council on 18 December 2006. It was a requirement that this policy document be reviewed every three years.

The Licensing Manager responded to a number of comments from Members on the draft statement and agreed to circulate the guidance on bingo to all the Committee.

**Resolved –**

**(1) That the Draft Statement of Licensing Principles be approved as a document to be consulted upon so that a final statement can be considered by Council on 14 December 2009 for approval as the Statement of Principles to be applied under The Gambling Act 2005.**

**(2) That a further progress report be submitted to the Licensing Act 2003 Committee meeting on 9 November 2009.**

**7 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR - DELEGATED AUTHORITY**

The Chair agreed to consideration of this item as a matter of urgent business.

The Director of Regeneration submitted a report which sought the Committee's approval for the Director of Regeneration to have delegated authority to grant Minor Variations under the Licensing Act 2003. The Committee was also asked to grant delegation to the Director of Regeneration to administer applications to disapply the usual mandatory conditions relating to personal licences and Designated Premises Supervisors at community premises, where there were no objections.

Amendments to the Licensing Act 2003 were introduced on 29 July 2009 to allow premises to apply for small variations that would not impact adversely on the Licensing Objectives. Under the minor variations procedure the following amendments to Premises Licence and Club Premises Certificates might be made:

- (a) minor changes to the structure or layout of the premises
- (b) small adjustments to licensing hours
- (c) the removal of out of date, irrelevant or unenforceable conditions
- (d) the addition of licensable activities other than the supply of alcohol

and the Licensing Manager explained how these would work.

The Statutory Guidance issued under Section 182 of the Licensing Act 2003 stated that the Government recommended that decisions on minor variations should be delegated to Licensing Officers. Decisions to remove the requirement to have a Designated Premises Supervisor at community premises would be made by the Licensing Act 2003 Sub-Committee if a Police objection was made. If no objections were made then the Director of Regeneration would remove the Designated Premises Supervisor from the Premises Licence.

The Director outlined the consultation that had to take place with regard to minor variations and the need to consider relevant comments from interested parties if they were likely to affect one or more licensing objectives.

A Member requested that Councillors should be alerted to all applications for minor variations.

**Resolved –**

**(1) That the Director of Regeneration be given delegated authority to grant Minor Variations under the Licensing Act 2003 and that Members be notified of all applications for minor variations.**

**(2) That this Committee approves the Director of Regeneration administering applications to disapply the usual mandatory conditions that relate to personal licences and Designated Premises Supervisors at community premises, where there are no objections.**