

14 SEPTEMBER 2009

REPORT OF THE DIRECTOR OF REGENERATION

DELEGATED AUTHORITY

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek the approval of Members for the Director of Regeneration to have delegated authority to grant Minor Variations under the Licensing Act 2003. Members are also asked to note the changes to the requirements for a Designated Premises Supervisor at community premises.

2.0 BACKGROUND

2.1 Amendments to the Licensing Act 2003 were introduced on 29 July 2009 to allow premises to apply for small variations that will not impact adversely on the Licensing Objectives. Premises are now able to apply to vary their Premises Licence and Club Premises Certificate under the Minor Variation process. On receipt of an application for a Minor Variation, the Licensing Authority must consider whether the variation could impact adversely on the Licensing Objectives. Amendments were also made to the Licensing Act 2003 to remove the requirement for a Designated Premises Supervisor at community premises, such as Village and Church Halls.

2.2 Under the minor variations procedure the following amendments to Premises Licence and Club Premises Certificates may 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- (c) the removal of out of date, irrelevant or unenforceable conditions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

2.3 The Statutory Guidance issued under Section 182 of the Licensing Act 2003 states that the Government recommends 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 will be made by the Licensing Act 2003 Sub-Committee if a Police objection is made. If no objections are made then the Licensing Officer will remove the Designated Premises Supervisor from the Premises Licence.

2.4 In considering the application for a Minor Variation, the licensing authority must consult with relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. For instance, an Officer would consult with Environmental Health on an application with possible public nuisance implications. However there is no requirement to consult all responsible authorities on each application and in some cases the licensing authority may be able to make a decision without consultation.

2.5 The Licensing Officer must also consider relevant comments from interested parties if they are likely to affect one or more licensing objectives. In the case of a minor variation,

there is no right to a hearing, but the Licensing Officer must take any comments into account when arriving at a decision.

2.6 If the Licensing Officer refuses the application for a minor variation then a full variation will have to be applied for and the full process would have to be followed.

2.7 In accordance with the Statement of Licensing Policy, Licensing Officers have delegated authority to deal with a number of applications without it being referred to the Licensing Committee, for example where there are no objections to applications. Currently, Licensing Officers are unable to deal with minor variations.

2.8 The Supplementary Guidance detailing the changes to the full guidance issued under Section 182 of the Licensing Act 2003 can be found at Annexe 1.

3.0 FINANCIAL AND STAFFING IMPLICATIONS

3.1 There are no financial or staffing implications arising out of this report.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications arising out of this report.

5.0 LOCAL AGENDA 21 IMPLICATIONS

5.1 There are none arising directly from this report.

6.0 LOCAL MEMBER SUPPORT IMPLICATIONS

6.1 This report affects the entire Borough.

7.0 HUMAN RIGHTS IMPLICATIONS

7.1 There are no Human Rights implications associated with this report.

8.0 COMMUNITY SAFETY IMPLICATIONS

8.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

9.0 PLANNING IMPLICATIONS

9.1 There are no planning implications arising out of this report.

10.0 ANTI-POVERTY IMPLICATIONS

10.1 There are no anti poverty implications arising from this report.

11.0 SOCIAL INCLUSION IMPLICATIONS

11.1 There are no social inclusion implications arising out of this report.

12.0 BACKGROUND PAPERS

12.1 There are no background papers.

13.0 RECOMMENDATION

13.1 Members are asked to approve the request that the Director of Regeneration have delegated authority to grant Minor Variations under the Licensing Act 2003. Members

are also asked to note the changes to the requirements for a Designated Premises Supervisor and community centres as detailed in paragraph 2.2 of this report.

Alan Stennard
Director of Regeneration

This report has been written by Margaret O'Donnell who can be contacted on 691 8606