

# Licensing Committee

**Thursday 28 January 2010 at 6.30 pm**

**Please note the earlier start time of this meeting**

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

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.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

## A G E N D A

### Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Administration and Leisure Department, Committee Section, Runnymede Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto:clare.pinnock@runnymede.gov.uk)).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

see overleaf

**If you need help reading this document please contact Denise Morley on 01932 425610 who will try to provide a reading service, a large print version, or another format.**

## বাঙলা

আপনি যদি ইংরেজি পড়তে বা বলতে না পারেন, ও এই লেখাটি পড়তে যদি আপনার কোনও সাহায্য লাগে তাহলে অনুগ্রহ করে 01483 750548 নাম্বারে উইটস্ লিঙ্কলাইন (WITS Linkline)-এর সাথে যোগাযোগ করুন ও আপনার নিজের ভাষায় একটা মেসেজ রাখুন।

## 简体中文

如果您无法阅读或说英语，需要协助以明白此文件，请与和景翻译服务处之语言专线连络 01483 750548，并用您的母语留下讯息。

## Italiano

Qualora non siate in grado di leggere o di parlare l'inglese, e necessitate assistenza che vi permetta di capire il presente documento, siete pregati di contattare la WITS Linkline allo 01483 750548 e lasciare un messaggio nella vostra lingua.

## اردو

اگر آپ انگریزی زبان پڑھ اور بول نہیں سکتے ہیں اور آپ کو اس دستاویز کو سمجھنے میں دقت پیش آتی ہے؛ تو برائے مہربانی سے وٹس لنک لائن کو اس نمبر 01483 750548 پر رابطہ کریں اور اپنی زبان میں اپنا پیغام چھوڑیں۔

## Polski

Jeżeli nie potrafisz czytać lub mówić po angielsku i potrzebujesz pomocy w zrozumieniu tego dokumentu, proszę skontaktować się z Linją Telefoniczną WITS pod numerem 01483 750548, zostawiając wiadomość w języku ojczystym.

## Español

Si no puede leer o hablar inglés, y necesita ayuda para entender este documento, por favor contacte a WITS Linkline al 01483 750548 y deje un recado en su idioma.

## **LIST OF MATTERS FOR CONSIDERATION**

### **PART I**

#### **Matters in respect of which reports have been made available for public inspection**

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### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading).
- b) Confidential Information  
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. MINUTES

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 17 November 2009 which were included in the December Minute Book, previously circulated.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

5. REVENUE ESTIMATES FOR 2010/2011 (DF)

(Ref: Minutes of the Licensing Committee, January 2009, page 715, para 460)

Members are asked to consider the draft Revenue Estimates for 2010/11.

A budget is the expression in financial terms of the Council's policies over the next year and is a statement of intention against which achievement can be compared. The main objectives of budgeting are:

- Satisfaction of statutory requirements
- Determining the amount which needs to be raised from Council Tax or rents
- Assisting in the planning and policy making process
- Policy implementation and control
- A means of measurement, and
- Strategic planning

The report is attached at Appendix 'A' and has been circulated separately with the Agenda to Members of the Committee and relevant Officers only to save on printing costs. A copy has also been placed on the website for all other Members and the public. The Estimates are separated into the following sections:

- i) Licensing Report & Estimates (Annex '1', pages 1-8);
- ii) Licensing Fees and Charges (Annex '2' pages 9-12)
- iii) Assumptions used in setting the budgets for 2010/11 (Annex '3' pages 13-18)
- iv) An Equalities Impact Assessment on the budget setting process (Annex '4' pages 19-21)

The Officers' Recommendation covers all the above service areas.

**OFFICERS' RECOMMENDATION that -**

- i) the draft Revenue Estimates for 2010/11 be approved as submitted and Corporate Management Committee be requested to make provision accordingly; and**

- ii) **the proposed fees and charges for 2010/11, as set out in Appendix 'A' to the Estimates, be noted.**

**(TO RESOLVE)**

Background Papers

None.

6. DEPARTMENT FOR CULTURE, MEDIA AND SPORT (DCMS) CONSULTATION – PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS (DTS)

1. **Purpose of Report**

- 1.1 **The purpose of this report is to advise Members of a consultation document issued by the DCMS, on which comments have been invited by Friday 26 March 2010.**

2. **Background Information**

- 2.1 The DCMS is seeking views on a proposal to exempt small live music events for audiences of not more than 100 people from the requirements of the Licensing Act 2003 relating to the licensing of live music as regulated entertainment. The DCMS proposes that the change would be delivered through a Legislative Reform Order. However, Members are asked to note that such orders could not be used for controversial issues.

3. **Report**

- 3.1 There is a detailed consultation document and Impact Assessment which set out the Government's proposals to exempt small live music events in licensed and unlicensed premises subject to the following conditions:
- a) the performance takes place wholly inside a building
  - b) the audience does not exceed 100 people and is accommodated entirely inside the building where the performance is taking place
  - c) the performance does not take place between 11pm – 8am
  - d) the performance does not take place in a premises which is subject to an "exclusion decision" – (the Government proposes that residents, interested parties and responsible authorities can apply for a premises to be excluded from the exemption).
- 3.2 The above process would be similar to the current process for reviewing premises licences and club premises certificates, except that:
- it will apply to licensed and unlicensed premises;
  - the evidence submitted in support of the application must focus on the impact of the live music event (s) on the promotion of the licensing objectives;
  - the licensing authority will be responsible for placing a notice on premises to advertise the application
  - licensing authorities will only have two options following a hearing: to allow the exemption to continue; or to exclude (revoke) it;
  - an exclusion decision will take effect immediately, even if there is an appeal; and
  - Exclusions in licensed premises will be noted on the licence or club premises certificate; exclusions in unlicensed premises will be entered in a new section in the Licensing Register.

- 3.3 The Local Authorities Coordinators of Regulatory Services (LACORS) is co-ordinating responses to the consultation and has expressed concern in respect of any sort of exemption. LACORS has urged local authorities and other interested parties to channel their concerns through LACORS who intend to submit a 'very robust response' to the Government.
- 3.4 Section 177 of the Licensing Act 2003 already contains a limited exemption for certain premises to have unamplified live music, subject to a less than 200 capacity. Attached at Appendix 'B' is a chart showing what the effects of a new exemption might be on the different types of licensed premises in the borough.
- 3.5 There are 15 questions in the consultation, which are set out below and Members' comments are invited.
1. Do you agree that the exemption should be limited to performances held wholly inside a permanent building?
  2. Do you agree that the exemption should be limited to performances of live music for not more than 100 people?
  3. Do you agree that audiences for exempt performances should be accommodated entirely within the building where the performance is taking place?
  4. Do you agree that exempt performances should not take place between 11pm and 8am?
  5. Do you agree that there should be an exclusion process as set out above?
  6. Do you agree that the exclusion process should be similar to the current review process, with the modifications proposed?
  7. Do you agree that licensed premises that qualify for the proposed exemption should have to apply through the Minor Variations process to remove licence conditions that apply to the exempt live music performance?
  8. Do you agree that this proposal cannot be achieved by non-legislative means?
  9. Do you agree that the effect of the proposal is proportionate to the policy objective?
  10. Do you agree that the proposal, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it?
  11. Do you agree that the proposal does not remove any necessary protection?
  12. Do you agree that the proposal does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise?
  13. Do you agree that the proposal has no constitutional significance?
  14. Do you broadly agree with the estimates, assumptions and conclusions of the Impact Assessment?
  15. Do you think that this draft Order accurately reflects the proposed change?
- 3.6 The full consultation document, draft Legislative Reform Order and Impact Assessment can be accessed via the LACORS website ([www.lacors.gov.uk/lacors/ViewDoc.aspx?docID=22985&docType=c](http://www.lacors.gov.uk/lacors/ViewDoc.aspx?docID=22985&docType=c)) or the DCMS ([www.culture.gov.uk/reference\\_library/consultations/6499.aspx](http://www.culture.gov.uk/reference_library/consultations/6499.aspx)) and a copy has been placed in the Members' Room.

4. Council Policy

4.1 The Council's Licensing Policy is due to be reviewed later in 2010, and any new requirements arising from the results of this consultation would need to be incorporated therein accordingly.

**OFFICERS' RECOMMENDATION that -**

**should the Committee consider it necessary, a response to the DCMS consultation on the proposal to exempt small live music events be prepared and submitted to the DCMS/LACORS in consultation with the Chairman**

**(TO RESOLVE)**

Background Papers

None.

7. LICENSING SUB-COMMITTEE – MINUTES

Attached at Appendix 'C' are the Minutes in respect of one matter determined by the Licensing Sub-Committee in accordance with the Licensing Act 2003.

	Date	Premises	Ward	Application type	Decision
1	16/12/09	Jolly Farmer	Egham Hythe	Review of Premises Licence	amended licence with conditions

**(FOR INFORMATION)**

Background Papers

None.

8. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

**OFFICERS' RECOMMENDATION that -**

**where appropriate the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part 1 of Schedule 12A of the Act.**

**(TO RESOLVE)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)