

14 JANUARY 2011

**NEW FOREST DISTRICT COUNCIL**

**GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 14 January 2011.

p Cllr L R Puttock (Chairman)  
p Cllr J Penwarden (Vice-Chairman)

**Councillors:**

p G C Beck  
p W H Dow  
p J A G Hutchins  
p Mrs P Jackman  
e Mrs M McLean  
e A W Rice TD  
p W S Rippon-Swaine

**Councillors:**

p R F Scrivens  
e Mrs B Smith  
p M S Wade  
p S S Wade  
e P R Woods  
p Mrs P A Wyeth

**Officers Attending:**

Mrs L Clark, Ms A Righton, Mrs R Rutins, P Weston and, for part of the meeting, K Green.

**32. MINUTES.**

**RESOLVED:**

That the minutes of the meeting held on 12 November 2010 be signed by the Chairman as a correct record.

**33. DECLARATIONS OF INTEREST.**

No declarations of interest were made by any members in connection with an agenda item.

**34. PUBLIC PARTICIPATION.**

No issues were raised during the public participation period.

**35. PROPOSED AMENDMENT TO COMMITTEE'S TERMS OF REFERENCE (REPORT A).**

The Committee considered, and supported, a proposed amendment to the Committee's terms of reference which would enable it to deal with matters not specifically set out in the Committee's terms of reference that are not a function or responsibility of the Executive.

**RESOLVED:**

That it be a recommendation to the Cabinet, for recommendation to the Council, that the terms of reference of the General Purposes and Licensing Committee be amended by the addition of:

“To consider and make recommendations to the Council on any other matters not specifically set out in this Committee’s, or any other Committee’s, terms of reference that are not a function of the Executive”.

Action: Rosemary Rutins

**36. MEDIUM TERM FINANCIAL PLAN 2011/2012 (REPORT B).**

Members considered the medium term financial plan insofar as it related to the Committee. Members had no comments to make on the savings proposals relating to their particular area.

**RESOLVED:**

- (a) That the Cabinet be advised that the Committee has no comments to make on the Medium Term Financial Plan 2010/2015 and the Annual Budget 2011/12, and, in particular, the proposed savings relating to their service area;
- (b) That the fees and charges for 2011/12 set out in Appendix 4 to Report A to the Committee be forwarded to the Cabinet with a recommendation that they be submitted to the Council for approval.

Action: Kevin Green

**37. LICENSING ACT 2003 – MINOR VARIATIONS – AMENDMENTS TO PROCEDURES AND DELEGATION TO OFFICERS (REPORT C).**

Members considered the changes to the Licensing Act 2003 which had introduced a simplified process for “minor variations” to premises licences and club premises certificates, and recommended delegations to officers.

It was noted that, while the financial implications could not be accurately predicted, there was likely to be increased income to the Council as a result of the minor variations procedure. It was noted that 17 of the 31 minor variations processed by Licensing Services in the last calendar year could be directly attributed to routine or targeted visits by the Licensing Enforcement Officer.

**RESOLVED:**

That the following delegations to the Licensing Officer be agreed:

- Determination of applications for a minor variation to premises licences and club premises certificates

- Decision on whether an application for a minor variation should be referred to a responsible authority.

Action: Paul Weston/Jan Debnam

### 38. POLICE REFORM AND SOCIAL RESPONSIBILITY BILL (REPORT D).

Members considered proposed changes to the Licensing Act 2003 arising from the Police Reform and Social Responsibility Bill, and also certain other of the Bill's proposals that would affect areas within the terms of reference of the Committee. The most significant effects were highlighted.

Members were most concerned to note the proposal to remove the requirement that only persons (who were not "interested parties" or elected members of the licensing authority) who lived "in the vicinity" of the application site could make valid representations on an application for the grant or variation of a premises licence or club premises certificate. This would mean that any person or organisation would be able to make representations. Members were of the view that this would significantly increase the numbers of hearings with considerable resource implications for licensing authorities. They considered that it was reasonable to expect that only those with some interest in the site or who might be affected by activities at the site should be entitled to make representations.

The Committee was also concerned at the proposed advertising requirements to be placed on licensing authorities. Whilst the medium to be used for this advertising was not known, members feared that there could be significant resource implications for the authority. They considered that any responsibility to bring an application to the attention of anyone who might be affected should rest with the applicant.

Members considered that it was appropriate to raise with the Public Bills Committee the view that all persons serving alcohol in licensed premises should be appropriately trained and be certificated in some way. They felt that this step would go a long way to ameliorate crime and disorder issues that sometimes arose in and around licensed premises.

The Committee discussed some of the proposals for the election of Police Commissioners and expressed a number of views. These would be conveyed to the Crime & Disorder Review Panel which would be considering the issue at its next meeting.

#### **RESOLVED:**

- (a) That the contents of the Police Reform and Social Responsibility Bill, insofar as they relate to the work of this Committee, be noted;
- (b) That concerns be expressed to the Public Bill Committee at:
  - the removal of the requirement for representations to be made only by interested parties or persons "in the vicinity". The Committee considers that this proposal would give carte blanche for representations to be made by individuals or groups who would not be directly affected by applications, and would result in significant resource implications for licensing authorities through larger numbers of hearings;

- the advertising requirements to be imposed on licensing authorities. The Committee sees no reason why these burdens should be placed on licensing authorities and should be the responsibility of the applicant;
  - the fact that the Bill does not address what the Committee perceives to be insufficient control over the sale of alcohol within licensed premises, which in turn contributes to crime and disorder issues in the vicinity of some premises. The Committee considers that only persons who have been adequately trained and have been certificated in some way should be permitted to sell alcohol in licensed premises.
- (c) That the Crime and Disorder Review Panel be informed that this Committee has concerns at the proposed election of Police Commissioners, including the views that one Commissioner for the whole of Hampshire and the Isle of Wight was not appropriate; at the proposed election process; and the composition and workload of the proposed Police and Crime Panels.
- (d) That future updates to brought to the Committee as appropriate.

Action: Paul Weston/Annie Righton

**39. INCREASE IN NUMBERS ON EAST BOLDRE PARISH COUNCIL – COMMUNITY GOVERNANCE REVIEW (REPORT E).**

Members considered a renewed request from East Boldre Parish Council to increase the numbers on the Parish Council from 5 to 7.

**RECOMMENDED:**

- (a) ***That, as the Committee is satisfied that an increase in numbers on the Parish Council will –***
- ***reflect the identities and interests of the community in that area;***  
***and***
  - ***be effective and convenient;***
- final proposals and recommendations to increase the number of Councillors on East Boldre Parish Council from 5 to 7 be published and that steps be taken to ensure that those who may have an interest are informed of them;***
- (b) ***That, following the steps in paragraph (a) above, the Head of Legal and Democratic Services be authorised to make a Reorganisation Order to give effect to paragraph (a) above.***

Action: Rosemary Rutins

CHAIRMAN