

16 NOVEMBER 2012

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, 16 November 2012.

ap Cllr G C Beck (Chairman)

p Cllr W H Dow (Vice-Chairman) (in the Chair)

Councillors:

p S J Clarke
p J D Heron
p Miss A J Hickman
p J Penwarden
p L R Puttock
p A W Rice TD
ap R F Scrivens

Councillors:

M H Thierry
ap M S Wade
p S S Wade
p Mrs C V Ward
p P R Woods
p Mrs P A Wyeth

Officers Attending:

Miss M Stephens and P Weston.

17. MINUTES.

RESOLVED:

That the minutes of the meeting held on 7 September 2012 be signed by the Chairman as a correct record.

18. DECLARATIONS OF INTEREST.

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

19. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

20. LIVE MUSIC ACT 2012 (REPORT A).

The Committee considered a report on the Live Music Act 2012 which came into effect on 1 October 2012.

The Act marked a significant change in the requirements for the provision of live music which had previously required licences under the Licensing Act 2003.

The Live Music Act 2012 amended the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises licensed to supply alcohol (at a time when premises were open for the supply of alcohol).
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act.
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place.
- widening the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, with the exemption applying to both live or recorded music instead of just unamplified live music.

Members expressed concerns regarding the impact these and other changes could have in terms of additional noise nuisance complaints and the potential number of review hearings. The Licensing Officer informed members that existing conditions about live music would continue to apply from 11.01pm. If a nuisance were determined at any time of day, the Council could serve an abatement notice under the Environmental Protection Act. Licences could still be called for a review if a nuisance emanating from licensed premises did not promote the licensing objective of preventing public nuisance, at which time Members would be able to determine whether to impose conditions to control live music.

The Committee had various concerns regarding the provisions of the Act and felt that they were inappropriate for rural communities. Members felt that many workplaces within the District were not suitable venues for live music. Not only could there be more incidents of noise nuisance to local residents, but as many workplaces undertook their own fire risk assessments, as opposed to the Fire Authority, this increased the chances of hazards occurring in venues. Members were also aware that the Act had caused considerable confusion amongst the trade with many Personal Licence Holders being uncertain as to how they would monitor the number of customers entering their premises to ensure that they did not go over the 200 person threshold.

The Committee agreed that the Council should keep a watching brief on the impact of the Act on the New Forest and, if necessary, undertake a full review and submit findings to the Local Government Association.

RESOLVED:

- (a) That the contents of the report be noted; and
- (b) That the Committee keep a watching brief on the impact of the Act on the New Forest and, if necessary, undertake a full review and submit findings to the Local Government Association.

21. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (GAMBLING POLICY) FOR 2013-2016 (REPORT B).

The Committee considered the Gambling Act 2005 Statement of Principles 2013/16.

Section 349 of the Gambling Act 2005 required all Licensing Authorities to produce a three-year Statement of Principles (Gambling Policy). The current policy would expire on 31 January 2013.

Members were informed by the Licensing Officer that the draft policy document had been circulated for consultation to all interested parties and no recommendations for changes were made during the consultation period. The proposed document therefore reflected only minor grammatical and format changes to that currently in force.

RECOMMENDED:

That the Statement of Principles (Gambling Policy) for 2013 - 2016 attached as appendix 1 to Report B to the Committee, be adopted for implementation on 31 January 2013.

CHAIRMAN

(GPLC161112)