

Extract from the minutes of Licensing Committee 9th September 2009

26 **LICENSING ACT 2003 – MINOR VARIATIONS TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES AND ALCOHOL SALES IN COMMUNITY PREMISES**

INFORMATION: It was reported that the Government had amended the Licensing Act 2003 with regard to minor variations to premises licences and the supervision of alcohol sales in community premises. The aim of this change was to reduce the administrative burden on businesses and non-commercial organisations, by introducing a new minor variations process and removing the requirement for community premises to have a Designated Premises Supervisor (DPS).

A minor variation was considered to be a variation that would not impact adversely on the licensing objectives. In considering a minor variation application, the Licensing Officer would be required to consult such Responsible Authorities as appropriate, to take relevant representations into account, and to determine the application within 15 working days. There would be no requirement for a Hearing and no right of appeal against the decision.

With regard to community premises, Members were advised that currently premises' licences authorising the supply of alcohol included a mandatory condition which required a DPS to be specified and, that every sale of alcohol at such premises was to be authorised by a personal licence holder. However, the modifications to the 2003 Act permitted the Management Committee of a community premises to include in its application for a premises licence a request for an alternative licence condition to apply instead of the normal mandatory condition. This alternative licence condition required that the supply of alcohol must be made, or authorised, by the Management Committee. The Police would be able to make representations if they believed the inclusion of the alternative condition would undermine the crime prevention objective.

If no representations were made, and the Licensing Authority was satisfied that the arrangements for the management of the premises were sufficient to ensure adequate supervision of the supply of alcohol, then the alternative licence condition was to be included.

DECISION: That it be **Recommended to full Council** that the Scheme of Delegation contained within the Constitution be amended to authorise the Licensing Officer under the Licensing Act 2003 to grant or refuse minor variations to premises licences and club premises certificates, and to determine applications made in respect of community premises for the alternative premises licence condition regarding the supply of alcohol to apply instead of the mandatory condition.