

## **LICENSING AND SAFETY COMMITTEE**

**Wednesday, 5<sup>th</sup> March, 2008 at 6.00 p.m.**

**In a Conference Room at the Council House, Walsall**

### **Present**

Councillor Sears (Chairman)  
Councillor Tweddle (Vice-Chairman)  
Councillor Anson  
Councillor Barton  
Councillor Beeley  
Councillor Johnson  
Councillor Micklewright  
Councillor Sarohi  
Councillor Smith  
Councillor Wilkes

### **In Attendance**

WPC B. Ashton – West Midlands Police  
M. Babbington – SWBP  
M. Carey – SWBP  
PC A. Poole – West Midlands Police  
Inspector Redfern – West Midlands Police

#### **1131/08 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Bird, Cassidy, P. Hughes and Rochelle.

It was noted that Councillor Sarohi was attending the meeting as a substitute for Councillor Cassidy.

#### **1132/08 Minutes**

##### **Resolved**

That the minutes of the meeting held on 23<sup>rd</sup> January, 2008, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

#### **1133/08 Declarations of Interest**

There were no declarations of interest.

1134/08 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items for consideration in the Private Session of the agenda.

1135/08 **Licensing Act 2003**

**Proposal to introduce a simplified process for minor variations to premises licences and pub premises certificates – response to consultation**

The report of the Head of Public Protection was submitted:-

(see annexed)

The Licensing Manager, Mr. Steve Knapper, outlined the report and indicated that if the legislative change was made, a standard mail shot will be sent out to all licensees.

In answer to a question from Councillor Smith regarding any costs associated with options 1 and 2 detailed in the report. Mr. Knapper indicated that there will be minimal costs because the onus will be placed on the applicant. There would be a prescribed fee and it was hoped that it would streamline the service. It would be the responsibility of officers to decide on the impact on the variation as to whether it was minor or major.

**Resolved**

- (a) That the Committees preferred option be option 1 contained in the report as follows:-
  - “To amend the Act to introduce a new process for minor variations, broadly defined as any variation that does not impact adversely on the promotion of the licensing objectives. The Licensing Authorities to decide whether a variation “minor” in the broad parameters described and having regard to general criteria and case studies provided in the statutory guidance made under the 2003 Act. Licensing Authorities required to control relevant responsible Authorities as they judge necessary, depending on the individual circumstances of the variation.”
- (b) That to support the definition in option 1, the Department for Culture, Media and Support should encourage regional liaison groups and LACORS to work together to seek consistency in what might constitute a minor variation.
- (c) That it be noted that the proposal allows Licensing Authorities 10 working days to consider minor variation applications. In light of the possibility that there might be times when the Local Authority needs to consult the relevant responsible Authorities, it is

- suggested that the Government increases this time limit to 20 working days.
- (d) That the Department of Culture, Media and Support be advised accordingly.

1136/08

### **Alcohol Consumption in Public Places, Designated Public Places Order – Walsall Metropolitan Borough**

The report of the Assistant Director of Legal and Constitutional Services was submitted:-

(see annexed)

Mr. Dominic Patouchas and Mr. Javed Iqbal from the Councils Legal Services Section were in attendance for this item. Mr. Patouchas outlined the report, with the aid of a PowerPoint presentation and responded to questions. With the assistance of the following people who were in attendance at the meeting, Mr. Patouchas highlighted the evidence provided by the police, LNPs and other agencies to support the need for Alcohol Consumption in Public Places Designated Public Places Order for the whole of the Walsall Metropolitan Borough;

WPC B. Ashton – West Midlands Police  
M. Babbington – SWBP  
M. Carey – SWBP  
PC A. Poole – West Midlands Police  
Inspector Redfern – West Midlands Police

It was **moved**, seconded and subsequently **resolved** (7 Members voting in favour and non against):-

- (a) That the Local Authority is satisfied, based upon the evidence before the Committee, that across the Borough nuisance or annoyance to members of the public or a section of the public: or disorder has been associated with the consumption of alcohol and therefore that the test under 13(2) of the Criminal Justice and Police Act 2001 is satisfied;
- (b) That the Assistant Director of Legal and Constitutional Services be instructed to implement the procedure to make the Walsall Metropolitan Borough (Alcohol Consumption in Designated Public Places) Order 2008 and to consult on the making of the Order in accordance with the provisions of the Local Authority (Alcohol Consumption in Designated Public Places) Regulations 2007 in relation to the whole of the borough;
- (c) That, subject to no adverse representations being received, the Assistant Director of Legal and Constitutional Services be authorised to make the Order, to be known as the Walsall Metropolitan Borough (Alcohol Consumption in Designated Public Places) Order 2008.

1137/08      **Gambling Act 2005**  
**(a) Training**  
**(b) Draft documents to accompany notice of hearings**

**Resolved**

That these items be deferred to the next scheduled meeting of the Committee on the 16<sup>th</sup> April, 2008

1138/08      **Licensing Appeals – Updates of Appeals made to Magistrates Court**

It was noted that there was nothing to report at the present time.

**Termination of Meeting**

The meeting terminated at 7.45 p.m.

Chairman .....

Date .....