

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,
HADLEIGH ON THURSDAY 10 NOVEMBER 2011 (10.30 a.m.)

PRESENT: Mr P J Holbrook - Chairman

Mr J R B Cave
Mr J M Owen
Mr B Riley
Mr R C Smith

Mr R W Thake
Mr A J Ward
Mr L H Young

Mr M J Deacon, Mr D G Grutchfield, Mr P Jones and Mr J R A Sayers were unable to be present.

1 ELECTION OF VICE-CHAIRMAN

RESOLVED

That Mr A J Ward be elected Vice-Chairman of the Committee for the remainder of the current year.

2 DECLARATION OF INTERESTS

None declared.

3 MINUTES

RESOLVED

That the Minutes of the meetings listed below be confirmed and signed as correct records:-

20 May 2011 – [9.30am](#) and [12.20pm](#)

[3 June 2011](#)

[9 June 2011](#)

[30 June 2011](#)

20 September 2011 – [9.30am](#) and [11.00am](#)

4 PETITIONS

None received.

5 QUESTIONS FROM MEMBERS

None received.

6 GOVERNMENT PROPOSALS TO DE-REGULATE ENTERTAINMENT ACTIVITIES FROM THE LICENSING ACT 2003

The Licensing and Appeals Committee considered the report of the Head of Natural and Built Environment ([Paper L94](#)) asking Members to review and recommend to Strategy Committee a proposed draft response to the Government consultation on proposals to de-regulate various entertainment activities. In addition to Paper L94 circulated with the agenda for the meeting, Members also had before them additional information in the form of Appendix D, circulated prior to the commencement of the meeting, which set out proposed draft responses to Questions 46, 47 and 48.

In presenting Paper L94, the Licensing Officer Lee Carvell emphasised that the concerns raised by the Council's licensing and environmental protection officers were shared by various agencies and all the Suffolk Licensing Authorities, and that the proposed draft response (Appendix A) had been agreed by the Suffolk Licensing Officers Group for submission to their respective Councils. Mr Carvell was thanked for a comprehensive report and draft response.

During the course of the ensuing discussion, Members raised various issues of particular concern including the following:-

- The DCMS deregulatory proposals represent a worrying move from proactive and inclusive promotion of licensing objectives to reactive and resource costly enforcement. This would result in a reduction or removal in opportunities for residents and key authorities to be consulted and mitigate risks. The current system is fair, balanced and is proven to work.
- Although deregulation should be strongly opposed altogether, any later decision by the Government to deregulate should be consistent and compatible in its detail with other legislation – including noise legislation – for example on hours when noise restrictions should apply.
- Although any capacity setting is arbitrary, as the licensing objectives can be adversely impacted by any sized event, proposed capacity limits of 5000 are far too high and 500 as referred to by the Association of Chief Police Officers may be a more suitable number. However, concerns were also raised that even small capacity events/venues for 50 or less people, such as those in poorly attenuated buildings in residential settings, have potential to cause nuisance and affect the wellbeing of our communities.
- There is no evidence in the Babergh District Area that emergence of new talent is being deterred by licensing requirements.
- Any deregulation will cause confusion and conflict with existing licences on issue, and remove locally considered and applied controls which promote the licensing objectives.

Although the existing draft response adequately echoes many of the concerns raised, it was agreed that the draft response should be amplified by the addition of appropriate wording (shown in italics) to cover the following aspects:-

Question 12 (page 7)

Setting a limit is arbitrary. Even small scale events can affect the licensing objectives, and each activity therefore should be assessed locally and on its individual merits, with a mechanism for local community input. Please refer to our general commentary for expansion/examples on this point. Although we in no way agree with the principle of a threshold, if this is progressed, then it should be set far lower than the 5000 proposed *and 500 may be a more appropriate limit, as referred to by the Association of Chief Police Officers.*

Para 6.4 (page 6)

6.4 Care needs to be taken as implementation of the PRSR Act 2011 reforms together with, potentially, simultaneous deregulation of entertainment may have some conflict and significant unintended consequences. An example of this, in addition to the reference we have made at 5.5 of this response, is that the 2011 Act is reducing the test for Licensing Authorities in applying conditions to licences to 'appropriate' rather than 'necessary'. The absence of licensing controls for entertainment will cause some uncertainty with how this should or would work. *Whilst deregulation is strongly opposed altogether by Babergh District Council, any later decision by the Government to proceed with it should ensure consistency and compatibility in its detail with other regulation – including noise legislation – for example on hours when noise restrictions should apply.*

RECOMMENDED TO STRATEGY COMMITTEE

- (1) That the draft response (as set out in Appendix A to Paper L94 and with the inclusion of the comments contained in Appendix D) to the Government's consultation proposals to remove most entertainment activities from requiring licensing under the Licensing Act 2003**
 - (a) be amended to take into account the aspects identified by the Licensing and Appeals Committee in relation to Question 12 and paragraph 6.4 and**
 - (b) be approved as amended in accordance with (a) above, and submitted as Babergh District Council's formal response to the consultation.**
- (2) That the Head of Natural and Built Environment be authorised to make any further minor or consequential amendments to the response.**

The business of the meeting was concluded at 11.10 a.m.

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Chairman