

MINUTES of the meeting of Licensing Committee held on 25 February 2010

Present: Councillors Robert Gledhill (Chair), Sue Gray, Tunde Ojetola

Apologies: Councillors J Purkiss, P Harris and B Johnson

In attendance: R Galliers, Senior Licensing Officer
J Harris, Principal Democratic Services Officer
H Graydon, Litigation Lawyer, Legal Services

10. MINUTES

The Minutes of the Licensing Committee, held on 17 November 2009, were approved as a correct record.

11. ITEMS OF URGENT BUSINESS

The Chair informed Members that there were no items of urgent business.

12. DECLARATIONS OF INTEREST

There were no such declarations.

13. THE LICENSING ACT 2003 – CONSULTATION ON SMALL LIVE MUSIC EVENTS

The Licensing Officer presented this report, which advised Members of the Department of Culture, Media and Sport's (DCMS) consultation document (Appendix A) relating to a proposal to exempt small live music events from the requirements of the 2003 Licensing Act. This would apply to those events where audience numbers were 100 people or less.

Members generally had serious reservations about this exemption as they felt that a capacity of 100 people, for example in a community hall within a residential area, would have the potential to cause both noise nuisance and anti social behaviour. Members commented how frequently, at such gatherings, patrons leave the premises to smoke, often taking alcoholic beverages with them and congregating in surrounding areas. Members were very concerned that such behaviour could have implications for a tight, urban area such as Thurrock. Members suggested that the current legislation, which required a temporary event notice (TEN) costing £21.00, was perfectly adequate for regulating such events.

There was some discussion about the legal implications contained in the report, which stated that Section 177 of the 2003 Licensing Act already contained a limited exemption for certain premises to have unamplified live music, for a capacity of up to 200.

Members would also have liked to see a wider public consultation on the proposed exemption and asked the licensing officer to ensure that residents were aware of the online consultation and encouraged to participate.

The officer advised that the revised legislation would relate to enclosed buildings but it was not entirely clear as to whether or not there could be events (with exemptions) in separate rooms within the same building! Furthermore, Members were concerned that, should there be several events in Thurrock on one night or over a weekend, this could seriously compromise our partners in the police and ambulance services in fulfilling their public protection duties.

When discussing the required responses to questions, as set out on page 24 of the report, Members felt that these had been worded in such a way that they inferred the proposal would be agreed and you were just attempting to reduce its impact. They unanimously agreed that the questions should have been presented in a more open format.

In concluding, the Chair advised that the final response would be shared with members of the Licensing Committee, before being sent to the DCMS. The response would state that the proposal is not supported by Thurrock's Licensing Committee, based on the reasons set out in these minutes.

Finally, as this would be licensing officer, Ron Galliers, last Licensing Committee, the Chair and Members thanked him for his work and acknowledged how the standard of reports and advice to members had improved under his stewardship. Similarly, Mr Galliers thanked the committee for their commitment, hard work, productive debates and contributions to the work of officers in the Licensing Team.

RESOLVED:

- 1. That the Committee Consider the consultation document from the Department of Culture, Media and Sport (DCMS), proposing an exemption from the provisions of the Licensing Act 2003, for small, live music events.**
- 2. That the report be noted.**
- 3. That the view of the Licensing Committee be noted in respect of the proposed exemption, outlined in (1) above.**
- 4. That a response be submitted to the DCMS, on behalf of Thurrock's Licensing Authority, based on the comments of the Licensing Committee set out in these minutes.**

The meeting finished at 7.20 p.m.

Approved as a true and correct record

CHAIRMAN

DATE

**Any queries regarding these Minutes, please contact
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or alternatively e-mail jaharris@thurrock.gov.uk**

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