

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes of a Meeting of the Licensing Committee held on
Thursday 16th February 2012 at 6pm in the Committee Suite, King's Court,
Chapel Street, Kings Lynn**

PRESENT:

Councillor G Sandell (Chairman)
M Back, R Bird, C Crofts, M Hopkins, J Loveless,
A Lovett, C Manning, L Scott, Mrs S Smeaton, D Tyler,
Mrs E Watson and T Wright.

By Invitation: Councillor B Long, Portfolio Holder Environment and Community
Councillor M Tilbury

Apologies for absence were received from Councillor Groom and Councillor Langwade.

1. **APPOINTMENT OF VICE-CHAIRMAN**

In the absence of the Chairman, the Vice-Chairman took the Chair.

RESOLVED: That Councillor C Crofts be appointed as Vice-Chairman.

2. **URGENT BUSINESS**

There was none.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4. **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor M Tilbury

5. **MINUTES**

The minutes of the full Licensing Committee meeting held on 18th October 2011 were confirmed as a correct record and signed by the Chairman.

6. **A CONSULTATION ON SECONDARY LEGISLATION FOR THE LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

The Licensing Manager, John Gilbraith, presented an overview of the Home Office's consultation on introducing secondary legislation for a late night levy and early morning restriction orders.

He explained that the Police Reform & Social Responsibility Act 2011 received Royal Assent on 15th September 2011 and introduced amendments to the Licensing Act 2003. The following were the key areas that would see amendments:

- Licensing Authorities would become responsible authorities
- Primary Care Trusts as responsible authorities
- Interested parties to become “other persons”
- Determination of premises licences changed from “necessary” to “appropriate”
- Temporary Event Notices
- Non payment of fees
- Statements of Licensing Policy changed from three to five years.

The Police Reform and Social Responsibility Act would also allow local authorities to apply Early Morning Restrictions Orders (EMRO) between midnight and 6am (currently 3am – 6am) to restrict the sale of alcohol. He also explained that licensing authorities may decide whether to introduce a late night levy in its area.

The Minister for State for Crime Prevention & Antisocial Behaviour Reduction had indicated that he wanted problems in the night time economy to be addressed locally. 64% of all violence occurred in the evening or at night and 20% of all violent incidents took place in or around a pub or club.

The Licensing Manager referred to page 19 of the Agenda which outlined the process for adopting an EMRO.

The consultation was based on a number of questions which are listed below alongside the response from Members of the Licensing Committee (marked in bold) after each question was debated:

Q1. Do you think that the proposed processes for Early Morning Restriction Orders include sufficient consultation with those likely to be affected by an EMRO?

- a) Yes
- b) No
- c) Don't know**

Q2. The Government proposes that EMROs will not apply (i.e. will not restrict alcohol sales) between midnight on 31st December and 6am on 1st January of each year. Do you think that EMROs should apply on New Year's Eve?

- a) Yes – the EMRO should apply on New Year's Eve
- b) No – the EMRO should not apply on New Year's Eve**
- c) Neither agree or disagree
- d) Don't know

The Licensing Manager explained that there were a number of proposed exemptions, such as premises with overnight accommodation, theatres and cinemas, community premises and casinos & bingo halls with a membership scheme.

Q3. *Do you agree or disagree that the categories of premises as outlined (premises with overnight accommodation, theatres and cinemas, community premises and casinos and bingo halls with membership scheme) should be exempt from EMROs?*

- a) Agree – these categories of premises should be exempt from EMROs
- b) Disagree – these categories of premises should not be exempt from EMROs (in relation to community premises)**
- c) Neither agree or disagree
- d) Don't know

Q4. *Do you have any other suggestions on the types of premises that should be considered for an exemption from EMROs?*

- a) Yes
- b) No
- c) Don't Know**

The Licensing Manager explained that the late night levy would allow licensing authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy would apply to all premises (on and off-trade), throughout the licensing authority's area, which were authorised to sell or supply alcohol in the time period set by the licensing authority. This could be any time between midnight and 6am. The levy would not apply to TENs. The process of adopting a late night levy was outlined as follows:

- Informal discussions with Police & Crime Commissioner (PCC) and local police.
- If it is to be introduced, then must formally consult with PCC, Police, Licence Holders and others.
- Must consult about exemptions or discounts and how it will apportion net levy.

Q5. *Do you think that there should be an option for local residents/community groups to recommend the implementation of the levy?*

- a) Yes**
- b) No
- c) Don't Know

There were a number of exemptions to the levy outlined below:

- Premises with overnight accommodation (residents for consumption on the premises)
- Restaurants – where primary activity is a restaurant and alcohol is ancillary to table meal
- Theatres & Cinemas

- Casinos & Bingo Halls
- Community Amateur Sports Clubs
- Community Premises
- Country Village Pubs – designated rural settlement of less than 3,000

Q6 *Do you agree or disagree that licensing authorities should be able to exempt these premises from the levy?*

- a) **Agree**
- b) Disagree

The Licensing Manager explained that Business Improvement Districts (BIDs) were established under the Local Government Act 2003 and were a defined area within which businesses paid a fee in order to fund improvements within their boundaries and could prove valuable to business communities. It was proposed that licensing authorities were able to grant an exemption to those paying a levy as part of a BID.

Q7 *Do you agree or disagree that licensing authorities should be able to exempt Business Improvement Districts from the late night levy?*

- a) **Agree – licensing authorities should be able to exempt Business Improvement Districts (BIDs)**
- b) Disagree – licensing authorities should not be able to exempt Business Improvement Districts
- c) Neither agree or disagree
- d) Don't know

Q8 *Do you think that premises operating under a club premises certificate should be exempt from the late night levy?*

- a) **Yes**
- b) No
- c) Don't know

Q9 *What are your views on affording a reduction from the late night levy to businesses that receive small business rate relief?*

The reduction should only be granted if the businesses were not causing any problems.

Q10 *Do you agree or disagree that there should be an exemption for New Year's Eve?*

- a) **Agree – there should be an exemption for New Year's Eve**
- b) Disagree – there should not be an exemption for New Year's Eve
- c) Neither agree or disagree
- d) Don't know

The Licensing Manager explained that licensing authorities could use the late night levy to promote and support participation in other business-led best practice schemes, such as Pubwatch.

Q11 Do you agree or disagree that licensing authorities should be able to ask for a reduced levy payment from these businesses?

- a) **Agree**
- b) Disagree
- c) Neither agree or disagree
- d) Don't know

Q12 Do you have any suggestions for benchmarks that can be applied to grassroots schemes to ensure members are actively working to reduce crime and disorder?

No comment

Q13 Do you agree or disagree with this set-up of cumulative discounts?

- a) Agree
- b) **Disagree**
- c) Neither agree or disagree
- d) Don't know

Q14 Should there be scope for further exemptions and reductions from the late night levy?

- a) Yes
- b) **No**

The Licensing Manager explained that there were many different types of local authority funded services which would make the late night economy a more welcoming place to do business, such as Taxi marshalls, late night wardens and street cleaning services. The licensing authority could retain up to 30% of the net levy revenue to fund other activities besides policing. However the revenue must be used to fund the following:

- services that tackle alcohol related crime
- cannot be extended to the wider management of the night-time economy,
- could include cleaning up of after effects of alcohol related crime, but not general clean up such as collection of waste from fast-food outlets.

Q15 What activities do you think licensing authorities should be able to fund with their retained proportion?

Mobile CCTV, SOS Bus (although it was pointed out that there was one situated in Norfolk Street) and Out of Hours Enforcement Service.

Q16 What restrictions do you think there should be on the types of services that licensing authorities will be able to fund?

Don't know

The Licensing Manager explained that currently annual fees were based on the rateable value of the premises and demonstrated the impact on fees if a levy was introduced. He also demonstrated what the impact would have on a number of local premises.

Q17 Any comments on the Impact Assessment

No comment

Q18 How many premises do you expect will be affected by EMROs

459 premises plus clubs

The Licensing Manager took the opportunity to update Members of the Committee on the "Live Music Bill" which had recently been passed through the House of Commons. Live music, in licensed venues, would cease to be regulated entertainment in venues for the sale of alcohol on the premises between 9am and 11pm in the following situations when the premises was open for the sale of alcohol:

- Unamplified between 8am & 11pm and
- Amplified in the presence of an audience of 200 persons or less between 8am and 11pm

In unlicensed venues, it would be deemed not regulated entertainment when it was unamplified and took place between 8am and 11pm. Amplified music would still need a premises licence or temporary event notice. Provision of facilities for making music and facilities for dancing would no longer be licensable.

The Licensing Manager explained that there was also a consultation exercise being undertaken in relation to the Gambling Act 2005 which was based on proposals.

- to remove restrictions on the employment of people under the age of 18 years at a track with a betting premises licence and
- to remove restrictions on the availability of entitlements to gaming machines at premises selling alcohol at airports.

7. DATE AND TIME OF NEXT MEETING

There being no pending business, no date was set for a further meeting.

The meeting closed at 7.29pm