

LICENSING ACT 2003 COMMITTEE

27th March, 2012

PRESENT – Councillors Nutt (in the Chair) Lee, J. Lyonette, Newall, S. Richmond, Stenson and J. Vasey. (7)

APOLOGIES – The Mayor; Councillors C. Hughes, B. Jones, D. Jones, Lawton and Thistlethwaite. (6)

LA8. DECLARATIONS OF INTEREST – There were no declarations of interest recorded at the meeting.

LA9. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Act 2003 Committee held on 1st November 2011.

RESOLVED – That the Minutes be accepted as a correct record.

LA10. MINUTES – Submitted – The Minutes of the Licensing Sub-Committee meetings of this Licensing Act 2003 Committee held on 4th January and 12th January 2012.

RESOLVED – That the Minutes be accepted as a correct record.

LA11. LICENSING ACT 2003 SCHEME OF DELEGATION – CHANGES TO THE LICENSING ACT 2003 IN RESPECT OF THE LICENSING AUTHORITY BECOMING A REPOSINIBLE AUTHORITY – The Director Place submitted a report (previously circulated) inviting Members to approve an addition to the scheme of delegation in relation to the Licensing Act 2003. It was explained that the Licensing Act 2003 is to be amended by the Police Reform and Social Responsibility Act 2011 to give the status of Responsible Authority to the Licensing Authority, thus enabling the Licensing Authority itself to make representations on new applications made in accordance with Section 17 of the 2003 Act; to make representations on variations to licences made in accordance with Section 34 of the 2003 Act and also to call a review of an existing licence in accordance with 51 of the 2003 Act. This will come into effect towards the end of April 2012.

RESOLVED – That the delegation of the additional function to the Head of Regulatory Services as detailed in the report be approved.

LA12. GAMBLING ACT 2005 SCHEME OF DELEGATION – The Director Place submitted a report (previously circulated) inviting Members to approve an amendment to the scheme of delegation in relation to the Gambling Act 2005. The submitted report appended the scheme of delegations in relation to the 2005 Act. The scheme initially showed that the function of making representations (Section 161 of the 2005 Act) and calling for a review of Gambling Act premises (Section 200 of the 2005 Act) was delegated to the Assistant Director, Public Protection. The report sought approval to amendment to this delegation to the Head of Regulatory Services to reflect the Council's restructure and the creation of Services for Place.

RESOLVED – That the revised scheme of delegation as appended to the report be approved.

LA13. RESPONSE TO THE HOME OFFICE CONSULTATION IN RESPECT OF EARLY MORNING RESTRICTION ORDERS AND LATE NIGHT LEVY – The Director Place submitted a report (previously circulated) inviting Members to approve a response by

Members of the Licensing Committee to the Home Office consultation into the proposal to introduce Early Morning Restriction Orders (EMROs) and a Late Night Levy in accordance with the Police Reform and Social Responsibility Act 2011.

Section 119 of the Police Reform and Social Responsibility Act 2011 (PR & SR Act 2011) amends the Licensing Act 2003 and introduces a power to make early morning alcohol restriction orders (EMROs) if a licensing authority considers it appropriate for the promotion of the licensing objectives. This provision would mean that alcohol could not be sold or supplied during the period specified in the order. This period would begin no earlier than 12 midnight and cease no later than 6 am and would apply not only to premises licences/club premises certificates but also to Temporary Event notices (TENS). It can also apply to specific premises; to specific areas and for specific periods or days.

Section 125 of the (PR & SR Act 2011) provides a new power for a licensing authority to introduce a Late Night Levy to be paid by premises (including clubs) where alcohol is sold or supplied after a “late night supply period” which could be any time after midnight and before 6 am. This would not however apply to TENS. The Late Night Levy is to reduce or prevent crime and disorder in connection with the supply of alcohol and, if adopted, would apply across the entire council borough. 70% of the net revenue raised by such a levy would be automatically given to the Police while the remaining 30% would be retained by the licensing authority to fund activities specific to the late night economy. These could include taxi marshalls, street wardens etc. The submitted report appended a draft response to the consultation which Members were asked to approve.

RESOLVED – That the response to the consultation be approved.