

**NOTES
OF THE MEETING OF THE
ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE
THURSDAY 3 MAY 2012**

Held at 7:00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors J E Fearon (Chairman), R A Adair, B Buschman, R L Butler, T Combellack, I. I Korn, G R Mallender, E A Plant, S J Robinson, J A Stockwood, H Tipton

OFFICERS PRESENT:

B Adams	Neighbourhood Manager
D Banks	Head of Environment and Waste Management
D Collings	Senior Licensing Officer
L Dennis	Temporary Member Services Officer

APOLOGIES FOR ABSENCE:

Councillors G Davidson, P Smith and T Vennett-Smith

1. Declarations of Interest

There were none declared.

2. Notes of the Previous Meeting

The notes of the meeting held on Tuesday 16 November 2010 were accepted as a true record.

Member Training – The Senior Licensing Officer informed Members that due to a major enquiry at Trading Standards, training sessions had been postponed. Revised dates were planned and Members would be informed as soon as these were available.

3. Presentation of the Police Reform and Social Responsibility Act 2011

The Senior Licensing Officer gave a presentation to the Committee on the Police Reform and Social Responsibility Act. He outlined the changes in the Act that came into force on 15 September 2011. Further reforms were planned in three stages; on 25 April 2012, October 2012 and April 2013.

In respect of the April 2012 changes, the Senior Licensing Officer explained that this would 'make licensing authorities Responsible Authorities', but he informed Members that this might require amendments to some of the Council's schemes of delegation in order to accommodate the changes. Further changes discussed included plans for the Primary Care Trust, but Members were informed that there had been no briefing received from the Department of Health. He added that the Licensing Policy statement would now be reviewed every five years.

He continued to explain further changes which included removing the vicinity test for people making representations against applications or for reviews. The Senior Licensing Officer explained that this meant that any person would be able to object, no matter where they lived, provided the objection was valid. Removal of the term 'elected member' from the list of people was also included in the changes. Members were made aware that this could potentially result in an increase in a number of hearings and associated costs which would need to be recovered. Members discussed recouping costs by charging for publishing applications on the website.

The Senior Licensing Officer highlighted the changes to temporary event notices, which included the revision that Environmental Health Officers could now object on any of the four licensing objectives. It was agreed by all Members and officers present, that this was a good amendment.

He went on to explain further changes including the fines associated with the 'persistent' selling of alcohol to children, which had been increased from £10,000 to £20,000. Licensing Authorities were also to be allowed to suspend a premises licence or club certificate if they failed to pay the annual fee. There would be a grace period of 21 days, then the notice would be served; two days later the premises would be closed until the fee was paid. Members were informed that this would mainly affect the small independent shops in the area and may impose an administration and financial burden on the Authority.

The proposed changes to early morning restriction orders were discussed and were initially set for October 2012 and April 2013. It would enable the Licensing Authority to stop premises in a certain area from selling alcohol between 0000 and 0600. Members were informed that the order must be advertised and a hearing must be held, and that this might be specific to certain days and for a certain period. There would be no appeal apart from a judicial review. The Chairman stressed that the Home Office had not actually set the dates as yet.

The Senior Licensing Officer reported the changes to the late night levy, which was due to be implemented in October 2012 and April 2013. This allows the local authority to place a levy (tax) on all premises which supply alcohol between (0000 and 0600). He explained that there would be a variety of exemptions including pubs in villages with a population of under 3,000, sports clubs, restaurants, hotels and discounts for certain schemes.

The levy would be aimed at the additional costs relating to crime and disorder, and would be split 70% to the Police and 30% to the Authority after the deduction of all costs connected with the levy. These included collection, consultation, and the cost of varying licences. Members were informed that there was a requirement for authorities to provide financial reports but no requirement for the Police to spend the levy on extra policing. He stated that the levy, would be at the discretion of the Authority, but they must carry out a full consultation if there was an intention to introduce it and, it must cover the whole of the Borough.

This was felt to be controversial in many Authorities and Members were advised to wait for the result of the consultation before any decisions were made. One Authority had already applied this levy and had been challenged.

The Head of Environment and Waste Management reported that work was being carried out to investigate this further and that any decision to proceed would be an executive matter. The Chairman asked that officers consult with other local authorities in Nottinghamshire to discuss their approach to this.

Members were informed that further revisions included giving licensing authorities the power to set their own licensing fees. The Senior Licensing Officer reported that early indications were that standard charges, i.e. transfers, temporary events notices etc., would be increased, possibly in line with inflation, and would be set nationally. Premises licence fees would be set by the local Authority and consultations were expected in May, with a possible implementation in April 2013.

The Senior Licensing Officer highlighted to Members that the changes to the Live Music Act, which proposed to de-restrict live music between the hours of 8 am and 11pm at premises with an audience of 200 people or less, could give rise to additional noise complaints. The changes removed the need for any permission and current conditions would not apply. This will be effective from October 2012.

Another matter included in the update for Members was the deregulation of entertainment. They were informed that the Government were still assessing responses to this proposal.

The Senior Licensing Officer informed Members that the rewritten Section 182, Guidance to the Licensing Act had been produced. He concluded the presentation by answering questions from Members which included further information on the advertising of licensing notices on the website. They were informed that although electronic applications would be preferred, he acknowledged that the “blue” notices would still be required to be placed on premises to allow for anyone who did not have access to the internet to be made aware of these applications.

4. Gambling Act 2005 – Draft Statement of Licensing Policy 2013 to 2016

The Senior Licensing Officer presented the draft Statement of Licensing Policy, Members agreed with the revised policy and noted the changes.

It was AGREED that the amended Statement of Licensing Policy be sent out for consultation and then presented to Council for approval at the December meeting.

The meeting closed at 8.00 pm.

Action Sheet

ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE – THURSDAY 3 MAY 2012

Minute Number	Actions	Officer Responsible
2. Notes of the Previous Meeting	Revised dates for the Trading Standards Training would be circulated as soon as these were available.	Senior Licensing Officer
3. Presentation of the Police Reform and Social Responsibility Act 2011	Officers to investigate what actions other Nottinghamshire local authorities would be taking in relation to the levy	Head of Environment and Waste Management