**South Somerset District Council** Notice of Meeting



# Licensing Committee

Making a difference where it counts

# **Tuesday 14 February 2012**

10.00 am

Council Chamber A Council Offices Brympton Way Yeovil Somerset

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge** on Yeovil (01935) 462570 email: anne.herridge@southsomerset.gov.uk, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 6 February 2012

Ian Clarke, Assistant Director (Legal & Corporate Services)



2007-2008 Weighbourhood and Community Champions: The Role of Elected Members 2006-2007 Improving Rural Services Empowering Communities 2005-2006

This information is also available on our Website: www.southsomerset.gov.uk



### **Licensing Committee Membership**

Chairman Vice-Chairman Nigel Mermagen Martin Wale

Dave Bulmer John Vincent Chainey Pauline Clarke Nick Colbert Tony Fife Jenny Kenton Tony Lock Paul Maxwell Roy Mills David Norris David Recardo Linda Vijeh William Wallace

### South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- To deliver well managed cost effective services valued by our customers
- To increase economic vitality and prosperity
- To improve the housing, health and well-being of our citizens
- To ensure safe, sustainable and cohesive communities
- To enhance the environment, address and adapt to climate change

#### Members' Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

### Information for the Public

The Licensing Committee shall be responsible for those licensing functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

Meetings of the Licensing Committee are held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

Meeting: LC 11:12

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### **Licensing Committee**

### Tuesday 14 February 2012 at 10.00 am

### Agenda

#### **Preliminary Items**

1. To approve as a correct record the Minutes of the Licensing Committee meeting held on 13 December 2011

#### 2. Apologies for Absence

#### 3. Declarations of Interest

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the Agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10.

#### 4. Public Participation at Committees

#### a) Questions/comments from members of the public

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

#### Items for Discussion

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Licensing Committee – 14 February 2012

#### 5. Consultation on a proposal to deregulate Schedule One of the Licensing Act 2003 - In relation to Regulated Entertainment.

| Executive Portfolio Holder: | Peter Seib   |
|-----------------------------|--|
| Head of Service:            | Laurence Willis, Assistant Director - Environment    |
| Lead Officer:               | Nigel J Marston – Licensing Manager                  |
| Contact Details:            | nigel.marston@southsomerset.gov.uk or (01935) 462150 |

#### Purpose of the Report

To advise the Licensing Committee of a consultation on secondary legislation for the late night levy and early morning restriction orders.

#### Recommendation

That the Licensing Committee:

- (1) Consider and approve the answers given by the Licensing Service to the questions posed by the Government concerning the consultation;
- (2) The response is recommended for the approval of the District Executive.

#### Background

On 17th January 2012 the Home Office published a consultation document entitled "Dealing With The Problems of Late Night Drinking" (copy attached) - a consultation on secondary legislation for the late night levy and early morning restriction orders.

The consultation period ends on 10<sup>th</sup> April 2012.

#### The Proposal

The Government believe that problems in the night time economy should be addressed locally, and is committed to ensuring that the police and local authorities are given the right tools to address the alcohol-related problems in their area, whilst promoting a vibrant night-time economy to benefit businesses and the community that they serve.

The proposed late night levy and the extension of Early Morning Restriction Orders ("EMROs") will enable local authorities to achieve this. If local communities are concerned about premises that are open into the early hours of the morning and causing problems, then they should be able to respond flexibly. The majority (64%) of all violence occurs in the evening or at night and one-fifth of all violent incidents take place in or around a pub or club. By extending EMROs so that they can be applied from midnight, local authorities will have an additional tool to address problem areas in the night time economy.

Where there is a vibrant late night economy, with premises remaining open into the early hours, then the local authority should have the flexibility to charge for a contribution towards any additional policing that this generates. Taxpayers should not simply be left to pick up this cost. People who enjoy a night out often visit a variety of premises and it is appropriate that the costs are shared between these businesses. This consultation seeks views on the details of the regulations that will implement these policies. In particular, it asks for views on what categories of premises should enjoy exemptions and reductions under both measures. For example, the Government do not wish to unfairly penalise premises that are not part of the wider late night economy. These include, for example, hotels and B&Bs, which serve only to guests, and the consultation therefore proposes these as one of the categories of exemption from both measures.

The Government would welcome views on these and other proposals on how the late night levy and EMROs will be implemented. Overall, the intention is that both measures will empower local communities to act to achieve a more viable night time economy.

#### Detail

This proposal is about how two measures in the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") will be implemented through regulations, these being: Early Morning Restriction Orders ("EMROs") and the late night levy ("the levy").

Alcohol-related crime and disorder is a serious problem for many of our communities. The promised "café-culture" from later drinking hours has not materialised. In 2010/11, almost one million violent crimes were alcohol-related and almost half of surveyed violent crime victims believed the offender to be under the influence of alcohol. The police are fighting an expensive battle against alcohol-related crime and disorder. The Coalition Programme for Government recognised these problems and contained a set of commitments to tackle alcohol misuse, especially late at night. The necessary changes to primary legislation have been made through the 2011 Act.

#### Early Morning Restriction Orders (EMROs)

EMROs are designed to enable licensing authorities to address the specific problems caused by late night drinking in their district An EMRO is a power introduced by the previous Government (which has not yet been commenced) which, under existing provisions, would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am on all or some days. The 2011 Act amends existing provisions to allow EMROs to be applied more flexibly between midnight and 6am.

Licensing authorities will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. However, we believe that some types of premises should not be subject to an EMRO. Section 4 of this consultation considers exemptions to the EMRO power that will apply to all EMROs.

#### Late Night Levy (The Levy)

The levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy. It will be a local power that licensing authorities can choose whether to adopt for their areas. The licensing authority will also choose the period during which the levy applies, between midnight and 6am on each night. Non-exempt premises licensed to supply alcohol in this period will be required to pay the levy.

Licensing authorities will decide whether any (and, if so, which) of the categories of exemptions and reductions will apply to the levy. The government is also keen to

promote local and business-led initiatives. Many businesses successfully work together in schemes like Best Bar None, Business Improvement Districts (BIDs) and Community Alcohol Partnerships. Authorities and business communities might wish to consider these schemes as possible alternatives or complements to EMROs or the levy.

#### The Response from SSDC

Please see Appendix One, which is the detailed response from SSDC.

#### **Financial Implications**

None from this consultation.

#### **Implications for Corporate Priorities**

The proposals if adopted may have an impact on corporate theme four ensuring safe, sustainable and cohesive communities by ensuring that funding is available enforcement and improvements in the management of the night time economy.

The proposals may have a detrimental effect on corporate theme number one increasing economic vitality and prosperity. Many of our town centre businesses are struggling and the imposition of further costs will not be welcomed.

#### **Other Implications**

None

| Background Papers: | Licensing Act 2003   |
|--------------------|--|
|                    | The Police Reform & Social Responsibility Act 2011   |
|                    | Home Office consultation document – "Dealing With The<br>Problems of Late Night Drinking" – A consultation proposal on<br>secondary legislation for the late night levy and early morning<br>restriction orders. |

#### **APPENDIX ONE**

#### CONSULTATION QUESTION 1:

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

#### Yes

#### CONSULTATION QUESTION 2:

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?

#### No

#### **CONSULTATION QUESTION 3:**

Do you agree or disagree that the categories of premises above should be exempt from EMROs?

Disagree. Why only exempt those community premises that have disapplied the requirement for a designated premise supervisor (DPS). Why not also exempt those premises that are proposed to be exempt from the late night levy?

#### CONSULTATION QUESTION 4:

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

Community premises with a DPS plus those other premises listed as possible exemptions from the late night levy.

#### **CONSULTATION QUESTION 5:**

Do you think that there should be an option for local residents/ community groups to recommend the implementation of the levy in their area?

No, any recommendations should be from bodies designated as responsible authorities under the Licensing Act 2003.

#### **CONSULTATION QUESTION 6:**

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

Agree, decisions should be at the discretion of the individual licensing authority who will best know their local area.

#### CONSULTATION QUESTION 7:

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

Agree, however this would be dependent on the BID being able to clearly demonstrate the late night service provisions they have made. This would only apply to those premises paying into the BID.

#### CONSULTATION QUESTION 8:

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

Not in general, however we think those that are well run could be exempt but at the discretion of the licensing authority.

#### **CONSULTATION QUESTION 9:**

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

Businesses receiving small business rate relief should pay the levy where they or their patrons contribute to the problems in the late night economy.

#### **CONSULTATION QUESTION 10:**

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

Agree. There should be an exemption for New Years Eve.

#### CONSULTATION QUESTION 11:

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

Neither agree nor disagree. Our experience is that whilst some members of schemes such as "pubwatch" take matters seriously others are less engaged.

#### CONSULTATION QUESTION 12:

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.

#### CONSULTATION QUESTION 13: **Do you agree or disagree with this set-up of cumulative discounts?**

No, too many schemes overlap so in effect businesses would receive a double discount. It would be preferable for a discount to be given for one scheme only.

#### CONSULTATION QUESTION 14:

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

Yes, however each premise should be considered on an individual basis at the licensing authority's discretion.

#### CONSULTATION QUESTION 15:

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

Monies levied should be used to fund services which tackle alcohol-related crime and disorder, such as taxi marshalling and 'booze buses' that provide assistance to those who otherwise might become victims or offenders.

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#### CONSULTATION QUESTION 16:

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

The restriction should be limited to those types of services that can be directly linked to the prevention of crime and disorder or the management of the night time economy

#### CONSULTATION QUESTION 17:

#### If you have any comments on the Impact Assessment, please detail them here?

None

#### **CONSULTATION QUESTION 19:**

### If you are responding on behalf of a licensing authority, how many premises do you expect will be affected by any EMRO in your area?

We are unable to answer this question at the present time, as the list of exemptions is not yet known. Given that we are a mainly rural authority we would expect that any EMRO would only affect a handful of premises.

LC

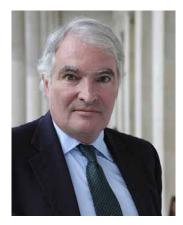
DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING A CONSULTATION ON SECONDARY LEGISLATION FOR THE LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS



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### MINISTERIAL FOREWARD



I believe that problems in the night-time economy should be addressed locally. The Government is committed to ensuring that the police and local authorities are given the right tools to address the alcohol-related problems in their area, whilst promoting a vibrant night-time economy to benefit business and the community that they serve. The late night levy and the extension of Early Morning Restriction Orders ("EMROs") will enable local authorities to achieve this. If local communities are concerned about premises that are open into the early hours of the morning and causing problems, then they should be able to respond flexibly. The majority (64%) of all violence occurs in the evening or at night and one-fifth of all violent incidents take place in or around a pub or club. By extending EMROs so that they can be applied from midnight, local authorities will have an additional tool to address problem areas in the night time economy.

Where there is a vibrant late night economy, with premises remaining open into the early hours, then the local authority should have the flexibility to charge for a contribution towards any additional policing that this generates. Tax payers should not simply be left to pick up this cost. People who enjoy a night out often visit a variety of premises and it is appropriate that the costs are shared between these businesses.

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This consultation seeks views on the details of the regulations that will implement these policies. In particular, it asks for views on what categories of premises should enjoy exemptions and reductions under both measures. For example, I do not wish to unfairly penalise premises which are not part of the wider late night economy. These include, for example, hotels and B&Bs which serve only to guests, and the consultation therefore proposes these as one of the categories of exemption from both measures.

I would very much welcome views on these and other proposals on how the late night levy and EMROs will be implemented. Overall, our intention is that both measures will empower local communities to act to achieve a more viable night time economy.

**Lord Henley** Minister of State for Crime Prevention and Antisocial Behaviour Reduction

### 1. INTRODUCTION

- 1.01 This consultation is about two measures in the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") that will be implemented through regulations: Early Morning Restriction Orders ("EMROs") and the late night levy ("the levy").
- 1.02 Alcohol-related crime and disorder is a serious problem for many of our communities. The promised "café-culture" from later drinking hours has not materialised. In 2010/11, almost one million violent crimes were alcohol-related and almost half of surveyed violent crime victims believed the offender to be under the influence of alcohol. The police are fighting an expensive battle against alcohol-related crime and disorder. The Coalition Programme for Government recognised these problems and contained a set of commitments to tackle alcohol misuse, especially late at night. The necessary changes to primary legislation have been made through the 2011 Act.
- 1.03 EMROs will help licensing authorities to address specific problems caused by the late night supply of alcohol in their areas. An EMRO is a power introduced by the previous Government (which has not yet been commenced) which, under existing provisions, would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am on all or some days. The 2011 Act amends existing provisions to allow EMROs to be applied more flexibly between midnight and 6am. Licensing authorities will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. However, we believe that some types of premises should not be subject to an EMRO. Section 4 of this consultation considers exemptions to the EMRO power that will apply to all EMROs.

- 1.04 The levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy. It will be a local power that licensing authorities can choose whether to adopt for their areas. The licensing authority will also choose the period during which the levy applies, between midnight and 6am on each night. Non-exempt premises licensed to supply alcohol in this period will be required to pay the levy.
- 1.05 Licensing authorities will decide whether any (and, if so, which) of the categories of exemptions and reductions will apply to the levy. Section 6 of this consultation considers the available categories of premises to which exemptions and reductions will apply. The government is also keen to promote local and business-led initiatives. Many businesses successfully work together in schemes like Best Bar None, Business Improvement Districts (BIDs) and Community Alcohol Partnerships. Authorities and business communities might wish to consider these schemes as possible alternatives or complements to EMROs or the levy. Section 6 also considers this issue.
- 1.06 To inform this consultation, working groups and meetings were held with representatives from the police, the licensed trade, best-practice schemes, licensing authorities and the hospitality industry.
- 1.07 A consultation-stage Impact Assessment is attached to this consultation. This will be updated following the consultation if necessary.

# 2. ABOUT THIS CONSULTATION

#### Scope of the consultation

| Topic of this<br>consultation: | <ul> <li>This consultation seeks views on certain aspects of EMROs and the late night levy.</li> <li>EMROs <ul> <li>Process of adopting an EMRO.</li> <li>Categories of business which will be exempt from any EMRO.</li> </ul> </li> <li>Late night levy <ul> <li>Process of adopting the levy.</li> <li>Categories of business which individual licensing authorities may choose to exempt from, or afford a reduction in relation to, the late night levy.</li> <li>The kinds of services a licensing authority may fund with the 30% of net levy receipts it may retain from the net levy revenue.</li> </ul> </li> </ul> |
|--------------------------------|---|
| Scope of this consultation:    | Regulations will be made under powers in the 2011 Act and Licensing Act 2003 in relation to the late night levy and EMROs. The Government intends to commence both powers, but would like to hear views on the above and on the impact assessment before preparing the regulations.   |
| Geographical scope:            | England and Wales   |
| Impact assessment<br>(IA):     | A consultation stage IA is included with the consultation document. A small firm impact test is included  |

#### **Basic Information**

| То:                                 | We are keen to hear from everyone who will be affected by the two measures,<br>including; members of the public to whom alcohol is supplied; those affected<br>by alcohol-related crime; those that own or work in pubs, clubs, supermarkets<br>and shops; best practice scheme representatives; criminal justice agencies;<br>licensing authorities; and trade associations representing those who sell alcohol. |  |
|-------------------------------------|---|--|
| Duration:                           | The consultation runs for 12 weeks from 17th January to 10th April.   |  |
| Enquiries:                          | Alcohol.Consultation@homeoffice.gsi.gov.uk  |  |
| How to respond:                     | Information on how to respond to this consultation can be found on the Home<br>Office Website at http://www.homeoffice.gov.uk/about-us/consultations.<br>Responses can be submitted online through the Home Office website or by<br>post by sending responses to:<br>Home Office<br>Drugs and Alcohol Unit<br>4th Floor Fry Building<br>2 Marsham Street<br>London, SW1P 4DF                                      |  |
| Additional ways to become involved: | Please contact the Home Office (as above) if you require information in any<br>other format, such as Braille, large font or audio. The Department is obliged to<br>offer, and provide on request, these formats under the Equality Act 2010.  |  |
| After the consultation:             | Responses will be analysed and a 'Response to Consultation' document will<br>be published. This will explain the Government's final policy intentions. All<br>responses will be treated as public, unless stated otherwise.   |  |

#### Background

| Getting to this stage: | The two powers were consulted on as part of the 'Rebalancing the Licensing Act' consultation (Summer 2010) and introduced in the Police Reform and Social Responsibility Act (September 2011).   |
|------------------------|--|
| Previous engagement:   | The government has already consulted a number of key partners prior to<br>publishing this consultation. As well as engagement as part of the 'Rebalancing<br>the Licensing Act' consultation, officials have held pre-consultation working<br>groups with stakeholders from the on and off trade; police and local authorities;<br>best practice schemes and the voluntary sector. |

### PART 1 EARLY MORNING RESTRICTION ORDERS

#### 3. PROCESS

- 3.01 The 2011 Act allows an EMRO to be applied by licensing authorities flexibly between midnight and 6am to restrict the sale of alcohol. Licensing authorities can apply these orders to areas where they consider that restricting the late night supply of alcohol is appropriate to promote the licensing objectives. Before this power is commenced, regulations must be made.
- 3.02 The regulations will prescribe details of the process for making an EMRO and the kinds of premises that will be exempt from an EMRO. Consultation respondents are asked to consider the proposed process map in Annex A.

CONSULTATION QUESTION 1:

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

Yes No Don't know

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If no, please explain what else is needed

#### 4. EXEMPTIONS TO EMROS

4.01 EMROs are designed to address recurring problems with alcohol-related crime and disorder in specific areas. The licensing authority will be able to decide during which hours the EMRO will apply, whether it is applied every day or on particular days; whether it will run for a limited or unlimited period; and whether it will apply to whole or part of the licensing authority's area. In each case, the decision will be based on what is appropriate for the promotion of the licensing objectives<sup>1</sup>. There are some types of premises which should not be subject to an EMRO, wherever it is applied. Some businesses, wherever they may be located, do not contribute to alcoholrelated crime and disorder. For example, a hotel may only serve alcohol to its guests who are staying overnight. As such, the 2011 Act enables the Secretary of State to make regulations which prescribe exemptions to an EMRO by reference to particular kinds of premises or particular days.

4.02 Many licences have additional authorisations on New Year's Eve to stay open later than usual. The government proposes that EMROs will not apply between midnight on 31st December and 6am on 1st January of each year.

#### **CONSULTATION QUESTION 2:**

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?

Yes – the EMRO should apply on New Year's Eve No– the EMRO should not apply on New Year's Eve

Neither agree nor disagree Don't know

Please give reasons for your answer

- 4.03 Local discretion in setting the EMRO area is paramount, and the intention is to have only a few nationally prescribed exemptions.Some premises may need to vary their licence (to, for example, add a condition via the minor variations process) before an exemption is applicable to them.
- 4.04 EMROS will operate to restrict alcohol sales even when a Temporary Event Notice (TEN) is otherwise in effect. Section 172 of the Licensing Act 2003 enables the Secretary of State to make a licensing hours order to relax licensing hours on special occasions. Primary legislation includes

DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING

<sup>1</sup> Licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

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

provision that, unless the licensing hours order provides otherwise, the EMRO will not be effective to prevent alcohol sales in a period to which the extended hours order applies.

4.05 The proposed exemptions cover some types of premises where the only customers during the

relevant period will be members or their guests; or those who stay overnight; or those who attend for a performance. We also propose that there is an exemption for community premises which have demonstrated that they do not need a Designated Premises Supervisor (DPS). We propose that the following exemptions will apply to every EMRO:

| Name   | Definition  |
|--|---|
| Premises with<br>overnight<br>accommodation            | Premises at which the sale of alcohol is subject to a condition to the effect<br>that, between midnight and 6am, such sales can only be made to residents for<br>consumption on the premises. This will not exempt hotels and guest houses that<br>serve alcohol to members of the public who are not staying overnight at the<br>premises. |
| Theatres and cinemas                                   | Premises at which the sale of alcohol is subject to a condition to the effect that,<br>between midnight and 6am, such sales can only be made to ticket holders or<br>participants in the production for consumption on the premises, when there is<br>otherwise no access to the general public.  |
| Community premises                                     | Those premises that have successfully applied to remove the mandatory DPS requirement.  |
| Casinos and<br>bingo halls with a<br>membership scheme | Premises licensed to provide these facilities for gambling under the Gambling<br>Act 2005 with a membership scheme in operation between midnight and 6am.   |

#### CONSULTATION QUESTION 3:

### Do you agree or disagree that the categories of premises above should be exempt from EMROs?

Agree – these categories of premises should be exempt from EMROs Disagree – these categories of premises should not be exempt from EMROs Neither agree nor disagree Don't know

Please give reasons for your answer, specifying any exemptions that you disagree with

#### CONSULTATION QUESTION 4:

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

Yes No Don't know

If yes, please specify which other types of premises and give reasons.

#### DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING

## PART 2 THE LATE NIGHT LEVY

#### 5. PROCESS

- 5.01 The levy will allow licensing authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy will apply to all premises (on and off-trade), throughout the licensing authority's area, which are authorised to sell or supply alcohol in the time period set by the licensing authority. This can be any time between midnight and 6am. Section 172 of the Licensing Act 2003 permits the Secretary of State to make a licensing hours order to relax licensing hours on special occasions. The Government intends to ensure that this will not result in some premises inadvertently becoming liable to pay the late night levy. The levy will not apply to TENs. The 2011 Act makes provision for the Government to prepare draft regulations before the levy scheme is commenced.
- 5.02 Regulations will prescribe details of the process for adopting the late night levy. Consultation respondents are asked to consider the proposed process maps in Annex B.
- 5.03 Prior to making a decision to implement the levy, it is intended that the licensing authority will have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce the levy in its area. If so, the licensing authority must formally consult the PCC, the police, licence holders and others about its decision to introduce the levy. The consultation should ask whether it needs to apply any exemptions or discounts to the levy and how it will apportion net levy revenue between the police and licensing authority. The licensing authority will have the final decision in all of these areas.

#### **CONSULTATION QUESTION 5:**

#### Do you think that there should be an option for local residents/ community groups to recommend the implementation of the levy in their area?

Yes No Don't know

If yes, do you have any suggestions on how this process should operate?

#### 6. EXEMPTIONS AND REDUCTIONS TO THE LEVY

6.01 There are some types of premises which licensing authorities may consider should not make a contribution towards late night police costs through the late night levy. To enable local discretion, the levy will allow licensing authorities to select exemptions or reductions that they consider should apply in their area. It is proposed that the following types of business are available as exemptions for licensing authorities to adopt:

| Name  | Definition  |
|---|---|
| Premises with<br>overnight<br>accommodation | Premises at which the sale of alcohol is subject to a condition to the effect<br>that, between midnight and 6am, such sales can only be made to residents for<br>consumption on the premises. This will not exempt hotels and guest houses that<br>serve alcohol to members of the public who are not staying overnight at the<br>premises. |
| Restaurants                                 | Premises that have condition(s) on their licence that have the effect of making clear their status as restaurants run on a permanent, more formal basis. These could, for example, include conditions which require that, between midnight and 6am:   |
|   | (i) customers are shown to their table;   |
|   | <ul><li>(ii) food is provided in the form of substantial table meals that are served<br/>and consumed at the table;</li></ul>   |
|   | (iii) premises primarily serve meals to those eating on them, and   |
|   | (iv) alcohol is not be supplied to, or consumed on the premises by, any person<br>other than those who are taking substantial table meals and where the<br>consumption of alcohol by such persons is ancillary to taking such meals.  |
| Theatres and cinemas                        | Premises at which the sale of alcohol is subject to a condition to the effect that,<br>between midnight and 6am, such sales can only be made to ticket holders or<br>participants in the production for consumption on the premises, when there is<br>otherwise no access to the general public.  |
| Casinos<br>Bingo Halls                      | Premises licensed to provide facilities for gambling under the Gambling Act 2005 with a membership scheme in operation between midnight and 6am.  |
| Community Amateur<br>Sports Clubs (CASCs)   | Those premises that have a relief from business rates by virtue of being a CASC (definition found in Schedule 18 of the Finance Act 2002.)  |
| Community premises                          | Those premises that have successfully applied for the removal of the mandatory DPS requirement.   |
| Country village pubs                        | Premises within designated rural settlements with a population of less than 3,000 (as appear in the qualifications for rural rate relief).  |
| Country village pubs                        | Premises within designated rural settlements with a population of less than 3,000 (as appear in the qualifications for rural rate relief).  |

#### DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING

11 A CONSULTATION ON SECONDARY LEGISLATION FOR THE LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

#### CONSULTATION QUESTION 6:

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

Agree Disagree

Please give reasons for your answer, specifying any exemptions that you disagree with

#### **Business Improvement Districts**

6.02 Business Improvement Districts (BIDs, established under the Local Government Act 2003) are a defined area within which businesses pay a fee in order to fund improvements within their boundaries and can prove valuable to business communities. An increasing number of late night or licensed trade BIDs are being established. Some of these schemes may fulfil the purpose of the levy, by raising contributions towards late night services, without the need for local authority intervention. These schemes should be actively encouraged. It is proposed that licensing authorities are able to grant an exemption to those paying a levy as part of a BID where the authority is satisfied that the aims meet a satisfactory crime and disorder focus.

#### CONSULTATION QUESTION 7:

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

Agree – licensing authorities should be able to exempt Business Improvements Districts Disagree – licensing authorities should not be able to exempt Business Improvement Districts Neither agree nor disagree Don't know

#### **Members' clubs**

6.03 Many private members' clubs operate under 'Club Premises Certificates' (CPCs). Alcohol cannot generally be supplied under a CPC for profit or to the general public. Some licensing authorities may consider that private member's clubs in their area should not make a contribution to late night enforcement costs. Should clubs be exempt from the late night levy, the police revenue in the average licensing authority area from the levy will be reduced by approximately 10%.

#### **CONSULTATION QUESTION 8:**

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

Yes No Don't know

Please give reasons for your answer

#### Small Business Rate Relief

6.04 Small Business Rate Relief offers business ratepayers that meet certain criteria the opportunity to receive reductions on their rates bills. The criteria vary slightly in England and Wales but, in general, businesses are typically eligible if they occupy only one property and their rateable value is below a certain level. This may apply, for example, to small local pubs.

#### **CONSULTATION QUESTION 9:**

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

Please give reasons for your answer

#### **New Year's Eve**

- 6.05 Some premises may have a one-off late night authorisation on their licence to celebrate the New Year. On the one hand, it could be argued that the ability to host one-off special occasions will not be hindered by the late night levy. Before the levy begins in any area, premises will be able to make a free minor variation to their licence to reduce their hours. On special occasions, they may use a TEN to authorise the sale of alcohol.
- 6.06 On the other hand, an exemption for those premises whose only late night authorisation is for New Year will benefit many premises.

#### CONSULTATION QUESTION 10:

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

Agree – there should be an exemption for New Year's Eve Disagree - there should not be an exemption for New Year's Eve Neither agree nor disagree Don't know

#### **Reductions for best practice schemes**

6.07 Licensing authorities may also wish to use the late night levy to promote and support participation in other business-led best practice schemes. These schemes encourage businesses to join together to address some of the negative effects of selling alcohol. The following schemes are recommended as available reduction categories:

#### Members of a locally accredited Best Bar None scheme

Members of a locally accredited Pubwatch, Clubwatch or Shopwatch scheme.

The discount can only apply to one of the above three schemes. Criteria to be an applicable pubwatch scheme:

- The local authority is satisfied that the scheme has clear aims and objectives which are subject to a formal statement of intent or a constitution and that it has demonstrated that its members are actively working to reduce crime and disorder.
- Membership is open to all licensed premises within the geographic area.
- The scheme has a Chair person and/or Coordinator who is responsible for maintaining verifiable records of membership.

Those premises which pay an annual **individual** contribution to a **Community Alcohol Partnership** in their area. This definition does not include subsidiaries of companies that pay a contribution on a national level.

Premises that pay a levy in a **Business Improvement District** (established under the Local Government Act 2003) where the authority is satisfied that the aims meet a satisfactory crime and disorder focus

#### DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING

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#### CONSULTATION QUESTION 11:

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

Agree Disagree Neither agree nor disagree Don't know

#### **Other local best-practice schemes**

6.08 The best practice schemes referred to in Question 11 are locally accredited schemes that are part of a national network. It has been suggested that some schemes have been created locally without any national accreditation. Groups of businesses may join together and fund late night services or address specific community problems. Regulations could grant licensing authorities the power to give discounts to schemes that they recognise as effective. Schemes would have to meet readily recognised and measurable benchmarks in order to be capable of qualifying for a discount.

#### CONSULTATION QUESTION 12:

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?

6.09 We propose that there is a 10% discount to the levy for every relevant best practice scheme (up to a maximum of 30%). This is in recognition that many businesses are members of multiple schemes.

#### CONSULTATION QUESTION 13:

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

Agree Disagree Neither agree nor disagree Don't know

6.10 There may be other types of premises that should not be required to contribute fully towards the levy, for example, community-run pubs or others with an established community and social character.

#### CONSULTATION QUESTION 14:

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

Yes No

If yes, please state what you think these should be and how this type of premises should be defined.

#### 7. LICENSING AUTHORITY LEVY REVENUE

7.01 There are many different types of local authorityfunded services which make the late night economy a more welcoming place to do business. Some examples include taxi marshals, late night town wardens and street cleaning services. The licensing authority can retain up to 30% of the net levy revenue to fund other activities besides policing. This section considers whether there should be any restrictions on how authorities spend this money.

#### **CONSULTATION QUESTION 15:**

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

#### **Restrictions on funded activities**

7.02 It is intended that the proportion of net levy revenue retained by licensing authorities (a

#### DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING

maximum of 30%) is used to fund services which tackle alcohol-related crime and disorder, such as taxi marshalling and 'booze buses' that provide assistance to those who otherwise might become victims or offenders. This would not extend to the wider management of the night time economy. For example, it would include the cleanup of the after-effects of alcohol-related crime and disorder, such as broken glass and public urination, but not general clean-up activities, such as the collection of waste from outside fast food restaurants

#### CONSULTATION QUESTION 16:

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

Please state whether you think the types of services should be limited to preventing and tackling alcohol related crime and disorder; or should extend to both preventing and tackling alcohol related crime and disorder and management of night time economy?

#### 8. IMPACT ASSESSMENT

8.01 An Impact Assessment for late night levy secondary legislation is attached. Consultation respondents are encouraged to comment on this document.

#### CONSULTATION QUESTION 17:

### If you have any comments on the Impact Assessment, please detail them here?

CONSULTATION QUESTION 18:

If you are responding on behalf of a licensing authority, how many premises do you expect will be affected by EMROs in your area?

#### 9. ABOUT YOU

9.01 Please indicate in what capacity you are responding to this consultation:

Licensing authority Member of the public Police officer Person involved in licensed trade/club premises Other please specify

### Police officers only: Which Police Force are you from?

9.02 Licensed trade only: Please tick one of the following boxes which would best describe you/ your organisation

Individual Members' Clubs Micro company (1 – 9 employees) Small business (10-49 employees) Small – medium enterprise (50-249 employees) Large company (over 250 employees)

### Licensing officer only: Which Licensing Authority are you from?

Member of the public/Other only: Which Local Authority or London Borough are you from?

#### **10. CONFIDENTIALITY & DISCLAIMER**

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under

#### **DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING**

the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

### GOVERNMENT CODE OF PRACTICE ON CONSULTATION

The Consultation follows the Government's Code of Practice on Consultation the criteria for which are set out below:

#### Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

#### Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

#### Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

### Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

#### Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

### Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

#### Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: http://www.berr.gov.uk/whatwedo/bre/ consultation-guidance/page44420.html

#### **CONSULTATION CO-ORDINATOR**

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office consultation co-ordinator, Adam Mcardle. Please DO NOT send your response to this consultation to Adam Mcardle. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation. The co-ordinator can be emailed at: Adam.Mcardle2@homeoffice.gsi.gov.uk or

alternatively you can write to him at:

Adam Mcardle, Consultation Coordinator Home Office Performance and Delivery Unit Better Regulation Team 3rd Floor Seacole 2 Marsham Street London SW1P 4DF

#### **11. CHECKLIST**

#### **CONSULTATION QUESTION 1:**

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

#### **CONSULTATION QUESTION 2:**

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?

**CONSULTATION QUESTION 3:** 

Do you agree or disagree that the categories of premises above should be exempt from EMROs?

**CONSULTATION QUESTION 4:** 

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

**CONSULTATION QUESTION 5:** 

Do you think that there should be an option for local residents/ community groups to recommend the implementation of the levy in their area?

#### CONSULTATION QUESTION 6:

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

**CONSULTATION QUESTION 7:** 

Do you agree or disagree that licensing authorities should be able to exempt Business Improvement Districts from the late night levy? CONSULTATION QUESTION 8:

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

**CONSULTATION QUESTION 9:** 

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

**CONSULTATION QUESTION 10:** 

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

CONSULTATION QUESTION 11:

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

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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?

**CONSULTATION QUESTION 13:** 

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

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

**CONSULTATION QUESTION 15:** 

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

**CONSULTATION QUESTION 16:** 

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

**CONSULTATION QUESTION 17:** 

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

**CONSULTATION QUESTION 18:** 

If you have any comments on the Impact Assessment, please detail them here?

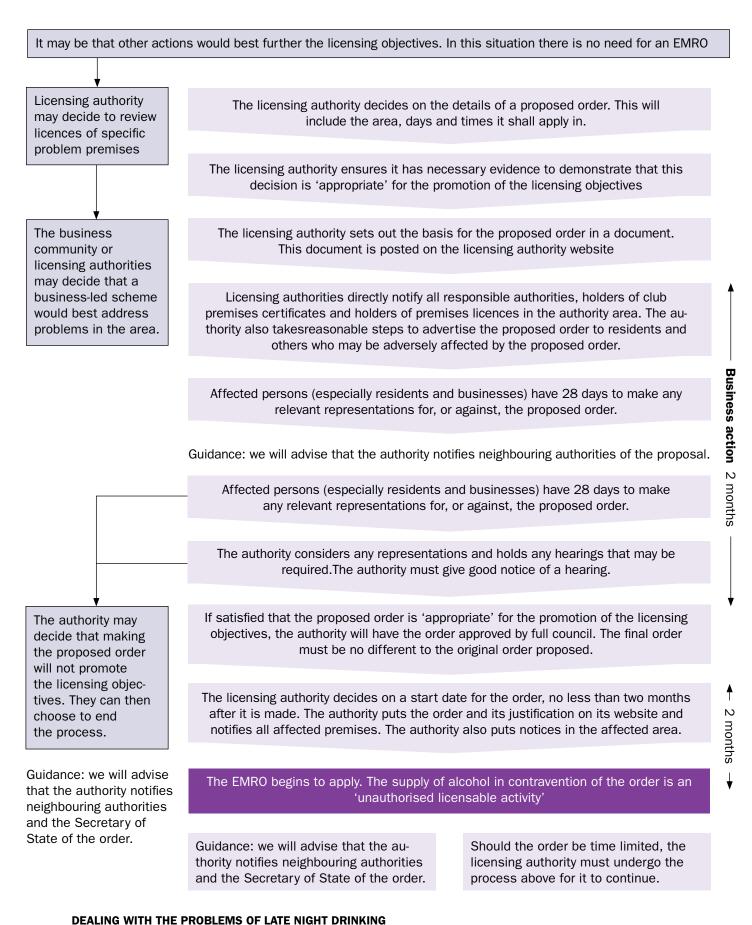
**CONSULTATION QUESTION 19:** 

If you are responding on behalf of a licensing authority, how many premises do you expect will be affected by EMROs in your area?

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# ANNEX A - EMRO PROCESS MAP

A situation arises where there is need to restrict the late night supply of alcohol in a particular area. The licensing authority can decide, possibly at the suggestion of the public or the PCC, to make an EMRO.



# ANNEX B - LATE NIGHT LEVY PROCESS MAPS - (Part I - Introduction)

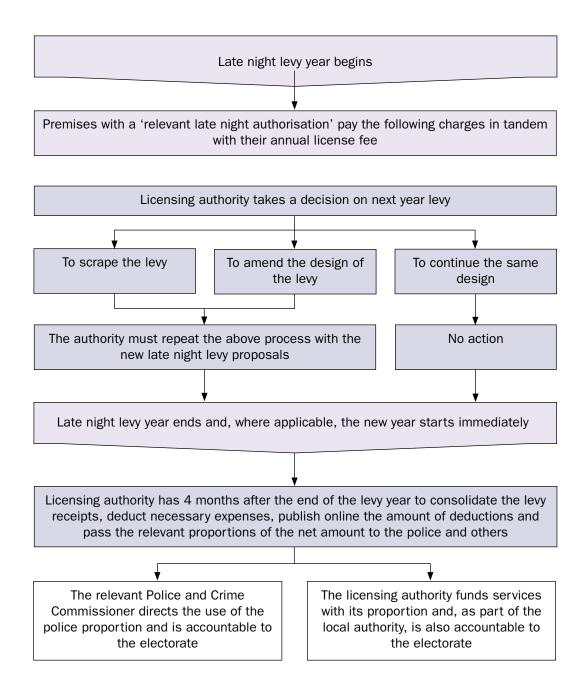
| Essential processes   |   |   |   |
|---|---|---|---|
| which will be deductible  | <b>'late night supply period'</b> - This is the time period where the levy applies. The licensing authority chooses this period but it must be within the window of midnight and 6am.   |   |   |
| from levy revenue   | <b>'relevant late night authorisat</b><br>alcohol within the 'late night s  |   | hich permits the supply of  |
| Key stages for business   | * <b>The levy design</b> - is the licens<br>any exemptions or reductions<br>administrative costs are deduc<br>other activities (max 30%).   | that apply and the proportion   | of the revenue (after   |
| Licensing authority discus  | ses the need for a levy with the lo   | ocal police force and PCC   | Some authorities will not raise enough  |
| Licensing authority engages in initial scoping to decide the design of the levy*<br>and to consider what services it may fund with the money they will retain.  |   |   | from a levy to make<br>it worthwhile. This<br>is an optional power<br>and we expect many<br>licensing authorities   |
|   |   |   | will not find it appropriate to use.  |
| _icensing authority make  | a decision to consult on a late n   | ight levy   | <b>^</b>  |
| Licensing authority printroduce a levy and  | repares consultation document s<br>ts proposed design*  | stating its intention to  | The consultation<br>should also consider<br>the services the<br>licensing authority<br>wishes to fund.  |
|   |   |   |   |
| ing body, the relevant  | y will publish the consultation o<br>chief officer of police and all pr<br>permit the supply of alcohol aft   | emises licence and club prem  |   |
|   |   |   |   |
|   | ¥   |   |   |
| All affected parties (  | especially businesses, the police   | e and residents) respond to th  | e consultation.   |
|   |   |   | e consultation.   |
|   | especially businesses, the police   |   | e consultation.   |
| The consultation mus  |   |   | ]   |
| The consultation mus  | t run for no less than 12 weeks   |   | ]   |
| The consultation mus<br>Licensing authority as<br>on its design*  | t run for no less than 12 weeks   | and makes a final decision w  | hether to apply a levy and  |
| The consultation must<br>Licensing authority as<br>on its design*<br>Plans for the late nigh<br>Licensing authority no<br>informing them of the   | st run for no less than 12 weeks  | and makes a final decision w<br>by the full council<br>ant late night authorisation'<br>e (not less than 2 months   | hether to apply a levy and  |
| The consultation must<br>Licensing authority as<br>on its design*<br>Plans for the late nigh<br>Licensing authority no<br>informing them of the   | st run for no less than 12 weeks<br>sesses consultation responses<br>the levy are put to, and approved<br>otifies all premises with a 'releva<br>e levy start date and giving a dat   | and makes a final decision w<br>by the full council<br>ant late night authorisation'<br>e (not less than 2 months   | hether to apply a levy and<br>Licensing authority<br>should also write to<br>notify all adjoining<br>authorities and the  |
| The consultation must<br>Licensing authority as<br>on its design*<br>Plans for the late nig<br>Licensing authority no<br>informing them of the<br>away) before which m<br>Licensing authority se  | t run for no less than 12 weeks<br>seesses consultation responses<br>the levy are put to, and approved<br>tifies all premises with a 'relevant<br>e levy start date and giving a dat<br>inor variation applications must<br>the date from which the<br>ply. This must be 3 months | and makes a final decision w<br>by the full council<br>ant late night authorisation'<br>e (not less than 2 months   | hether to apply a levy and<br>Licensing authority<br>should also write to<br>notify all adjoining<br>authorities and the<br>Secretary of State<br>el that they do not open<br>period to make paying<br>nises may reduce their                           |
| The consultation must<br>Licensing authority as<br>on its design*<br>Plans for the late nig<br>Licensing authority no<br>informing them of the<br>away) before which m<br>Licensing authority se<br>levy shall begin to ap<br>after letters are dispa | t run for no less than 12 weeks<br>seesses consultation responses<br>the levy are put to, and approved<br>tifies all premises with a 'relevant<br>e levy start date and giving a dat<br>inor variation applications must<br>the date from which the<br>ply. This must be 3 months | <ul> <li>and makes a final decision w</li> <li>by the full council</li> <li>ant late night authorisation' e (not less than 2 months be submitted.</li> <li>Some businesses may fe long enough into the levy it worthwhile. These prem licensed hours through a</li> <li>Licensing authority proces</li> </ul> | hether to apply a levy and<br>Licensing authority<br>should also write to<br>notify all adjoining<br>authorities and the<br>Secretary of State<br>el that they do not open<br>period to make paying<br>nises may reduce their<br>free 'minor variation. |

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### ANNEX B - LATE NIGHT LEVY PROCESS MAPS CONTINUED - (Part II - Levy year)





Home Office

To view online visit: http://www.homeoffice.gov.uk/about-us/consultations/late-night-drinking

Licensing Committee – 14 February 2012

#### 6. Taxi Enforcement Costs

| Executive Portfolio Holder: | Peter Seib – Regulatory & Democratic Services        |
|-----------------------------|--|
| Group Manager:              | Nigel Marston – Licensing Manager                    |
| Lead Officer:               | Nigel Marston  |
| Contact Details:            | nigel.marston@southsomerset.gov.uk or (01935) 462150 |

#### Purpose of the Report

To update members on the discussions that have taken place in relation to recharging Town Councils for the costs of enforcement work undertaken by the District Council on their behalf.

#### Recommendations

- (1) That members note the report.
- (2) That the Licensing Manager in consultation with Wincanton and Yeovil Town Councils, draw up a recharging scheme for taxi enforcement costs that can be implemented during the 2012/13 financial year.

#### Background

Members will recall that this subject was discussed at both the October & December Licensing Committees and that it was noted that further reports would be brought back to Members.

To update Members that both Crewkerne & Ilminster Town Councils have handed back the taxi licensing function to the District Council. Thus leaving Wincanton & Yeovil as the remaining Town Councils undertaking the taxi licensing function.

The Licensing Manager has met with both Wincanton & Yeovil Town Councils and both have expressed a desire to retain the taxi licensing function, although they accept that enforcement costs will need to be recharged back to them.

It was generally accepted that where enforcement is required as a matter of urgency and the Town Council has no one available, then the District Council should enforce and recharge the Town Council for the officer time in dealing with the matter. Where operations are planned and the Town Councils have officers qualified to enforce, then they should be invited to attend. If they are unable to attend then the enforcement costs for the operation should be apportioned according to the % of the taxi fleet issued by the relative council's at the start of the financial year.

This would equate to the following:

| South Somerset District Council | 85% |
|---------------------------------|-----|
| Yeovil Town Council             | 5%  |
| Wincanton Town Council          | 10% |

#### **Financial Implications**

Exact figures are not know at this point, however it is expected that by adopting this measure a cost saving of approx £1200 would be made per annum.

#### **Implications for Corporate Priorities**

The proposals will have an impact on corporate theme four ensuring safe, sustainable and cohesive communities by ensuring that taxi enforcement and therefore passenger safety is properly funded.

There will also be an impact on theme five as by ensuring Town Council's are paying their contribution towards taxi enforcement the district council are to ensure the ongoing delivery of well managed, cost effective services valued by our customers.

#### **Other Implications**

None

#### Background Papers: Licensing Committee 11/10/11 and 13/12/11

#### 7. Enforcement Update

Executive Portfolio Holder:Peter SeibAsst Director:Laurence WillisLead Officer:Colin Chown, Licensing Enforcement OfficerContact Details:colin.chown@southsomerset.gov.uk or (01935) 462135

#### Purpose of the Report

To update members on the work of the licensing enforcement team and the various issues they are currently involved with.

#### Recommendation

That the report is noted.

#### Background

Officers carry out a number of enforcement activities under the various legislative provisions that relate to licensing, in particularly with regard to taxi's. This report seeks to brief members on the current issues that are being dealt with by the enforcement team.

#### **Report Detail**

#### Taxis

#### General

Enforcement officers and the police have carried out regular taxi checks throughout the year with 18 vehicles being given thorough roadside licensing inspections over the last month.

This has resulted in 2 drivers being given advice regarding vehicle cleanliness. Two stop notices have been issued one relating to a stoplight not working, seat belts not recoiling and sliding door not working and the other for the mid row seat not pulling forward.

Weekly daytime checks and several late night checks were carried out throughout the past three months on taxis in and around the centre of Yeovil to ensure compliance with the Hackney Carriage Policy and Bylaws.

Monthly taxi checks are carried out at the Pen Mill, Yeovil Junction and Castle Cary railway stations in order to ensure vehicles that do not tend to use the ranks in and around the main towns are also subject to ad hoc inspections.

One hackney carriage driver was issued a fixed penalty notice for smoking in a taxi and paid the £30.00 within fifteen days.

We have received four taxi/private hire related complaints in the past six weeks.

#### **Street Trading**

Nineteen permanent street traders have applied for and been granted consent to trade. One trader previously found guilty in the magistrates court has withdrawn his appeal to the crown court.

#### **Financial Implications**

None

#### **Implications for Corporate Priorities**

Ensure safe, sustainable and cohesive communities and increase economic vitality and prosperity.

#### **Other Implications**

None

Background Papers: None

Licensing Committee – 14 February 2012

#### 8. Licensing Committee Forward Plan

Head of Service:Nigel Marston, Licensing ManagerLead Officer:Anne Herridge, Committee AdministratorContact Details:anne.herridge@southsomerset.gov.uk or (01935) 462570

#### **Purpose of the Report**

This report informs Members of the agreed Licensing Forward Plan.

#### Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Licensing Committee Forward Plan as attached at Appendix A; and
- (2) Identify priorities for further reports to be added to the Licensing Committee Forward Plan.

#### Licensing Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Licensing Committee agenda, where members of the Licensing Committee (LC) may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda coordinator.

Further details on these items, or to suggest/request an agenda item for the Licensing Committee, please contact the Agenda Co-ordinator; Anne Herridge.

Background Papers: None

I C

#### Licensing Forward Plan

#### Appendix A

#### Notes

(1) Further details on these items, or to suggest / request an agenda item for the Licensing Committee, please contact the Agenda Co-ordinator; Anne Herridge 01935 462570 or e mail <u>anne.herridge@southsomerset.gov.uk</u>

| Meeting<br>Date | Agenda Item  | Background Purpose  | Lead Officer                          |
|-----------------|--|---|---------------------------------------|
| 10 Apr 12       | The role of the<br>Licensing sub<br>Committee                                  | To report on the role of the<br>Licensing sub Committee and<br>any related Special Responsibility<br>Allowance (SRA) attached to the<br>role of Licensing sub committee<br>chairman                       | Angela Cox/<br>Anne Herridge          |
| June 12         | A report Public<br>Fundraising<br>Regulatory<br>Association (PFRA)<br>and SSDC | To update members on the<br>monitoring and performance of<br>the site management agreement<br>with the Public Fundraising<br>Regulatory Association (PFRA) in<br>relation to face-to-face<br>fundraising. | Nigel Marston<br>Licensing<br>Manager |
| Oct 12          | Annual update of the Licensing service   | To inform members of recent activities of the Licensing service   | Nigel Marston<br>Licensing<br>Manager |

Anne Herridge, Committee Administrator, (01935) 462570 email: anne.herridge@southsomerset.gov.uk Licensing Committee – 14 February 2012

#### 9. Next Meeting

Members note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 10 April 2012 at 10.00 am at the Council Offices, Brympton Way Yeovil.

Anne Herridge Committee Administrator, Legal and Democratic Services SSDC anne.herridge@southsomerset.gov.uk or (01935) 462570