

Meeting LCM 11:12
Date: 14 February 2012

South Somerset District Council

Draft Minutes of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 14 February 2012**.

(10.00 am – 11.45 am)

PRESENT:

Members:

Dave Bulmer	Nigel Mermagen (Chairman)
Pauline Clarke	David Norris
Nick Colbert	Linda Vijeh
Tony Fife	Martin Wale
Jenny Kenton	William Wallace
Tony Lock	

Officers:

Anne Herridge	Committee Administrator
Nigel Marston	Licensing Manager

Others:

Cllr Peter Seib	Portfolio Holder for Regulatory and Democratic Services
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NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

27. Minutes (Agenda Item 1)

The minutes of the Licensing Committee held on 13 December 2011, copies of which had been circulated, were approved as a correct record and signed by the chairman.

28. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Cllrs Paul Maxwell and David Recardo.

29. Declarations of Interest (Agenda Item 3)

Cllr William Wallace declared a personal interest in Item 5 in the agenda as he is a member of Avon & Somerset Police Authority

Cllr David Norris declared a personal interest in Item 6 as he is a member of Wincanton Town Council.

30. Public Participation (Agenda item 4)

Questions/comments from members of the public

There were no members of the public present at the meeting.

31. Consultation on a proposal to deregulate Schedule One of the Licensing Act 2003 - In relation to Regulated Entertainment (Agenda Item 5)

The Licensing Manager in referring to the background of the consultation explained to members that there were 2 things to take into consideration and those were the late night levy (the Levy) and Early Morning Restriction Orders (EMRO's) as detailed in full in the agenda report.

The Chairman suggested to members that they should consider the questions, and the responses in Appendix One in turn. The Chairman himself had been thwarted by the order of the paperwork in the agenda; he felt that the Home Office Document titled 'Dealing with the problems of late night drinking' should have been Appendix One and the responses Appendix Two.

Cllr Peter Seib, Executive Portfolio Holder for Regulatory & Democratic Services, suggested that it would be helpful to contact the Democratic Services Manager if the Chairman had any issues about the layout of any committee agenda.

Cllr Vijeh pointed out that the explanation regarding the responses was on page 15 of the agenda report and didn't see it was an issue.

Prior to the consideration of the responses in Appendix One, members had a further discussion about the consultation; some of the comments included the following:

- Would businesses make payment of the Levy for the whole year or would payments be scaled?
- Safer Somerset Group had raised concern over imposing a levy on small country pubs for example and the unfairness of the proportion of 70% going to the Police;
- Felt that drugs amongst younger people were as much of a problem, if not more so than alcohol use;
- Would Community Sports Clubs be exempt?
- The late night time economy is a big part of our economy and youngsters do need somewhere to go, but it would not be economic and would be a blow for hard working businesses to have to pay the levy.

In response the Licensing Manager replied that:

- Payments of the Levy would be made regardless of how many nights the premises were open beyond the agreed time for the levy to start. If businesses had hours that went beyond the starting point for the levy then the government has proposed that there would be a period of 2 months in which to apply to reduce the hours of the licence by way of a free of charge minor variation
- The proportion of the net levy raised would only equate to 30% going to Local Authorities with 70% going to the local Police Authority. The main concern was that the proportion of 70% would more than likely be spent in Bristol;
- Local community clubs would for example include football, railway and rugby clubs.

The Chairman referred to a meeting that he had recently attended in London where he had heard how the City of Westminster were concerned about the present proposals, there would be a lot of lobbying therefore he felt that this consultation may not be final. In response to a previous comment he replied that the Licensing Committee had the ability to control alcohol but not drugs. He then referred members back to page 14 of the agenda report to the consultation questions, and the SSDC responses to those questions in Appendix One:

Members considered each question and responses separately:

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?

Members were content with the answer of '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?

Members were content with the answer of 'no'. The Licensing Manger explained that most local authorities felt that there were never any significant alcohol related problems on New Year's Eve it was usually a pleasant evening. One member felt that flexibility was required as there may be the odd business where problems occurred. He was referred to paragraph 4.01 regarding exemptions and was told that there were no current plans to restrict sales on New Year Eve. The Executive Portfolio Holder for Regulatory & Democratic Services commented that this would need to be evidence based and the LA would have to demonstrate where the problem areas were.

CONSULTATION QUESTION 3:

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

Members were content with the response of 'disagree', the Licensing Manager said why should a community premises with a DPS be penalised or treated differently to one that had chosen not to have a DPS.

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.

Members were content with the above response.

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.

Members were content with the above response. The Licensing Manager commented that Licensees go through a rigorous application process in order to have a Licence in the first place, there should be no need to go through that process again with local residents. Other members felt that the current process was the proper place to make decisions and felt that if one person complained about one premises it could put the whole area in jeopardy.

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.

After a short discussion it was decided that this meeting was not the place to discuss specific routes, members were happy with the response as shown above.

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 dependant 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.

Members were happy with the response particularly as there were currently no BID's in the SSDC area.

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.

Members were happy with the response. The Licensing Manager explained that there were only approximately 40 private membership clubs across the district. It was felt in general that the Authority should be able to exempt well-run clubs.

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.

It was felt the response was good but there was a concern that young businesses possibly wouldn't trade for long if they had to pay the levy.

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.

Members were content with the above response.

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.

During discussion it was felt that the above response was correct.

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.

Members were content with the above response.

CONSULTATION QUESTION 13:

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

Disagree; 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. Yes, however each application should be considered on an individual basis depending on locally provided levy services at the licensing authority’s discretion.

During discussion it was felt that there would be a need to define the type of premises that might be exempt; the levy would not be appropriate for premises in market towns.

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 and that provide assistance to those who otherwise might become victims or offenders.

Members were content with this response.

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

Members were content with this response.

CONSULTATION QUESTION 17:

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

None

Members were happy with the above response.

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.

The Licensing Manager confirmed that he had spoken to several other local authorities in the area, and the Avon & Somerset Police Authority who all felt that the issue of EMRO's would be useful but the Levy would not raise a great deal of money.

In conclusion members **RESOLVED** that:

The Licensing Committee:

1. Considered and approved the answers given by the Licensing Service to the questions posed by the Government concerning the consultation;
2. The response with slight amendments is recommended for the approval of the District Executive

NOTED

Lead Officer: Nigel Marston, Licensing Manager

Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

32. Taxi Enforcement Costs (Agenda Item 6)

The Licensing Manager presented the report as detailed in the agenda.

Members noted the content of the report and the following comments were made:

- Why did it appear that Wincanton had a larger percentage of taxis than Yeovil?
- Need to ensure that Town Councils (TC) pay their contributions. Some appear to take money for enforcement although not in a position to carry it out;
- If a town council had no officers available and enforcement was urgently required SSDC would use their officers and recharge the TC for that officers time;
- Explained that taxi enforcement costs were included in hackney carriage and private hire vehicle fees, which were collected and retained by the TC's;
- It was understood that Wincanton TC did not currently have an enforcement officer;
- Should the contract not be dependable on having an officer able to carry out enforcement;
- It would be preferable to have all of the taxi licensing function carried out by the District Council;
- Two TC's have chosen to keep the taxi licensing function.

In response the Licensing Manager explained that:

- The percentage figures in the report did not reflect the origin of the taxis but showed where they had been licensed;
- If for example a taxi was licensed in Wincanton but enforcement action was required in Yeovil, then Wincanton as the Authority who had issued the licence plate would be required to pay the relevant enforcement costs.

In conclusion, the Executive Portfolio Holder for Regulatory & Democratic Services commented he felt that if the taxi licensing function was to be retained by Town Councils it would be necessary to ensure that they had officers qualified to enforce.

Members were generally supportive of the recommendation and to include the above suggestion.

RESOLVED:

- (1) That members noted 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 and ensure that the town councils had officers qualified to enforce.

NOTED

Lead Officer: Nigel Marston, Licensing Manager
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33. Enforcement Update (Agenda Item 7)

The Licensing Manager presented the report as detailed in the agenda.

He updated members on the issue of taxis parking on the pavement near a taxi rank when the rank was full; he was in the process of discussing that with the local Police. There was also an issue with customers of the cinema parking during the evening on the spaces allocated for taxis. The Enforcement Officer was currently having training in order for him to be able to issue parking tickets during the evenings.

The Licensing Manager was pleased to confirm that an appeal to the crown court had been withdrawn by a street trader previously found guilty. It was pleasing to know that the whole procedure had passed the legal test.

34. Licensing Committee Forward Plan (Agenda Item 8)

Members were asked to note that the report on Public Fundraising Regulatory Association (PFRA) and SSDC would be moved to the Licensing Committee meeting due to be held in October 2012.

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35. Next Meeting (Agenda Item 9)

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

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Chairman