

LICENSING COMMITTEE 7 MARCH 2012

Present :- Councillor Nick Cope (Chairman)
Councillors Mary Blandon, John Bouckley, Dave Harris,
Pauline Hazell, Mike Hogg, Margaret Kimberley,
Michael Lilley and Colin Mudie

17. Minutes

RESOLVED that the minutes of the meeting held on 17 February 2012 were confirmed as a correct record.

18. Late Night Levy and Early Morning Restriction Orders//Government Consultation

Councillor Hogg (in respect of being a Chairman and Trustee of a licensed premises) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

The Head of Environmental and Protective Services submitted a report on the consultation document "Dealing with the problems of late night drinking: A consultation on secondary legislation for the Late Night Levy and Early Morning Restriction Orders". This report was presented to the Committee by the Licensing and Enforcement Manager who advised members that the purpose of the report was to inform members about the consultation and to seek their views on the two measures in the Police Reform and Social Responsibility Act 2011 that will be implemented through the regulations: Early Morning Restriction Orders ('EMROs') and the Late Night Levy. It was explained that the Committee's views would form part of the wider Council's response to the consultation document which would be submitted by the Portfolio Holder on the Council's behalf.

The Committee was presented with and considered draft responses to the consultation questions and felt that the response to question 5 required further clarification as the question and draft response were open to misinterpretation. The Committee expressed its views that the response to the question should make it clearer that the Licensing Authority would wish to hear residents views on the implementation of the Late Night Levy in the borough and felt that this would be very important.

The Committee was keen to know that if the Council considered implementing the Late Night Levy and/or the Early Morning Restriction Orders who would be involved in the consultation process and when. The Licensing and Enforcement Manager assured members that there would be a full and wide consultation and that reports would be brought to the Committee prior to, and following the consultation period. The Protective Services Manager advised the Committee that discussions with the Police had already begun.

Members were advised that should the Council choose to implement one or more of the legislations then the Licensing Authority could determine which group(s) of premises to impose the levies and/or orders on, but that there must be evidence to support the imposition. The proposed charges contained in the consultation process were considered together with the fact that any income from a Late Night Levy would be split with the Police 70:30 (in the Police's favour) and therefore the Committee may need to consider how those funds would be utilized for the benefit of the Borough before determining whether introducing the legislation in Colchester would be worthwhile. As part of this discussion, the current annual fees for premises licences were discussed and the Committee asked that the fact that the Government has not raised the price of annual fees since 2005 be mentioned in the response to Question 17 of the consultation.

Concerns were raised by members that Temporary Event Notices would not be affected by the Late Night Levy which would mean that potentially premises could operate twelve times a year without the Late Night Levy affecting them.

RESOLVED that-

(i) the final approval of the Licensing Authority's response to the consultation document be delegated to the Licensing and Enforcement Manager following consultation with the Chairman before being submitted to the Portfolio Holder for their inclusion in the Council's response to the consultation paper.

(ii) the draft consultation responses be revised and rewritten by the Licensing and Enforcement Manager to reflect the Committee's comments, and for this final version to be circulated to Committee Members for information.

19. Licensing Committee//Site Visits Protocol

The Committee considered a report by the Head of Environmental and Protective Services regarding the introduction of a formal protocol for site visits by Licensing Committee members. Members were informed that the proposed protocol was only intended for use on the rare occasions when members may find it useful to visit a premises prior to a meeting. The issue of accepting hospitality during site visits was discussed and members agreed that the protocol should include that no hospitality is to be accepted during site visits.

RESOLVED that the proposed formal protocol for site visits by Licensing Committee members was agreed with the addition of a paragraph stating that hospitality should not be accepted during site visits, and that this protocol comes into immediate effect.