

# LICENSING COMMITTEE

Minutes of the meeting held on Monday 18 February 2013 at the Town Hall, Royal Leamington Spa, at 4.30 pm.

**PRESENT:** Councillor Guest (Chair); Councillors Mrs Bunker, Gill, Mrs Goode, Heath, Illingworth, Pratt, Wilkinson and Wreford-Bush.

Apologies for absence were received from Councillors Brookes, Ms De-Lara-Bond, Mrs Grainger, Mrs Knight, Mrs Mellor and Vincett.

## 4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 5. **MINUTES**

The minutes of the meeting of the Committee held on 18 June 2012 were taken as read and signed by the Chairman as a correct record.

## 6. **RECORD OF LICENSING PANEL HEARINGS**

Members were concerned that Warwickshire Fire and Rescue Service was not making representations on licensing applications in order that capacity numbers could be inserted as conditions when premises licenses were issued. Members asked the Licensing Services Manager to write to the Fire and Rescue Service and request that it outline, in writing, its position on the matter to help the Licensing Committee assess licensing applications with a more informed view regarding the way that premises were expected to manage their capacities effectively.

### **RESOLVED** that:

- 1) the records of the Licensing Panels between 19 April 2012 and 13 December 2012, be noted; and
- 2) the Licensing Services Manager will write to the Warwickshire Fire and Rescue Service to ask that it outline, in writing, its position on assessing capacity numbers for premises licence applications.

## 7. **LATE NIGHT LEVIES AND EARLY MORNING RESTRICTION ORDERS**

The Committee considered a report from Licensing Services that gave an explanation to the Committee about the new licensing powers inserted into the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011. The report outlined the possible options to use Late Night Levy (LNL), Early Morning Restriction Orders (EMROs) or to apply the increase in annual licensing fees shortly to be set by Central Government via imminent future regulation.

The Licensing Services Manager advised Members that delaying any decision to see what approach other Authorities took was his best advice. There were concerns that the levy represented a substantial extra cost on businesses in

## **LICENSING COMMITTEE MINUTES (Continued)**

difficult economic times where the industry was already seeing a lot of businesses folding each year. There were also concerns of a legal challenge in the form of a judicial review which could cost an Authority a considerable amount to defend. The Licensing Services Manager explained that implementing a levy would take up considerable administrative staffing resources at a time when staffing numbers had been reduced. He explained that 70% of the net amount collected would have to be passed to the Police and anything left after the Council's administrative costs had been accounted for could not go into the Council's General Fund, but would have to be earmarked for expenditure on the night time economy.

After consideration, Members felt that it would be better to delay any decision until all changes had been made and proper guidance had been received. This would avoid having to make changes later in the process. There was also a feeling that this legislation was an attempt to cut alcohol consumption which was an issue in some places, but not a particularly prevalent problem in Royal Leamington Spa town centre. The legislation focussed on businesses whereas Members felt it made more sense to focus on the people drinking. They agreed that it was yet another burden for already struggling businesses. It was agreed to delay the decision until after the summer 2013 when the Council would set its own annual premises licensing fees.

### **RESOLVED** that:

- 1) the contents of the report are noted;
- 2) a recommendation be forwarded to Full Council that at the present time, this Authority does not implement the use of Late Night Levy (LNL) or Early Morning Restriction Orders (EMROs) within the District; and
- 3) the Council should await regulations to be laid later in 2013 which will permit Local Authorities to set their own annual fees, subject to a maximum set by Central Government and for this Council to set its own annual premises licensing fees in summer 2013.

The Committee asked the Licensing Services Manager to spread word of the Committee's decision within the industry and he informed them that he would do this at a "Pubwatch" meeting to be held on 26 February 2013.

The Licensing Services Manager then informed Members of forthcoming changes to legislation and events that he attended associated with licensing. He informed them that the Government had indicated that it intended to deregulate all "live" entertainment and he explained his involvement in the "Purple Flag" accreditation scheme in other towns, which recognised excellence in the management of town and city centres at night. He invited Members to accompany him on inspection visits to premises within this District in the early evening and late night and many Members felt that they would appreciate this opportunity.

(The meeting ended at 5.03 pm)