

## **LICENSING COMMITTEE**

**WEDNESDAY 14 MARCH 2012 AT 3.05PM**

PRESENT: Councillor Morton (Chairman), Councillors Bell, Cape, Mrs Farmer, Mrs Franklin, Mrs Parsons, Scarborough, Mrs Vasey and Mrs Warwick.

### **LC.01/12 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Layden, Mrs Robson and Whalen.

### **LC.02/12 DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

### **LC.03/12 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meetings held on 10 August 2011 be agreed as a correct record of the meetings and signed by the Chairman.

### **LC.04/12 UPDATE ON LICENSING ACT 2003**

The Licensing Manager presented report GD.18/12 giving Members an update on the applications under the Licensing Act 2003.

The Licensing Manager reported on the licence figures as at 5 March 2012.

The Licensing Manager added that the Police Reform and Social Responsibility Act 2011 had received Royal Assent and the commencement dates were expected to 1 April and 12 October 2012. Areas covered in the new legislation included:

- Primary Care Trust to be a Responsible Authority
- The test in relation to licensing objectives would change from 'necessary to appropriate'
- Changes to Temporary Event Notices
- Suspend licence upon non-payment of annual fee
- Review of Statements of Licensing Policy extended to every 5 years
- Early Morning Restriction Orders on closing hours

RESOLVED – That Report GD.18/12 be noted.

**LC.05/12 DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING – A CONSULTATION ON SECONDARY LEGISLATION FOR LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

The Licensing Manager submitted report GD.17/12 which summarised the Home Office consultation in relation to Late Night Levy and Early Morning Restriction Orders contained within the Police Reform and Social Responsibility Act 2011.

The Licensing Manager reminded the Committee that the Police Reform and Social Responsibility Act 2011 had included a variety of amendments to the Licensing Act 2003 which had required secondary legislation to bring them into effect. The Home Office had launched a consultation document on the two main new papers; Early Morning Restriction Orders (EMRO) and The Late Night Levy (LNL).

The Licensing Manager explained that the EMRO would empower Councils to prohibit the sale of alcohol in specified areas between midnight and 6am and could be introduced when evidence showed that problems occurred due to the continued sale of alcohol at night. The use of the Orders would have to be deemed 'appropriate' by the Council to ensure all Licensing Objectives were met. He added that EMROs were suited to solving general problems in a town as a result of late night drinking, as opposed to dealing with problems within individual premises.

The Licensing Manager felt there would possibly be support for EMROs from residents in town centres, however this would have to be weighed up against the promotion of the late night economy. The legislation would set the consultation process that Councils would have to follow before making an Order.

The Licensing Manager reported that the LNL was aimed at ensuring that premises opening after a pre-determined time, as set by the Council, contributed toward policing costs. The Levy would apply to both the on and off alcohol trade and the time could be set between midnight and 6am. The adoption of a LNL scheme would be a power available to Councils but was not compulsory. The general principal would be that the net financial gain from the LNL would be ring fenced and distributed between the local authority and Police for enforcement costs with a 30/70 split of the fees.

The Home Office impact assessment, which had been circulated to all Group Offices, recognised that smaller and rural Councils may not raise enough money from the Levy to cover additional costs. Given the level of proposed charges this would seem to be a correct analysis.

He added that the report was a response to the Home Office consultation and did not commit the Council to take any particular course of action. When the legislation took effect there would be a number of processed that must be

followed to establish if either the EMRO or LNL were appropriate for this authority.

The Committee felt that the new legislation was unnecessary and the Licensing Authority already had the powers to control most of what had been proposed.

Sergeant Higgin, Cumbria Police, commented that Cumbria Police were considering the Early Morning Restriction Order and not the Late Night Levy.

The Licensing Officer informed the Committee that a more detailed report would be submitted to the Committee at a future date.

RESOLVED – That the responses, as set out in report GD.17/12, to the Home Office Consultation on Secondary Legislation for the Late Night Levy and Early Morning Restriction Orders 'Dealing with the Problems of Late Night Drinking' be submitted on behalf of Carlisle City Council.

#### **LC.06/12            GAMBLING ACT 2005 –UPDATE**

The Licensing Manager presented report GD.19/12 giving Members an update on applications made under the Gambling Act 2005.

The Licensing Manager highlighted the licence figures as at 1 March 2012.

As ongoing enforcement, officers were visiting local gambling premises to meet managers and answer any queries under the new legislation and were also carrying out inspections, many in conjunction with the regional Compliance Manager from the Gambling Commission. In recent months Licensing Officers had inspected track betting premises at Carlisle Racecourse and Carlisle United.

The Licensing Manager informed the Panel that the Gambling Commission were continuing to look closely at the sub division of premises which allowed additional gaming machines and to ensure that the premises were capable of operating under primary use for which their licence was intended.

RESOLVED – 1) That Report GD.46/11 be noted.

(The meeting ended at 3.15pm)