

MEETING OF THE LICENSING COMMITTEE

held 31st May 2012

PRESENT: Councillors John Robson (Chair), Nikki Bond, Jillian Creasy, Neale Gibson, Clive Skelton (Deputy Chair), Stuart Wattam and Philip Wood.

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1. WELCOME AND HOUSEKEEPING ARRANGEMENTS

- 1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from Councillors Jenny Armstrong, David Barker, Vickie Priestley and Geoff Smith.

3. EXCLUSION OF PUBLIC AND PRESS

- 3.1 There were no items identified

4. MINUTES OF PREVIOUS MEETINGS

- 4.1 The minutes of the meetings held on 16 February 2012, 23 February 2012, 8 March 2012, 8 March 2012 (Summary Review), 12 March 2012, 13 March 2012, 19 March 2012, 27 March 2012, 29 March 2012, 2 April 2012, 3 April 2012, 13 February 2012, 20 February 2012, 27 February 2012, 28 February 2012, 1 March 2012, 1 March 2012 (informal meeting), 5 March 2012 and 15 March 2012 were approved as a correct record, and there were no matters arising.

5. GAMBLING ACT 2005

- 5.1 The Committee received a report of the Chief Licensing Officer to notify and consult with Members of the Licensing Committee on the draft revised Statement of Principles Policy written by the Licensing Authority in accordance with Section 349 of the Gambling Act 2005 (the 2005 Act).
- 5.2 Steve Lonnia, Chief Licensing Officer, reported that the Gambling Act was reviewed every three years, and he reported that this Policy dealt with all forms of gambling governed by the Gambling Act 2005, which included casinos, bingo halls, betting shops, tracks, adult gaming centres, lotteries, family entertainment centres, club gaming machines, gaming machines in licensed premises, temporary use notices and occasional use notices.
- 5.3 It was noted that there had been very few comments received so far in response to the consultation, and that the consultation period was due to finish on 25th June 2012. It was further noted that, following the end of the consultation period, this item would be submitted to the meeting of the

Committee to be held on 26th July 2012, for formal approval by the Licensing Committee.

5.4 **RESOLVED:** That the Committee;

(a) notes the contents of the report now submitted, and

(b) requests that, following the end of the consultation period, this item (Gambling Act 2005), be submitted to the meeting of the Committee to be held on 26th July 2012 for formal approval.

6. **POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

6.1 The Committee received a report of the Chief Licensing Officer to notify Members of amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 (PR and SR Act) as part of the Government's alcohol reforms. It was noted that the Government had legislated via the PR and SR Act to overhaul the Licensing Act 2003 and to rebalance it in favour of local communities. These new measures were intended to give the Police and Licensing Authorities in England and Wales more local powers to tackle irresponsible premises which were consistently facilitating unacceptable levels of sales of alcohol to under 18s.

6.2 Steve Lonnia, Chief Licensing Officer, detailed a few main points within the report, including the new ability for other responsible authorities to object to Temporary Event Notices (TENs) on the grounds of any of the four licensing objectives, whereas previously, it was only the Police who could submit an objection, purely on the grounds of crime and disorder. In response to this change, Members were concerned that services, such as the Environmental Health Service would not have sufficient staffing resources to go through every individual application to identify potential problems with TEN applications, and that opportunities might be missed.

6.3 There was also a statutory requirement now to review this Act every five years, which was a positive development, as, currently, there were no legal requirements for statutory review. The Licensing Authority was now also classed as a 'responsible authority', which meant that it had increased powers to submit concerns about particular licensed premises. Whilst this was a further positive development, Mr. Lonnia confirmed that the Licensing Authority would endeavour not to 'pre-judge' any new licences, and that their interventions would always be purely evidence based.

6.4 With regard to changes proposed for the collection of annual fees, this would hopefully yield excellent results for the Licensing Authority. The new law stated that premises could have their licences suspended if fees remained unpaid, whereas currently, there was a Licensing Officer whose time was almost fully dedicated to chasing up late and unpaid fees. Mr. Lonnia explained that to chase up non-paying licensees through the Small Claims Court cost approximately £500, and that the unpaid fee (if recovered) was usually far less than this amount. Therefore, the Licensing Authority had taken the decision not to chase up some unpaid amounts. This meant that

the Licensing Authority missed out on almost £30,000 of revenue per annum. Mr. Lonnia added that the fees collected were used to cover the costs of administering the licence applications.

- 6.5 Mr. Lonnia went on to report that, with regard to objecting to Licensing applications, the requirement for an 'interested party' to live or work in the 'vicinity' had been removed from the Act. Members were concerned that this might encourage certain individuals or groups to lodge complaints against numerous licensing applications, but Mr. Lonnia reassured Members that any persistent objectors (with no good reason) would be managed under the notion of them being 'frivolous' or 'vexatious'.
- 6.6 It would also now be the responsibility of Licensing Committee Members to determine whether the term 'vicinity' was applicable in each individual case. There had also been a change of wording, from the term 'necessary' to 'appropriate' in terms of the steps the Licensing Committee could take. The Licensing Solicitor explained the semantics behind this subtle change, and explained that she or another colleague would be available at Committee meetings to advise on this change where necessary.
- 6.7 There would also be increased financial penalties for premises consistently selling alcohol to under 18s, with fines now of up to £20,000.
- 6.8 As well as the changes now detailed, Mr. Lonnia explained that there were also a number of further changes proposed to take effect from either October 2012 or April 2013. One of these was a plan for a 'Late Night Levy', whereby bars and clubs would have to pay for extra police resources to monitor them late at night. This money would be directed back into Police funds (75% of the fees), with options available for the remaining 25%. There would also be potential exemptions for the Levy for hotels, restaurants and takeaways.
- 6.9 Mr. Lonnia were on to detail proposals for Extended Early Morning Restriction Orders (EMROs), which were a power allowing Licensing Authorities to restrict sales of alcohol in the whole or part of an area for any specified period between 0300 hours and 0600 hours if this was considered appropriate for the promotion of the licensing objectives. Mr. Lonnia emphasised that the introduction of any EMRO must be evidence-based.
- 6.10 There were also plans for locally set fees, allowing Licensing Authorities the ability to set their own fees for licensing applications based on cost recovery. This would be a positive step forward for the Sheffield Licensing Authority, as, currently, the nationally set fees did not cover the costs of administering the system, as the fees were based on the rateable valuable of individual premises, which led to great inconsistencies. Mr. Lonnia clarified that any fees gathered in this manner could only be used to administer the processing of the application; the money could not be used for inspections, enforcements, Committee work or legal advice.
- 6.11 Councillors were keen that the process whereby local residents could call for the review of a particular premise was made simpler and less expensive, as,

currently, it was felt that the process was set up in a way which would deter most people from pursuing the review option.

- 6.12 With regard to unpaid fees, Mr. Lonnia informed Members that licences for premises would be suspended until payment was received, and that, if a licensing fee remained unpaid at a premises, the unpaid fee would stay with the venue, rather than with the licensee, so that the Licensing Authority had more chance of eventually recovering these unpaid fees.
- 6.13 **RESOLVED:** That the Committee notes the contents of the report now submitted.

7. **LIVE MUSIC ACT 2012**

7.1 The Committee received a report of the Chief Licensing Officer to notify Members of amendments made to the Licensing Act (2003 Act) by the Live Music Act 2012 as part of the Government's reforms.

7.2 It was noted that key changes to the Act were as follows;

- Remove the licensing requirement for *unamplified* live music taking place between 0800 hours and 2300 hours in all venues, subject to the right of the Licensing Authority to impose conditions about live music following a review of the premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- Remove the licensing requirement for *amplified* live music taking place between 0800 hours and 2300 hours before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of the Licensing Authority to impose conditions about live music following a review of the premises licence or club premises certificate;
- Remove the licensing requirement for *amplified* live music taking place between 0800 hours and 2300 hours before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- Remove the licensing requirement for the provision of regulated entertainment facilities; and
- Widen the licensing exemption for live music integral to a performance of Morris Dancing or dancing of a similar type.

7.3 Steve Lonnia, Chief Licensing Officer, expressed concerns that the new policies were potentially a 'step backwards', and that, if a music event was managed poorly, it could be dangerous no matter how large or small the venue was. He added that a lot of these changes had been pushed forward by the Live Music Forum, which was a group of independent live music campaigners, founded in 1993, to oppose restrictions on the presentation of live music.

7.4 **RESOLVED:** That the Committee notes the contents of the report now

submitted.

8. GOVERNMENT ALCOHOL STRATEGY

- 8.1 The Committee received a report of the Chief Licensing Officer to notify Members of information regarding the new Alcohol Strategy recently launched by the Government.
- 8.2 It was noted that the Government had unveiled their new Alcohol Strategy on Friday 23rd March 2012, which they claimed to be a 'radical plan' to improve attitudes regarding irresponsible drinking, whilst empowering communities to reclaim their High Streets. The new Strategy set out proposals for tougher measures against the 'binge drinking' culture, and to cut alcohol fuelled violence and disorder currently affecting communities, as well as attempting to reduce the number of people drinking to harmful levels. It was the Government's ambition that the alcohol strategy would radically reshape the approach to alcohol and reduce the number of people drinking to excess.
- 8.3 Steve Lonnia, Chief Licensing Officer, commented that the Strategy was very much aimed at encouraging increased partnership working between the Local Authority and the NHS, and that plans for the Late Night Levy, previously mentioned at this meeting, could also be used to tackle alcohol-related crime. There were also plans for a minimum unit price for the sale of alcohol, and Extended Early Morning Restriction Orders, to tackle binge drinking.
- 8.4 Many of the initiatives mentioned in the report, such as bans on multi-buy promotions, the Best Bar None certificate and the Purple Flag award, were already in operation in Sheffield, as well as consistent challenge and effective enforcement led by the Licensing Authority.
- 8.5 Mr. Lonnia noted that there had been no prosecutions made in Sheffield for the offence of serving alcohol to someone who was already drunk, but he emphasised that this was an offence which was extremely difficult to prove.
- 8.6 Mr. Lonnia suggested that some of the monies raised by the Late Night Levy could be used to direct Police resources towards having a permanent presence at the Accident and Emergency department of hospitals on weekends, as many of the patients there had consumed excessive amounts of alcohol.
- 8.7 Mr. Lonnia reported that there would be further consultations and more detailed reports brought to Committee upon minimum alcohol price and multi-buy options, as well as a further report upon anti-fraud measures for illicit alcohol.
- 8.8 Members were disappointed that the report did not make reference to the reasons why people were binge drinking, and what could be done to tackle the root problems of the cause rather than putting measures in place which might not address the key issues.

8.9 **RESOLVED:** That the Committee;

(a) notes the contents of the report now submitted;

(b) notes that the Chair of the Licensing Committee and the Chief Licensing Officer had met to hold preliminary discussions with the Cabinet Member responsible for Licensing issues, Councillor Isobel Bowler, where it had been agreed that it was necessary to investigate the implications of the Government Alcohol Strategy;

(c) approves the establishment of a task and finish multi-agency working party, to include representatives from Planning, South Yorkshire Police, the Health Authority, Ward Members, local business and local community, and any other relevant representatives, with the remit to focus upon the night-time economy within the City Centre and the Ecclesall Road area, and to make any appropriate comments and suggestions;

(d) requests that the Licensing pages of the Council website be given a higher profile, and

(e) requests that an evening visit to late night establishments for Committee Members be arranged by Licensing Officers as soon as possible.