

Runnymede Borough Council

LICENSING COMMITTEE

28 November 2011 at 7.30pm

Members of the Committee present: Councillors Mrs P I Broadhead (Chairman), R N Jones (Vice-Chairman), Mrs F J Barden, R J Edis, Mrs E Gill, Mrs M T Harnden, C Knight, and P S Sohi.

Members of the Committee absent: Councillors Mrs D V Clarke and P A Francis

381. FIRE PRECAUTIONS

The Chairman read out the fire precautions.

382. MINUTES

The Minutes of the meetings of the Committee held on 2 June 2011 and those of the Sub-Committee held on 16 November 2010, 17 May 2011 and 31 August 2011 were confirmed and signed as correct records.

383. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs D V Clarke and P A Francis.

384. LICENSING ACT 2003 - A CONSULTATION ON THE DEREGULATION OF REGULATED ENTERTAINMENT

The Committee considered a comprehensive draft response to a consultation paper, comprising 48 questions, issued by the Department for Media, Culture and Sport (DCMS) concerning a number of proposals to reform activities classed as regulated entertainment.

Members recalled that under the Licensing Act 2003, regulated entertainment included live and recorded music, plays, indoor sports, films and dancing.

The consultation described the proposals as partly aimed at reducing the regulatory burden on businesses and communities. However, Members were concerned that total deregulation might increase the workload of Environmental Protection Officers without sufficient resources to accommodate greater demand to deal with complaints of noise nuisance and similar. Officers confirmed that they had consulted that division of the Council who concurred with their view.

The Committee noted that under the proposals, 15 of the 278 licensed premises in the borough would no longer need to have a premises licence. Lost income from the 4 out of 15 who currently paid a fee because they were commercial outlets amounted to approximately £1,400 per annum.

Members agreed that whilst it was difficult to quantify exactly the impact of deregulation, the proposals were unlikely to benefit the local authority. Furthermore, the impact on residents would be negative if fewer controls were in place, particularly in respect of events involving live music attended by fewer than 5,000 people.

The Committee also expressed concern about the removal of a 'cut off time' for such events. It was agreed that events should not be taking place after 11pm. However, it was also acknowledged that noise and other disturbance in the day time could adversely affect shift workers. The Committee concurred with the Officers' views regarding dance, film and plays which had not identified any major issues.

Members congratulated Officers for researching the issues so thoroughly and preparing a detailed and well presented response to the consultation paper which they were content to be forwarded to the DCMS.

RESOLVED that –

- i) the implications of the proposed changes outlined in this report be noted; and**
- ii) the draft response to the consultation as attached at Appendix ‘A’ be approved prior to submission to the DCMS**

385. SUMMARY OF PRINCIPAL AMENDMENTS CONTAINED IN THE POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011

(Ref: Minutes of Licensing Committee, April 2011, page 665, para 665)

The Committee noted the principal amendments in the Police, Reform and Social Responsibility Act 2011 which received royal assent on 15 September 2011.

Members were advised that under the Act the regime for Temporary Event Notices (TENs) would change so that some events could be held at shorter notice which would benefit people who currently did not meet the deadline and had to cancel events. TENs would also be allowed to last longer, increasing from 4 days to 1 week, and a Personal Licence holder would be able to have additional TENs per annum.

The Committee welcomed the amendment to make Licensing Authorities ‘responsible authorities’ and thus be able to make representations in their own right. The provision for Primary Care Trusts to become responsible authorities was also noted.

Members were informed that the arrangements for advertising notices of applications had been broadened to ensure more persons likely to be affected by a licensed premises would be aware of what was happening in their locality.

The Committee welcomed the provisions to prohibit the sale of alcohol between Midnight and 6am in certain circumstances and reduce the risk of under age sales through higher fines and longer periods when a premises could be forced to cease trading by Trading Standards.

Officers confirmed that in future the Licensing Policy would be reviewed every five years and that the unused provision of Alcohol Disorder Zones would be repealed.

The Committee also welcomed the introduction of a ‘late night levy’ to cover the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between Midnight and 6am. It was noted that if a late night levy was applied it would apply to the whole licensing area but that time restrictions, exemptions and permitted reduction categories could be specified by the licensing authority.

Members noted that forthcoming regulations would specify how payments of the levy would be collected and how relevant expenses would be deducted to give a ‘net amount’ of levy payments. Officers confirmed that not less than 70% of the levy would go to the Police and the remainder would be applied in accordance with the regulations.

As with the proposals for deregulation, the resource implications were unclear and would need to be monitored. However, it was confirmed that the Act would enable local authorities to increase licence fees based on a full cost recovery.

Members were pleased that in future licensing authorities would be able to suspend licences for non-payment of the fee which would increase the effectiveness of the recovery process.

386. LICENSING SUB-COMMITTEE – MINUTES**RESOLVED that –**

the Minutes of the Sub-Committee meetings of 17 May 2011 and 31 August 2011, as attached at Appendices ‘B’ and ‘C’ be received and adopted.

Chairman

(The meeting ended at 7.49pm)