

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

22ND MARCH, 2012

A MEETING of the LICENSING COMMITTEE was held at the MANSION HOUSE, DONCASTER on THURSDAY, 22ND MARCH, 2012 at 10.00 a.m.

PRESENT:

Chair – Councillor Patricia Bartlett

Councillors Elsie Butler, Linda Curran, Eddie Dobbs, Glyn Jones, Ken Keegan

APOLOGIES:

Apologies for absence were received from the Vice-Chair Councillor David Nevett and Councillors Barbara Hedley, Barbara Hoyle, Barry Johnson J.P., Pat Knight, Margaret Pinkney, Pat Porritt and Austen White.

17. DECLARATIONS OF PERSONAL OR PREJUDICIAL INTEREST, IF ANY

Councillor Patricia Bartlett declared a personal interest in Agenda Item 7, by virtue that she and her husband were Members of the Conservative Club.

Councillor Glyn Jones declared a personal interest in Agenda Item 7, by virtue that he was a Member of the Trade and Labour Club.

18. MINUTES OF THE MEETING HELD ON 8TH SEPTEMBER 2011 AND MINUTES OF THE EXTRAORDINARY MEETINGS HELD ON 21ST DECEMBER, 2011 AND 11TH JANUARY, 2012.

RESOLVED that the minutes of the meeting held on 8<sup>th</sup> September, 2011 and Extraordinary meetings held on 21<sup>st</sup> December, 2011 and 11<sup>th</sup> January, 2012 were approved as a correct record and signed by the Chair.

19. MINUTES OF THE LICENSING SUB-COMMITTEE 'A' MEETING HELD ON: 5TH OCTOBER, 7TH NOVEMBER AND 23RD NOVEMBER, 2011

RESOLVED that the minutes be noted.

20. MINUTES OF THE LICENSING SUB-COMMITTEE 'B' MEETING HELD ON 14TH SEPTEMBER, 24TH OCTOBER AND 6TH DECEMBER, 2011

RESOLVED that the minutes be noted.

21. PRESENTATION BY SUPERINTENDENT MARTIN HEMINGWAY, SOUTH YORKSHIRE POLICE.

The Committee received a presentation from Superintendent Martin Hemingway of South Yorkshire Police detailing the outcome of the recent review and restructure of the Licensing Department and procedures within the South Yorkshire Police.

Following the presentation Members were given the opportunity to ask questions and raise any concerns. Concern was raised in relation to Temporary Event Notices (TEN) and where the accountability lies and what the process was to achieve what you require. Saturation of the market place within the town centre and shops was also raised as a concern. Superintendent Hemingway stated that he felt that the market place was not perceived as a police matter and sees the Councillors having a wider influence on this issue. He also stated that he did feel that there were too many pubs within the town centre but it could be argued that the pubs are driving the economy.

In relation to TENS, he stated that they were pursuing amending the on-line template for the notices to ask that the event organiser provide further information on the event to be held. It was advised that the template cannot be changed but it could be requested that the form be extended to provide more detail.

A request was made for further information in relation to cumulative Impact Zones, particularly with regard to extending drinking hours, as Members have difficulty with applications within these areas.

RESOLVED that the presentation be noted and Superintendent Martin Hemingway be thanked for his attendance.

22. GOVERNMENT CONSULTATION REGARDING IMPLEMENTATION OF PROVISIONS OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011.

The Committee received a report advising Members of the changes in legislation and to assist in formulating a response to the Home Office consultation which closes on 10 April 2012.

It was reported that the Police Reform and Social Responsibility Act 2011 received Royal Assent in September 2011. The Chapter dealing with changes to the Licensing Act has requirements for further regulations and before commencement of the part of the legislation relating specifically to the 'Late Night Levy' and 'Early Morning Restriction Orders' (EMRO's) the government is undertaking further consultation.

The late night levy will allow licensing authorities to raise a contribution from late opening alcohol retailers towards policing the late night economy. It will be a local power that licensing authorities can choose whether to adopt for their

areas. The licensing authority will also choose the period during which the levy applies, between midnight and 6am on each night. It was noted that this would apply to all premises.

With regard to EMRO's, these would help licensing authorities to address specific problems caused by the late night supply of alcohol in their areas. An EMRO is a power introduced by the previous Government which under existing provisions would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am. The 2011 Act amended this restriction to be more flexible to between midnight and 6am.

It was stated that this was purely a consultation document at present and both schemes are not mandatory, but it was advised that we should consult and answer the questions within the document.

Members were asked for their views and any concerns they may have. It was asked whether the levy would overshadow the 24hour opening. It was reported that the levy would override any existing times already in existence.

A question was raised in relation to whether licensees had been consulted. It was stated that all consultees would be given the opportunity to respond including licensees.

In relation to EMRO's each area can be zoned, it would not be a blanket restriction across the Borough. It was also stated that the restriction has to be based on evidence and it would be a Full Council decision to apply the restriction.

Following members comments, the questions within the consultation document were asked in turn and the Licensing Officers would formulate a response.

RESOLVED that:-

- (1) the report be noted; and
- (2) following formal adoption of the legislation a further report be produced for clarification.