

LICENSING COMMITTEE

6 AUGUST 2013

Present: County Councillor Marshall (Chairperson);
County Councillors Manzoor Ahmed, Bridges, Goddard,
Kelloway, McGarry, Morgan and Murphy

Apologies: County Councillor Boyle, Hudson, Simmons and B. Thomas

L12 : MINUTES

The minutes of the meeting held on 8 January 2013 were approved by the Committee as a correct record and were signed by the Chairperson.

L13 : LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

The Police and Social Responsibility Act 2011 introduced a number of changes to the Licensing Act 2003. Since 31 October 2012 two discretionary powers have been available to local authorities, namely the Late Night Levy and Early Morning Restriction Orders (EMROs). The Committee received a report providing details of these provisions.

Members were advised that the Late Night Levy enables the police and licensing authorities to raise a levy from late-opening alcohol suppliers to assist with the costs of policing the night time economy. The levy would apply to the whole of the authority's licensing area and relates to premises trading beyond midnight and ending at or before 0600 hours.

The levy is collected by the local authority and authority can deduct administrative expenses from the gross levy revenue. The police then receive 70% of the net revenue, with the remaining 30% going to the licensing authority, to be spent on services connected with the management of the night time economy, that are targeted in dealing with alcohol related crime and disorder. The Act does not specify how the police should apportion the revenue they receive.

The levy is calculated according to the rateable value of the premises and would be collected alongside the licence fee. The report detailed the amount of the levy for each premises in each rateable value band.

The Committee received a presentation from Claire Hartrey, Group Leader – Licencing, providing an overview of the position in relation to licenced premises in Cardiff. Members were advised that the majority of licenced premises in the city are in Rateable Bands B and C; there are approximately 700 premises authorised to sell alcohol between 12 midnight and 0600 hours, but the levy could also capture premises that have standard opening hours that finish before midnight, but have extensions on certain days in the calendar.

The majority of premises operating during the levy period would pay an annual levy of £799 in Band B and £1259 in Band C in addition to their annual licence fee. It was noted that in the event of a levy being implemented licenced premises would be offered a free minor variation to reduce their hours for the sale of alcohol to take them outside the levy period and therefore it was possible that this could decrease the estimated levy income.

There were a number of exemptions to the levy that may be applied, including:

- Premises with overnight accommodation
- Theatres and Cinemas
- Bingo Halls
- Community Amateur Sports Clubs
- Community Premises
- Country Village Pubs
- New Year's Eve
- Business Improvement Districts

The authority can also offer a discretionary reduction of 30% to premises in receipt of Small Business Rate Relief or to those premises who are members of a best practice scheme designed to reduce alcohol related crime and disorder.

Officers suggested that in Cardiff the levy could contribute to the funding of the following services:

- Street cleansing
- Street pastors
- Providing temporary public facilities
- Temporary emergency triage facilities
- Night time economy management

- Improved CCTV systems
- Personal safety initiatives
- Enforcement operations

The Committee was advised of the possible advantages and disadvantages of implementing the late night levy. The advantages included a reduced burden on local taxpayers; an increase in best practice scheme membership possibly leading to a reduction in alcohol related crime and disorder; and a safer night time economy. The disadvantages were an increased workload for the Licensing Section in order to process additional applications and collect the levy; the Police proportion of levy does not have the same constraints upon what it can be spent on; the possibility that premises will have uniformed closing hours in order to avoid paying the levy; the levy may have a negative impact on the night time economy and business may not chose to locate or expand in Cardiff; members of the licensing trade a stating that their businesses are already struggling and additional fees may cause further financial difficulties.

David Holland, Head of Regulatory and Supported Services provided an overview of Early Morning Restriction Orders (EMRO), a discretionary power which enables licensing authorities to restrict sale of alcohol in the whole, or part, or their area on any day for a specified period between 12 midnight and 0600 hours. The licensing authority can only introduce an EMRO if they consider it to be appropriate for the promotion of the licensing objectives and they have evidence for their justification.

The report provided further details regarding this measure and set out the possible advantages and disadvantages.

The Chairperson welcomed questions and comment from the Committee on the information received. The discussions are summarised as follows:

- It was acknowledged that the introduction of the Licensing Act 2003 had resulted in closing times at licenced premises throughout the City being staggered and this had impacted upon the number of customers leaving premises at the same time. Members expressed concern that imposing the Late Night Levy in the City would result in many licensed premises curtailing their hours back to a uniformed 'kicking out time' and this would be a retrograde step.

- The Committee was advised that following consultation with trade representatives, concern had been expressed that the imposition of a levy would cause hardship for many in the licensing trade.
- Members requested further information regarding the number of premises in each Rateable Band and the estimated potential income imposing a levy would bring.
- Members felt that there was generally insufficient account taken of Cardiff's role as the Capital City of Wales and the levy had the potential to bring in extra revenue.
- The Committee felt that the introduction of the late night levy had potential advantages and disadvantages. The Committee agreed to revisit the issue in 12 months when further details of the costs/revenue analysis can be presented. This would also allow for an information gathering exercise to be conducted with other local authorities who have adopted the levy.

RESOLVED – That:

- (1) the report be noted;
- (2) a further report be presented to the Committee in 2 months providing a detailed breakdown of the number of licenced premises in each Rateable Band and an analysis of the costs of introducing the Late Night Levy in Cardiff and the potential income revenue.

L14 : DEREGULATION OF REGULATED ENTERTAINMENT

The Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 commenced on 27 June 2013 and brought about a number of changes to the Licensing Act 2003. The Order amended the descriptions of entertainment in Schedule 1 of the Licensing Act, and the Music Act 2012 and was intended to further deregulate regulated entertainment. The Committee received a report providing details of those changes.

RESOLVED – That the report be noted.

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Chairperson