

LICENSING COMMITTEE - 10.12.2012

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE
HELD ON MONDAY, 10 DECEMBER 2012**

COUNCILLORS

PRESENT Derek Levy, Alan Barker, Yusuf Cicek, Andreas Constantinides, Dogan Delman, Christine Hamilton, Elaine Hayward and Toby Simon

ABSENT Chris Bond, Henry Lamprecht, Anne-Marie Pearce, Chris Murphy, Michael Rye OBE, George Savva MBE and Glynis Vince

OFFICERS: Mark Galvayne (Principal Licensing Officer), Bob Griffiths (Assistant Director – Planning and Environmental Protection), Aled Richards (Head of Development Management), Catriona McFarlane (Legal Representative) and Jane Creer (Governance Team)

Also Attending: Councillor Robert Hayward

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WELCOME AND APOLOGIES FOR ABSENCE

The Chairman welcomed everyone to the meeting.

Apologies for absence were received from Councillors Pearce, Rye, Savva and Vince.

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DECLARATION OF INTERESTS

There were no declarations of interest.

496

MINUTES

AGREED the minutes of the Licensing Committee held on 23 January 2012 as a correct record.

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THE GAMBLING ACT 2005 - RESPONSE TO POLICY CONSULTATION

RECEIVED a report from the Director of Environment in relation to responses to the Council's consultation in respect of two licensing proposals.

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NOTED

1. The introduction by the Principal Licensing Officer.
2. The Council had received three responses to the licensing consultation 2012, all of which were in favour of retaining the existing policies.
3. All three respondees had made comments, which were set out in Annex 3 to the report.
4. It was confirmed that there were now fewer betting shops in the borough than there were three years ago, and that the Gambling Act 2005 prohibited the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.
5. Members' comments including that none of the gambling licence applications which potentially could have been referred to the Licensing Sub-Committee had received objections, that existing policies were working, and that the consultation had endorsed the Council's gambling policy and casino resolution.

AGREED to recommend to Council in January 2013:

- (a) the re-adoption of the existing gambling policy; and
- (b) a further 'no casino' resolution.

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THE LICENSING ACT 2003 - ADOPTION OF THE LATE NIGHT LEVY

RECEIVED the revised report of the Director of Environment in relation to a Late Night Levy and an Early Morning Restriction Order.

NOTED

1. The Chairman's confirmation that ten Members of the Licensing Committee attended the Licensing Master-class on 23 November 2012 and received the advice of Philip Kolvin QC.
2. The Principal Licensing Officer's confirmation that the revised report replaced the original agenda item 5 report. Further to the Licensing Master-class, the report set out recent proposals for the Late Night Levy, Early Morning Restriction Order and Locally Set Fee provisions within the Licensing Act 2003.
3. The advice of Philip Kolvin QC at the Licensing Master-class was summarised in the reasons for recommendations in the report.

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4. In considering whether to begin the process of establishing a Late Night Levy within the borough, it should be considered whether any existing revenue deficits may rather be addressed by way of setting fees rather than by way of introducing a Late Night Levy.
5. In considering use of an Early Morning Restriction Order, it should be considered whether other measures may address problems, such as cumulative impact policies. On 1 April 2012 the Council introduced four Cumulative Impact Policy Areas and these would be subject to review next year.
6. If circumstances changed, the authority could change the provisions.
7. In response to Members' queries, the Principal Licensing Officer advised that a national firm of licensing solicitors had published the findings of their telephone survey, which confirmed that of all licensing authorities in England, that only 7% of Councils were considering introduction of a Late Night Levy.
8. Members' debate, including comments on the lack of positive evidence of introduction by other authorities; concerns about potential detrimental effects on small independent businesses; that no good case for introduction had been made at the Licensing Master-class; and cost-benefit concerns.
9. The advice of the Principal Licensing Officer on the success of the introduction of Cumulative Impact Policy Areas in LB Enfield.

AGREED that

- (a)** the Council should not begin the process of establishing a Late Night Levy within the borough at this time; and
- (b)** the Council should not consider use of an Early Morning Restriction Order at this time.