



Rutland County Council

Catmose Oakham Rutland LE15 6HP

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Minutes of a meeting of the **LICENSING ACT COMMITTEE** held in the Council Chamber, Catmose, Oakham, at 7.00 pm on Tuesday, 18 November 2014.

PRESENT: Mr A Walters (in the Chair)
Mr R Begy
Mr D Richardson
Miss G Waller

OFFICERS	Mr D Brown	Director for Places (Environment, Planning & Transport)
PRESENT:	Mr P Gell	Head of Regulatory Services (Peterborough City Council)
	Ms L Kingsley	Senior Economic Development Officer (Peterborough City Council)
	Mrs K Leishman	(Peterborough City Council)
	Mr A Green	Corporate Support Officer

APOLOGIES: Mr Parsons and Mrs Stephenson.

493 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the Licensing Act Committee held on 19 November 2013 be confirmed and signed by the Chairman.

494 DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they might have in respect of items on the Agenda and/or indicate if Section 106 of the Local Government Finance Act applied to them.

Mr Begy declared that he lives next to a public house.

495 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations and questions had been received.

496 QUESTIONS WITH NOTICE FROM MEMBERS

No questions with notice from Members in accordance with the provisions of Procedure Rule No. 219 had been received.

497 NOTICES OF MOTION FROM MEMBERS

No Notices of Motion from Members in accordance with the provisions of Procedure Rule No. 220 had been submitted.

498 LICENSING ACT 2003 AND THE ECONOMY

Report No. 255/2014 from the Director for Places was received. The purpose of the report was to report on the needs of the local tourist economy, employment and investment in relation to the Licensing Act 2003.

During the discussion the following points were noted:

- i) The last year has seen an increase in the number of licensed premises in Oakham but not in Uppingham. The increase in licensed chains has increase the choice for visitors.

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Mr Richardson entered the meeting 7.03pm

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- ii) The economic development team have worked hard in promoting events and from an economic development point of view it is important to see a thriving food and drink industry to attract the tourists.
- iii) During the last year some larger chains (e.g. Wetherspoons and Wildwood) have moved into Oakham and local businesses as a result have seen an increased footfall. The challenges still remains as they struggle to compete with the larger chains and their competitive pricing.
- iv) The Council are still waiting the crime and disorder figures from Leicestershire Police.
- v) A common feature of the modern drinking culture is that people fill up on cheap drink from the supermarket before going to a public house or a nightclub.

During the discussion the following points were raised:

- i) The public house in North Luffenham has been taken over and new landlord is making an effort to engage with the village. For example a defibrillator is going to be attached to the side of the public house with the landlord paying for the electricity. It is good to see that the landlord is encouraging a different perception of landlords.
- ii) A member asked is there a critical point when a town becomes unattractive because there are so many places to eat and drink? The officer responded yes there is a critical point however no research has been done about it so it is difficult to see how the Council alone can deal with the situation. The Council works closely with the Oakham Town Partnership as well as Uppingham Town Partnership to ensure that together the demands and needs of respective towns are met.
- iii) The question was asked to why the Committee was taking up time with this report? Market forces drive what is required, the town councils and town partnerships look after the towns and then there is a discussion about anti-social behaviour which is a police matter. In response it was noted that the constitution states that the Licensing Act Committee will receive a report on this issue every year.
- iv) The public houses that are succeeding have good landlords and there is a need to do something about the bad landlords.

- v) At the last committee Members asked for a report covering the whole of Rutland however the report is about Oakham and Uppingham. In response the officer stated that most recorded incidents of anti-social behaviour happens in the town hence why the report is based on them. It was also noted that the towns are the large population areas in Rutland.

RESOLVED

That the content of the report and the information provided in Appendix 1 be **NOTED**.

499 LICENSING ACT 2003 – LATE NIGHT LEVY

Report No. 260/2014 from the Director for Places was received. The purpose of the report is to consider the feasibility of a late night levy in Rutland and note that the implementation of a late night levy is not appropriate for Rutland at this time.

During the discussion the following points were noted:

- i) The Late Night Levy is a levy on business who deal with alcohol related crime and disorder. If applied it will have to be applied across the whole area and can start at any time after midnight and before 6am.
- ii) The licensing authority can deduct administrative expenses from the gross levy revenue and then the police will receive 70% of net revenue with the remaining 30% going to the licensing authority.
- iii) A premises can amend their authorised timings to escape the levy but the Council must then offer a variation of the licence free of charge. They would then be able to use a Temporary Event Notice to operate after midnight on 12 occasions for a total of 21 days.
- iv) A survey in 2012 found that two premises in Rutland said it would be worth paying the levy.
- v) The Late Night Levy is aimed at the big cities with numerous nightclubs and large police resources required to police the night time economy.

During the discussion the following points were raised:

- i) A Member was pleased the recommendation was that the levy is not appropriate for Rutland. However they raised the point that a number of landlords have complained to them that they don't see the licensing officer at all.
- ii) Point 7.1 of the report states that 'where problems arise and can be attributed to a few premises these should be addressed appropriately using conventional methods within legislation'. A Member asked what can be done about anti-social behaviour linked to licensed premises? In response it was noted that an inspection policy has been introduced where licensed premises will get inspected at least once a year. The local authority can also use the anti-social behaviour act as well and in the worst cases the licensing authority can revoke a license.
- iii) Ward Members need reminding that when they receive complaints they need to encourage the member of the public to complain officially.
- iv) There was a concern that Rutland was missing out on inspections due to its small size. In response it was noted that Rutland has a shared licensing service, therefore this is not an issue.

RESOLVED

The Committee **APPROVED** the officer recommendation that the implementation of a late night levy is not appropriate for Rutland at this time.

500 LICENSING ACT 2003 – CUMULATIVE IMPACT POLICY

Report No. 261/2014 from the Director for Places was received. The purpose of this report is to consider the need for a Cumulative Impact Policy (CIP) for Rutland.

During the discussion the following points were noted:

- i) The CIP changes the presumption in that without one it is the responsibility of the licensing authority to prove that a premises would have a negative impact on the area. With one a licensed premise has to prove that they won't have a negative impact.
- ii) The CIP won't help with existing problem premises.
- iii) CIP does not apply to the whole of the licensed authority area and can only be applied to a defined area where issues are being experienced.
- iv) If a premises applies for a license in a CIP area and there are no objections then the licensing authority can't refuse the license.
- v) Implementing a CIP could restrict growth.

During the discussion the following points were raised:

- i) The point was raised that a few pubs in the town have become nightclubs and perhaps the nightlife is in the wrong place. It could be out of town instead of where people live but the member conceded that we are at where we are at and we have to deal with that.
- ii) The landlord's ability to control the pub and their cliental is important in dealing with public nuisance and disorder.

RESOLVED

The recommendation that the implementation of CIP is not appropriate for Rutland at this time be **NOTED**.

501 GAMBLING ACT POLICY – VERBAL UPDATE

Mr Gell, Head of Regulatory Services (Peterborough City Council) gave a verbal update of the Gambling Act policy to the Committee.

During the discussion the following points were noted:

- i) The Gambling Act was passed in 2005 but implemented in 2007.
- ii) Local Authorities should review it periodically but hasn't been review in a while so there is a need to remind the committee that it needs reviewing.
- iii) In Rutland there is one betting shop.
- iv) Peterborough's policy is due for review in 2015/16 so it was suggested that it be reviewed at the same time as the policy for Rutland.

During the discussion the following points were raised:

- i) People's concerns was the number of machines involved in modern gambling and that the culture of gambling has shifted from betting on the horses to gambling on high stake fruit machines.
- ii) A member asked whether the machines that the public houses have are covered by the licensing act or gambling act. In response the officer stated that the machines are covered by the gambling act but there is a link to the licensing act.

RESOLVED

That the review of Rutland's Gambling Act with Peterborough's at the same time to save time and money be **NOTED**.

502 ANY OTHER URGENT BUSINESS

No urgent items of business had been previously notified to the person presiding.

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The Chairman closed the meeting at 8.17pm.