

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
MONDAY 7 APRIL 2014 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT:
Councillors

Stretton, Mrs. P.Z. (Chairman)

Anslow, C. Fisher, P.A.
Bernard, J.D. Sutherland, M.
Bottomer, B. Todd, Mrs. D.M.

53. Apologies

Apologies for absence were received from Councillors F.W.C. Allen and Mrs. D. Grice.

54. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

55. Minutes

RESOLVED:

That the Minutes of the meetings held on 14 and 28 January and 10 February, 2014, be approved as a correct record and signed.

56. Briefing Note – Government Consultation on Locally-set Licensing Fees

Consideration was given to the Briefing Note of the Head of Environmental Health (*presented by the Food & Safety Manager and Senior Licensing Officer*) (Item 4.1 – 4.53 of the Official Minutes of the Council).

The Food & Safety Manager raised the following points for Members' reference:

- Current regime in force since 2005, first time the regime has been reviewed since then.
- Current fees were based on rateable values and did not take account of size/types of premises.
- The Government was concerned that licensing authorities were not

recovering full costs of administering licensing functions, but have also made clear that applicants should only pay actual costs charged.

- The Council currently received approximately £70,000 per year in fees income, which was considered a comfortable amount for the service to be able to fulfil its statutory duties.

RESOLVED:

That the Committee's responses to the consultations questions as shown below be agreed:

Do you agree or disagree that the use of national non-domestic rateable value bands as a criterion for variable fee amounts should be abandoned?

- Agree.

Do you agree or disagree that the criterion of whether or not a premises is authorised to provide licensable activities to a late terminal hour is linked to costs?

- Agree – the potential for a premises to breach the licensing objectives increases along with the terminal hour. It would therefore seem appropriate to consider higher fees for those who might require more inspection/compliance/enforcement.

Do you agree or disagree that the criterion of whether or not a premises is authorised to provide licensable activities to a late terminal hour is sufficiently practical to implement?

- Agree.

Do you agree or disagree that the licensing authority should be able to determine the hours during which the higher fee is payable within boundaries of midnight to 6am?

- Agree.

Do you agree or disagree that licensing authorities that impose higher fees for premises that open later should have discretion to exclude premises that are authorised to open later only on certain nights per year?

- Agree – local discretion in fee setting is an important part of ensuring that costs can be fully recovered by the LA without the necessity to penalise those who simply wish to open later to celebrate high days and holidays. Such premises will not obviously add to the overall burden of administration or enforcement.

Do you agree or disagree that the criterion of whether or not a premises is used primarily for the sale of alcohol for consumption on the premises is linked to costs?

- Agree – the potential for a premises to breach the licensing objectives increases along with the terminal hour. It would therefore seem appropriate to consider higher fees for those who might require more inspection/compliance/enforcement. This is all the more important where premises sell alcohol on an exclusive or primary basis late at night.

Do you agree or disagree that the criterion of whether or not premises are exclusively or primarily used for the sale of alcohol consumption on the premises is sufficiently practical to implement?

- Agree.

Do you agree or disagree that there should be discretion to apply higher fee amounts only where both criteria apply in combination?

- Agree.

Do you agree or disagree that, if a licensing authority has determined that different fee amounts should apply, it should have discretion to exclude certain types of premises from that higher fee amount?

- Agree.

If discretion to exclude certain types of premises from a higher fee amount were available, what types of premises should be specified in the regulations as potentially excluded classes?

- Regulations should not dictate exclusion. This should be a matter for the LA to determine.

Are there alternative options that should be available to licensing authorities to apply different fee amounts in their area?

- None identified.

Do you agree or disagree that the following cap levels will enable your licensing authority to recover costs?

Function	Proposed Cap	Agree/ Disagree/ Don't Know
Application for the grant of a premises licence	£2,400	Agree
Application for a provisional statement	£2,400	Agree
Application to vary a premises licence	£2,400	Agree
Application to vary premises licence to specify designated premises supervisor	£105	Agree
Application to vary a premises licence to remove requirement for a designated premises supervisor	£105	Agree
Application for the transfer of a premises licence	£65	Agree
Interim authority notice	£114	Agree

Annual fee payable by premises licence holder	£740	Agree
Application for the grant of a certificate	£2,400	Agree
Application to vary a certificate	£2,400	Agree
Annual fee payable by club premises certificate holder	£720	Agree
Application for grant or renewal of a personal licence	£114	Agree
Application to replace stolen, lost etc. premises licence	£46	Agree
Notification of change of name or address of premises licence holder	£46	Agree
Application for minor variation of a licence	£244	Agree
Application to replace stolen, lost etc. certificate?	£46	Agree
Notification of change of name or change of rules of club	£46	Agree
Notification of change of address of club	£46	Agree
Application to replace stolen, lost etc. temporary event notice	£38	Agree
Application to replace stolen, lost etc. personal licence	£50	Agree
Notification of change of name or address of personal licence holder	£59	Agree
Notification of interest of freeholder etc. in premises	£59	Agree

Do you have any other comments on the proposed cap levels?

- Having a cap is unnecessary if all local authorities are only allowed to charge 'actual' costs and have a duty to publish how the fees have been calculated in relation to their costs.

The cap levels as proposed in the consultation documents are generally on the 'high' side. Although this means that there would be no problem in local authorities recovering their costs at the levels proposed, there is a danger that some authorities will be tempted to charge 'higher' rates than their 'actual' costs given the cap levels as proposed.

Do you agree or disagree that the proposed cap of £100 on the fee for a Temporary Event Notice will enable your licensing authority to recover costs?

- Agree – generally the £100 fee would cover most of the TENs however if the LA receives a lot of objections and needs to convene a large number of Licensing Sub-Committees it may not be sufficient in the long run. This is particularly important in light of the possibility of a decreasing number of TENs served if it becomes more expensive to do so.

Do you agree or disagree that licensing authorities be required, before locally-set fees are implemented, to:

- (i) Publish their proposed fee levels – agree.
- (ii) Publish the basis on which they have been calculated – disagree.

- (iii) Publish the measures they have taken to keep costs down – disagree.
- (iv) Invite comments from interested parties – agree.

What practical steps can licensing authorities take to secure efficiency?

- LAs are constantly under pressure to perform in an effective and efficient manner. Most licensing units have undergone some sort of cost recovery exercise which helps to secure that efficiency.

There are no obvious further mechanisms by which LAs might secure further efficiencies.

Do you agree or disagree that guidance should suggest that these areas present a particular risk of excessive costs or gold-plating?

- (i) Notification of residents individually of licensing applications in their area by letter (given that existing duties to advertise on the premises and on the licensing authorities' website enable the involvement of local residents, and that more cost efficient methods of further engagement may be available – agree.
- (ii) Central re-charges, such as payments from licensing budget to legal services or external communications. These should relate to costs actually incurred in the delivery of functions under the 2003 Act and not, for example, a standard percentage of central costs – agree.
- (iii) The costs of discharging the statutory functions of licensing authorities that arise under other legislation, such as the duties arising under the Environmental Protection Act 1990 – disagree.

Do you think there are any other activities that may present a particular risk of excessive costs or gold plating?

- Not at CCDC.

Do you agree or disagree that there should be a single national payment date for annual fees in England and Wales?

- Disagree.

57. Personal Licenses – Response by Government to the Recent Consultation

The Senior Licensing Officer reported the following:

- The Government agreed with the view of the Committee and licensed trade that the Personal Licence System should be retained.
- The current system worked for the traders as it meant they could determine on an individual basis who would or wouldn't be Personal Licence holders. The proposed changes would have meant all relevant staff needed to hold a Personal Licence.
- Although the current system will going to be retained, any Personal Licences already held will not expire after ten years, even though an expiry date is shown.

58. The World Cup – Consultation on Licensing Hours

The Senior Licensing Officer reported that the Home Office had issued a short, two week consultation on World Cup licensing hours following complaints about its original decision not to extend hours. The consultation questions and Officer responses are detailed below.

There should be a national relaxation of licensing hours for all England games during the World Cup?

- Disagree.

Licensing hours during the World Cup should be a local decision using the existing TEN system?

- Agree.

Do you agree or disagree that a national relaxation of licensing hours would contravene one or more of the licensing objectives?

- Agree – would most likely effect; prevention of crime and disorder, public safety, prevention of public nuisance. Less likely to effect protection of children from harm.

If licensing hours were to be relaxed nationally during England's World Cup matches, do you think that this should be for: 3, 3½ or 4 hours after the scheduled kick off time?

- 3½ hours afterwards.

The Senior Licensing Officer then reported that the Government had since responded a blanket exemption would be in place till 1:00am for all England matches, so any premises whose licenses did not extend beyond this time would have to apply for a TEN for any additionally required licensing hours. The licensed trade had provided the majority of responses to the consultation, being in favour of a blanket exemption, whereas those responsible/relevant authorities who replied were in favour of using the TEN system.

The Meeting closed at 11:20am

CHAIRMAN