

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Tuesday, 14th January, 2014 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, Rhoda Bailey, D Bebbington, H Davenport, I Faseyi,
M Hardy, A Harewood, D Mahon, M Parsons, L Smetham, G Wait and J Wray

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor L Brown

OFFICERS PRESENT

Fiona Crane, Lawyer
Kim Evans, Licensing Team Leader
Julie Zientek, Democratic Services Officer

Apologies

Councillors M Sherratt

25 DECLARATIONS OF INTEREST

There were no declarations of interest.

26 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, Mr J Roberts, representing Cheshire Police, attended the meeting and addressed the Committee in relation to Item 7: Late Night Levy and Early Morning Restriction Orders.

Councillor L Brown and Guy Kilminster also attended the meeting and, with the agreement of the Chairman, addressed the Committee in relation to Item 7: Late Night Levy and Early Morning Restriction Orders.

Note: With the agreement of the Chairman, all speakers addressed the Committee prior to its consideration of the relevant item of business.

27 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 30 September 2013 and 11 October 2013 be approved as a correct record and signed by the Chairman.

28 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meetings held on 26 September 2013, 21 October 2013, 2 December 2013 and 16 December 2013, and the General Licensing Sub-Committee meetings held on 11 November 2013 and 17 December 2013 be received.

29 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

The Committee considered a report regarding the implementation of a Late Night Levy and the making of Early Morning Restriction Orders.

The Police Reform and Social Responsibility Act 2011 gave Licensing Authorities the power to introduce a charge for premises that have an alcohol licence with a terminal hour after midnight (a Late Night Levy). Where a Late Night Levy was implemented, relevant businesses would be required to make a contribution towards the enforcement costs associated with the night-time economy.

The provisions of the Licensing Act 2003 had also been amended, to give Licensing Authorities the power to make Early Morning Restriction Orders, which would restrict the sale of alcohol in a particular area for a specified period between the hours of midnight and 6:00am.

RESOLVED – That a Working Group, formed from Members of the Licensing Committee, be set up to identify options which may reduce the harmful effects of alcohol consumption within the Cheshire East area.

30 DESIGNATED PUBLIC PLACE ORDERS

A motion requesting that consideration be given to making Designated Public Place Orders for areas of Cheshire East had been submitted to Council on 17 October 2013 and referred to the Licensing Committee for consideration.

The Committee considered a report regarding Designated Public Place Orders and the areas that had been designated as Public Places by the former Borough Councils.

The Criminal Justice and Police Act 2001 gave Local Authorities the power to make Orders designating areas as Public Places. A Police Officer could require a person who had recently drunk alcohol or intended to drink alcohol in a Designated Public Place to stop drinking the alcohol or

surrender the drinking vessel. Individuals failing to comply with such a request may be subject to further action.

All three former Borough Councils had made Orders designating Public Places.

The Anti-Social Behaviour, Crime and Policing Bill, which was currently at the Committee stage in the House of Lords, sought to replace Designated Public Place Orders with Public Spaces Protection Orders, which would enable Local Authorities to prohibit any type of activity, not just the consumption of alcohol, provided that certain conditions were met. Any extant Designated Public Place Orders would become Public Spaces Protection Orders three years after the commencement of the relevant provisions of any Act.

RESOLVED

- (a) That the content of the report be noted;
- (b) That Designated Public Place Orders be further considered by the Licensing Committee Working Group.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor P Whiteley (Chairman)