

LICENSING PANEL

TUESDAY, 19 APRIL 2022

PRESENT: Councillors Gurpreet Bhangra (Chairman), David Hilton (Vice-Chairman), Phil Haseler, David Cannon, John Baldwin, Mandy Brar, Karen Davies, Jon Davey, Geoff Hill, Maureen Hunt and Julian Sharpe

Also in attendance: Councillor Donna Stimson and Councillor Gurch Singh

Officers: Oran Norris-Browne, Greg Nelson, Jane Cryer, Giuseppe Bruzzese and Lauren Deane

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bowden and Luxton. Councillors Sharpe and Hunt acted as substitutes.

DECLARATIONS OF INTEREST

For transparency Councillor Bhangra informed all that he held a TfL private hire licence and was a SIA close protection officer.

Councillor Brar informed all that she was an RBWM licence holder.

MINUTES

RESOLVED UNANIMOUSLY: that the minutes of the last meeting held on 12 October 2021 were a true and accurate record.

MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE

RESOLVED UNANIMOUSLY: that the minutes of all the Licensing and Public Space Protection Order Sub Committees were noted by the Panel.

DEALING WITH THE NIGHT TIME ECONOMY

The Panel considered the written report on Dealing with the Night Time Economy.

Greg Nelson, RBWM Trading Standards and Licensing Manager introduced the report to the Panel and stated that there were several optional statutory provisions that the Council could adopt to help deal with the night time economy. This included both pros and cons of each.

Greg Nelson introduced the first option to the Panel; this was a Late-Night Levy. He said that the levy would enable licensing authorities to raise a contribution from late-opening premises licenced to supply alcohol towards policing the night time economy. It would cover the whole of the licensing authority's area. However, the licensing authority would choose the period during which the levy applied (it would be between 00.00 and 06.00) and decide what exemptions and reductions should apply from a list set out in regulations.

Greg Nelson added that if a licensing authority chose to introduce the levy in their area, all licenced premises which were authorised to supply alcohol in the levy period would be affected, whether or not they actually open during the levy period. He added that premises that did not wish to operate in the levy period would be able to make a free minor variation to

their licence before the levy was introduced to change their hours, and so take them out of the period covered by the levy.

Greg Nelson said that the levy amount was set at a national level and also that some venues would be exempt from this, and these were:

- Premises with overnight accommodation
- Theatres and cinemas
- Bingo halls
- Community Amateur Sports Clubs
- Community premises
- Country village pubs
- Business Improvement Districts ('BIDs')

Greg Nelson said that work was currently being done on estimating the amount of money that a levy would raise in RBWM, depending on the hours during which the levy would apply. For example, the levy could be set to apply to all premises open between 00.00 and 06.00, but this might be unfair to those located away from, and therefore not part of the problems caused by, the night time economy (NTE). The levy could therefore be set later, for example from 02.00 to 06.00, but this would reduce the number of premises to which it applied and so would reduce the amount of money raised.

Greg Nelson said that the police must receive at least 70% of the net levy revenue and the licensing authority could retain up to 30% of the net levy revenue to fund other activities besides policing. However, there were restrictions on the types of services that licensing authorities could fund with the levy revenue to ensure that levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the NTE.

Greg Nelson admitted that an obvious drawback to a levy being introduced was that it would apply to all licensed premises, even if they were not open at these times. He also admitted that wider research was to be needed in order to establish the costings involved in this to the borough.

The 2nd option that was introduced to the Panel was the Early Morning Alcohol Restriction Order (EMRO). He explained to the Panel what this would entail. The licensing authority would then be able to implement this on premises in order to promote the 4 licensing objectives of the borough.

Greg Nelson said that a premises would not have to close during the scheduled hours, but they would indeed have to cease the sale of alcohol during this time. EMROs would be designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which was not directly attributable to any specific premises. He added that since their introduction in 2012, not a single licensing authority in England or Wales, had introduced an EMRO.

In terms of drawbacks, Greg Nelson said that in two recent premises licence applications for nightclubs in RBWM, the applicants stressed how essential it was for them to be licenced until 03.00 or 04.00. They strongly argued that if they were required to close at 02.00, they would simply not be profitable and so could not operate if restricted to that time. If this was accepted as accurate then it would be possible that the introduction of an EMRO in Windsor town centre would mean the closing of some or all late-night venues and the end of the NTE as we know it. He stressed that some may see this as good, however it would have severe economic impact on the town, including huge impacts on other businesses such as private hire cars and takeaways. This would likely leave the borough open to a potential judicial review.

The third and final option that was introduced to the Panel was the Cumulative Impact Assessment (CIA). Greg Nelson said that a CIA may be drawn up and published by a licensing authority to help it to limit the number or types of licence applications granted in such

areas after the assessment has been carried out. It must include a statement saying that the licensing authority considered that the number of premises licences in one or more parts of its area is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the four licensing objectives. Evidence would have to be provided in that case.

Greg Nelson said that as with the other 2 options, there were also drawbacks with the CIA. The effects of the pandemic were so that the NTE was virtually shut for around 2 years. This meant that there was a severe lack of data available to the licensing authority. He added that since the NTE had reopened, crime and anti-social behaviour had increased.

Greg Nelson ended his report to the Panel by stating that it was recommended that the Licensing Panel delegated authority to the Head of Housing, Health and Trading Standards, in consultation with the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection, to determine what the costs would be for independent expert research into the three statutory licensing options discussed in this report whilst looking at all RBWM options to see if it could be done within existing budgets and in-house capabilities.

The Chairman asked Greg Nelson if he had any ideas on the costings of conducting the research discussed. He confirmed that he did not have that information.

Councillor Davey asked if the Levy amount was set by Government. He confirmed that the Levy charge was indeed set nationally by Government.

Councillor Hilton offered some insight into his time as Chairman of the former Crime & Disorder Overview & Scrutiny Panel. He said that he had been on a walkaround with the Police in Windsor and Maidenhead 11 years ago. He stated that there were 2 Sergeants and 10 officers, which gave good feelings amongst the public. He then outlined his thoughts on the 3 options and said that if someone was prepared to pay, then the NTE could be managed. Over the last 11 years, he said that the Police were paying less due to cutbacks. He added that he supported the proposals within the paper. Greg Nelson thanked him for his comments and his wisdom.

Councillor Haseler thanked Greg Nelson for the report and asked if any research had been conducted on whether other local authorities had implemented any of the options and how much it cost. Greg Nelson said that this would occur with similar Councils in size and population to RBWM.

Councillor Hill asked why it was specifically now that this was being looked at after the effects of the pandemic had already negatively impacted the NTE. Greg Nelson said that pre-covid, a CIA was already being considered however this was hampered by the pandemic. He said that an ad-hoc working group had been set up with Councillor Cannon and David Scott, Head of Communities last October to look at best practices in dealing with the NTE. He acknowledged the impact that this could have on businesses and stated that nothing would be implemented without the correct thorough research having taken place.

Councillor Baldwin echoed fellow Councillor concerns for businesses suffering from the pandemic and the effects that these options could have on them further. He said that a late-night levy could be described as an afterthought and an extra tax to fund policing that was known to be required anyway. He then outlined his position on the 3 options, with the EMRO being described as impractical, the late-night levy being punitive and the CIA as being a more balanced and measured approach to dealing with the NTE. He then asked if the 30% from the late-night levy would be ring-fenced. Greg Nelson confirmed that this would be the case as stated within the report.

Councillor Sharpe said that the research was needed to be able to make an informed decision on what option to actually take, with costs being taken into account. He said that he was fully supportive of the recommendation and would like for it to come back to the Panel once further

research had occurred. Greg Nelson apologies for there being no figures to present to the Panel but stated that he would provide the Panel with this at a future meeting when available.

Councillor Davies said that as a Windsor resident, she was pleased to see this being on the agenda. She agreed with the general consensus amongst her fellow Panel members and welcomed further research on costings. Greg Nelson acknowledged this and thanked her for her comments.

Councillor Brar asked how many other authorities had these late-night levies in place. Greg Nelson said that he was unaware of this specific number but stated that it would only be relevant to study authorities that were similar to RBWM.

Councillor Hunt questioned whether any of these options were the best way forward at this time and asked if it were possible to look at ways of working with the Police in putting more officers in place to deal with the NTE. She also expressed concern on the cost that would occur in conducting the research.

Greg Nelson replied by stating that the authority worked very closely with the Police and that it was very unlikely that Policing numbers could be increased. He added that having one bit of research on all 3 options would probably be the best way forward. The scope of the research could also possibly be limited if desired by the Panel.

Councillor Haseler provided a Panel with a breakdown of the cost of the levy on businesses, stating how much it would cost businesses per week. The maximum cost was £28.71 per week.

Councillor Hill asked if Pub Watch could be worked with on this. Greg Nelson said that the borough worked closely with them and that licensing officers attended all of those meetings, and that they would be involved in the process of any of the 3 options if pursued.

Councillor Davey asked whether the Police could alter the amount of precept that could be collected. Councillor Hilton said that they collect this directly from the general public and that they do have opportunities to this.

Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime and Public Protection, said that the discussion had been extensive, however it was all based upon mere speculation. The recommendation being put to the Panel was to not implement any of the options, but merely to decide whether to sanction an investigation into the costs of implementing any of the 3 options. If it was shown to not be viable financially, then that could be looked at in the future.

Councillor Cannon then proposed to accept the officer recommendation. This was seconded by Councillor Hilton.

AGREED UNANIMOUSLY: That the Licensing Panel delegated authority to the Head of Housing, Health and Trading Standards, in consultation with the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection, to determine what the costs were for independent expert research into the three statutory licensing options discussed within the report whilst looking at all RBWM options to see if it could be done within existing budgets and in-house capabilities.

DATES OF FUTURE MEETINGS

Members noted that the next meeting of the Licensing Panel would be 5 July 2022.

The meeting, which began at 6.05 pm, finished at 7.20 pm

CHAIRMAN.....

DATE.....