



## NOTICE OF MEETING

- Meeting:** Licensing Committee
- Date and Time:** Tuesday, 8 January 2013 at 7.00 pm
- Place:** Council Chamber, Civic Offices, Fleet
- Telephone Enquiries to:** Mrs Martine Fullbrook  
(01252) 622122 Ext 4126
- Members:** Barrell, Billings, Butler, Evans, Glen,  
Harward, Ive (Chairman), Kennett, Morris,  
Oliver, Radley JR

G Bonner  
Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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# AGENDA

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## **1 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 November 2012 are attached for confirmation and signature as a correct record. **Paper A**

## **2 APOLOGIES FOR ABSENCE**

## **3 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary, and any other, interests.

#### **4 CHAIRMAN'S ANNOUNCEMENTS**

#### **5 LICENSING SUB-COMMITTEE HEARING**

To note the minutes of the meeting held on 21 November 2012. **Paper B**

#### **6 LICENSING SUB-COMMITTEE HEARING**

To note the minutes of the meeting held on 10 December 2012. **Paper C**

#### **7 HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEE INCREASE**

At the Licensing Committee meeting of the 6 November 2012 members were asked to consider an increase in the fees for the Licensing of Hackney Carriage and Private Hire vehicles, Operators' Licences and Drivers' Licences currently charged by Hart District Council in pursuant to Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 for vehicle and operator licences and Section 53 for driver's licences. Members requested more information on the financial implications of such an increase and asked that the report be deferred to this Committee meeting. **Paper D**

#### **RECOMMENDATION**

To approve the proposed increase in Licensing Fees in line with inflation at 3% with effect from 1st of April 2013, subject to Public Consultation.

#### **8 LATE NIGHT LEVY**

To outline the new powers available to the Licensing Authority under the amendments to the Licensing Act 2003 to impose Late Night Levies and consider the relevance of a late Night Levy in the District of Hart.

#### **RECOMMENDATION**

That the Licensing Committee seek not to apply a Late Night Levy to the District of Hart.

**Date of Despatch: 18 December 2012**

*The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English Law. Any recommendations, either to take or not to take enforcement action, have been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.*

**Note for Councillors: After the meeting there will be an informal update from Officers.**

## LICENSING HEARING

Wednesday, 21 November 2012 at 10.00 am

Council Chamber, Civic Offices, Fleet

Present:

**COUNCILLORS:** Billings, Radley JR, Oliver

### OFFICERS:

Nick Steevens	Environmental Health Manager
David King	Principal Licensing Officer
Adrian George	Solicitor, Shared Legal Services
Neil Hince	Environmental Health
Sharon Whittaker	Planning
Gill Chapman	Committee Services Officer

### Applicant:

Mr Dilip Sodha  
Mrs Alison Sodha

## I APPOINTMENT OF CHAIRMAN

It was resolved that Councillor Billings be appointed Chairman for the duration of the meeting.

## 2 DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL

None.

## 3 APPLICATION UNDER THE LICENSING ACT 2003 FOR A VARIATION TO THE PREMISES LICENCE ISSUED TO DOMINOS PIZZA, 254-256 FLEET ROAD, FLEET

Members considered the application for a variation to the premises licence to extend the hours of opening for home deliveries to 0500 Monday through to Sunday.

Mr King reported that the Applicant was looking to close the premises to the public from 0200, but continue to take orders by telephone and internet, and deliver the orders.

Environmental Health had objected to the application. It was considered that there was a likelihood of an unacceptable level of noise constituting a public nuisance. The hours between 0200 and 0500 were the most sensitive hours for residents and the majority of the population would be asleep and there was a huge potential for sleep

disturbance, and as the application was for 7 days there would be no potential respite to residents in that area.

The Planning department had pointed out that the granted planning permission permitted opening until midnight on Monday to Saturday and 2300 on Sundays and Bank Holidays. The premises had been opening until 0200. The Applicant had been in discussion with Planning since it had come to light that he had not applied for an extension to the planning permission, which he apologised for. Planning had received no complaints about the premises and expressed the view that extending planning permission to 0200 would be looked on favourably.

The Applicant reported that the immediate neighbours had been informed of the application and their views sought. The residents who had expressed a view had no problem with the application.

Councillors concerns centred around the possible noise nuisance to neighbours.

***The panel retired at 11.10 am***

***The hearing re-convened at 12.25 pm***

The Chairman asked the Legal officer to summarise the approach taken by the panel.

As a result of discussion and clarification of proposed conditions, amended conditions had been agreed. The Decision Notice, showing these conditions, is attached.

**DECISION NOTICE OF THE**  
**LICENSING HEARING AT HART DISTRICT COUNCIL**  
**ON 21 NOVEMBER 2012**

**APPLICATION FOR VARIATION OF THE PREMISES LICENCE AT**  
**DOMINOS PIZZA 254-256, FLEET ROAD, FLEET, HAMPSHIRE, GU51 4BX**

The Licensing Sub Committee has carefully considered all the evidence and listened to the representations from the Applicant, the Licensing Officer, the Environment Health Services Officer and the Planning Officer.

We have decided having regard to all the circumstances to refuse the application to vary the premises licence. The only relevant licensing objective is public nuisance. The Environmental Health Officer told us there is a likelihood of an unacceptable level of public nuisance. The hours between 2am and 5am are the most sensitive hours for residents. The majority of the population will be asleep. There is a huge potential for sleep disturbance. There are 12 residential premises immediately adjacent to the premises. The rear exit will be the focal point with vehicles pulling up there. There is a considerable drop of background noise between 2.00 am and 5.00p.m. Any new noise created at that time will be particularly evident and it will stand out as opposed to other times of the day where it will be masked. There will be additional noise from the air conditioning and the extractor system operating. In the summer months residents will want to keep their windows open. People from the local nightclub will be tempted to try to get a pizza going round the back possibly disturbing sleep patterns of those close residents.

We note the applicant has contacted some local residents but we feel that the letter may not have made it clear what they can expect.

We would advise that the applicant apply for planning permission to operate in respect of the current hours.

You have 21 days if you wish to lodge an appeal at the Magistrates Court.

## LICENSING HEARING

Monday, 10 December 2012 at 10 am

Council Chamber, Civic Offices, Fleet

### Present:

**Councillors:** Glen, Kennett, Oliver

### Officers:

David King	Principal Licensing Officer
Melanie O'Sullivan	Solicitor, Basingstoke Legal Services
Gill Chapman	Business Support

### Applicant:

Andrew Wragg	Jaxx Nighclub
Jonathan Smith	Solicitor
Lewis Watts	Security Consultant

### Objectors:

Rob Wallis	Hampshire Police
PC Miles	Hampshire Police

## 1 APPOINTMENT OF CHAIRMAN

Councillor Kennett was elected Chairman.

## 2 DECLARATIONS OF INTEREST

None declared.

## 3 APPLICATION UNDER THE LICENSING ACT 2003 FOR A VARIATION TO A PREMISES LICENCE BY RHYTHM STATION LIMITED FOR PREMISES KNOW AS JAXX NIGHT CLUB, UPPER STREET, FLEET

Members considered the application for a variation to the premises licence for the above premises.

David King presented his report. He clarified that Hart Planning had withdrawn their objection. The application was to seek extra hours for certain licensable activities and amend a condition to extend admission from 1.00 am to 1.30 am, and he clarified that everyone should have left the premises by 2.30am.

The Applicant's solicitor stated the reasons for the application. The club was looking to extend the admission time to allow people to go on to the club after leaving the local pubs. The vetting policies of the club, financial issues, the responsibilities of the establishment and its staff, the issues around turning people away, and how the extra half-hour would be beneficial, were all part of the Applicant's statement.

The Police had objected to the application, stating crime and disorder incidents. They considered that the last entry time was consistent with other premises in the area, and encouraged those who want to stay out later to stay in the premises by 1am, and helped the dispersal when making their way home, reducing disorder in Fleet town centre when they were on their way home.

Members asked both the Applicant and the Objectors to clarify some issues and retired to consider.

***The panel retired at 1125 am.***

***The panel reconvened at 11.37 am.***

The Chairman asked the Legal officer to summarise the approach taken by the panel.

As a result of discussion the panel were minded to allow the application that the Jaxx Nightclub extend certain licensable activities and the condition be amended to allow an admission time to 1.30am. The Decision Notice, showing the detailed decision, is attached.

The meeting closed at 11:42 am.

**HART DISTRICT COUNCIL**

**LICENSING COMMITTEE – 10 DECEMBER 2012**

**PREMISES LICENCE APPLICANT: JAXX NIGHT CLUB**

**PREMISES: JAXX NIGHT CLUB, FLEET ROAD, UPPER STREET, FLEET,  
HAMPSHIRE, GU51 3LA**

I confirm that the Licensing Committee has carefully considered all the evidence and listened to the representations from the applicant and the police.

The Members have decided having regard to all the circumstances to GRANT the variation application received.

Films

Monday – Wednesday 19:00 – 01:30

Thursday – Sunday – 19:00 – 02:30

Recorded Music

Monday – Wednesday 19:00 – 01:30

Thursday – Sunday – 19:00 – 02:30

Late Night Refreshment

Monday – Wednesday 23:00 – 01:30

Thursday – Sunday – 23:00 – 02:30

The following seasonal variations to apply to all licensable activities:

Christmas Eve, Valentine's Day, St Patrick's Day, St George's Day, Halloween and any day preceding a Bank Holiday or Public Holiday until 02:30 the following morning.

An additional hour to the standard and non-standard timings on the day when British summertime commences.

From the end of permitted hours on New Year's Eve to the Start of Permitted hours on New Year's Day.

Conditions

The timings in the following condition of 01:00 hours be amended to 01:30 hours:

From 1 April 2012 on Thursdays Fridays and Saturdays except for re-entry to the premises from the designated smoking area, no person shall enter the premises on any day after 01:00 hours. For the avoidance of doubt this entitles those already queuing for entry to the premises to be admitted however no additional members of the public shall be permitted to join the queue after 01:00.



Reasons for the Decision

The Members are satisfied that the Applicant seeks to promote the licensing objectives. The amendment to the condition is appropriate for the promotion of the licensing objective. The members have listened to the representations of the Police, but are satisfied with the Applicants' response to the points made.

This decision will have immediate effect.

You have 21 days from the date of receipt of the Notice letter to appeal against this decision to the Magistrates' Court.

Signed:

Chairman.....

## LICENSING

**DATE OF MEETING:** 8 JANUARY 2013

**SUBJECT OF REPORT:** HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENCE FEE INCREASE

**REPORT OF:** Principal Licensing Officer

**CABINET MEMBER:** Councillor John Kennett, Community Safety, Licensing  
and Environmental Health

### I PURPOSE OF REPORT

At the Licensing Committee meeting of the 6 November 2012 members were asked to consider an increase in the fees for the Licensing of Hackney Carriage and Private Hire vehicles, Operators' Licences and Drivers' Licences currently charged by Hart District Council in pursuant to Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 for vehicle and operator licences and Section 53 for driver's licences. Members requested more information on the financial implications of such an increase and asked that the report be deferred to this Committee meeting.

### 2 RECOMMENDATION

To approve the proposed increase in Licensing Fees in line with inflation at 3% with effect from 1st of April 2013, subject to Public Consultation.

### 3 BACKGROUND

- 3.1 Section 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation through which Local Authorities can charge such Licensing Fees.
- 3.2 Under Section 70, fees are to be such as may be sufficient to cover the costs in whole or part of:
  - A the reasonable cost of inspecting Hackney Carriages and Private Hire vehicles for the purpose of determining whether any such licence should be granted or renewed
  - B the reasonable costs of providing Taxi Ranks; and
  - C any reasonable administrative or other costs in connection with above and with the control and supervision of Hackney Carriages and Private Hire vehicles .
- 3.3 Section 53(2) of the Local Government Act 1976 gives the power for Local Authorities to charge such fees as they consider reasonable with a view to recovering the costs of issue and administration of Hackney Carriage and Private Hire driver's licences.

- 3.4 The current Licence Fees were approved by the Licensing Committee in February 2011 and came into effect on the 1st April 2011 after public consultation. The Licensing Committee did not increase the licence fees in 2012/2013
- 3.5 The Licence fees approved by the Licensing Committee in 2011 are as follows;
- A Operators' Licence from £104 to £108
  - B Private Hire and Hackney Carriage Vehicles from £208 to £216
  - C Initial Drivers Licence for Private Hire and Hackney Carriage from £94 to £108
  - D Initial Combined Drivers Licence from £104 to £118
  - E Drivers Licence Renewal from £73 to £86
  - F Combined Drivers Licence Renewal from £84 to £97
  - G Drivers 3 year Licences for Hackney and Private Hire from £200 to £218
  - H Combined 3 year drivers Licences from £208 to £226
  - I Transfer of Vehicle (plate) from £73 to £76
  - J Copy of Licence from £22 to £23
  - K For the re-sitting of driver's knowledge test from £24 to £25
- 3.6 The proposed Licence Fees for 2013/2014 have been increased by 3% in line with inflation and have been rounded off to whole pounds for ease of administration. The proposed fees are as follows:
- A Operators' Licence from £108 to £112
  - B Private Hire and Hackney Carriage Vehicles from £216 to £223 ( The fee for wheel chair accessible vehicles reduced to £112 as recommended by the Licensing Committee ON THE 18<sup>TH</sup> July 2012)
  - C Initial Drivers Licence for Private Hire and Hackney Carriage from £108 to £112
  - D Initial Combined Drivers Licence from £118 to £122
  - E Drivers Licence Renewal from £86 to £89
  - F Combined Drivers Licence Renewal from £97 to £100
  - G Drivers 3 year Licenses for Hackney and Private Hire from £218 to £225
  - H Combined 3 year drivers Licences from £226 to £233

- I Transfer of Vehicle (plate) from £76 to £79
  - J Copy of Licence from £23 to £24
  - K For the re-sitting of driver's knowledge test from £25 to £26
  - L DVLA driver's licence checks from £10 to £15 ( This increase due to administration costs with DVLA which have increased over 2 years since our last fee increase)
  - M CRB checks £44 ( this fee is set by Government Legislation)
- 3.7 Surrounding local authorities (Surrey Heath Borough, Basingstoke, Guildford, Rushmoor and East Hampshire) licence fees for 2012 are attached at appendix A. Members will note that fees for Hart are in line with neighbouring authorities. All Hampshire Licensing Authorities are proposing to increase their fees in line with inflation at 3%.
- 3.8 The recommended 3% increases in licence fees are required because the present the cost of administrating the service for the Hackney Carriage and Private Hire vehicles and drivers is at a loss. The Licence fees are ring fenced so that they can only be used to provide the service for Hackney Carriage and Private Hire licensing.
- 3.9 The current cost (including service recharges) of providing the service is £96,325. The projected income for this financial year is £81,540. The income fluctuates from year to year depending on a variety of factors including new applications, vehicle transfers and external market forces.
- 3.10 The control of hackney carriage and private hire vehicles and associated drivers and operators, is a time consuming and costly exercise, and it is quite legitimate for a local authority to recover as much of their costs as they as they are able to in relation to this. Those involved in both hackney carriage and private hire trade are in a business and it would be difficult to justify an approach whereby a local authority subsidises private enterprise by refusing to recover the costs associated with providing this service.
- 3.11 The total expenditure for taxi licensing has been reduced by over £10,000 in the last 3 financial years. Despite this significant reduction of around 10% since 2010/11, the income received from hackney carriage and private hire licensing does not cover the cost of the service.

#### **4 CONSULTATION**

- 4.1 It is a requirement that the new proposed Licence Fees are advertised in the local press (cost approximately £300). The Proposed Fees will be advertised in the local publication and will be deposited at the Council offices for a period of 28 days. Any objections received within 28 days of publication of the notice and not withdrawn will be considered at a meeting of the Licensing committee in March 2013. If there are no objections to the variation in fees proposed they will come into effect on 1 April 2013

**5 CRIME AND DISORDER**

None

**6 FINANCIAL IMPLICATIONS**

6.1 There will be a cost of approximately £300 for the Public Notice advert in the Fleet News.

6.2 The increase in income is anticipated to be in the region of £2,000 to £2,500. As stated in 3.2, fees are to be such as may be sufficient to cover the costs in whole or in part.

**7 CONCLUSION**

That the Licensing Committee approves the proposed Licence Fees to take effect from 1st April 2013 subject to the required public advertisement and consultation

**CONTACT:**

David King, Principal Licensing Officer: Extension 4721: E-mail [david.king@hart.gov.uk](mailto:david.king@hart.gov.uk)

**Appendices:**

Appendix A: Comparison of Surrounding Council's taxi tariffs

Comparison of neighbouring authorities Hackney Carriage and Private Hire Licence Fees						2012
	BASINGSTOKE	RUSHMOOR	GUILDFORD	EAST HANTS	Surrey Heath	HART proposed
H.C. and P.H. Vehicle	£235	£231	£348 (plus 2 tests)	£178	£289	£223
Operators Licence	£169	£215	£200	£150	£215	£112
Drivers Licence for H.C and P.H	£110	£80	£83	£102	£90	£112
3 years Drivers Licence	£276	£225	£215	not issued	not issued	£225
1 yr.Drivers Licence Renewal	£92	£80	£83	£47	£32	£89
Combined Drivers Licence	£110	£80	£83	not issued	not issued	£122(renewal£100)
3 yr.Combined Drivers Licence	£276	£225	£225	not issued	not issued	£233
Knowledge tests	£33	£35	£68	no test	£47	£26
DVLA Licence checks	no checks	no checks	no checks	£9	£10	£15
Transfer of Vehicle Licence	£52	£43	£107	£88	£35	£76
Vehicle plate fee	£22	£31	£22	£21.50	£30	not charged
Copy of licence	£17.50	£20	£22	£19.10	£20	£24
CRB checks	£44	£44	£44	£44	£44	£44

**LICENSING**

**DATE OF MEETING: 8 JANUARY 2013**

**SUBJECT OF REPORT: LATE NIGHT LEVY**

**REPORT OF: Environmental Health and Licensing Manager**

**CABINET MEMBER: Councillor John Kennett, Community Safety,  
Licensing and Environmental Health**

**1 PURPOSE OF REPORT**

To outline the new powers available to the Licensing Authority under the amendments to the Licensing Act 2003 to impose Late Night Levies and consider the relevance of a late Night Levy in the District of Hart.

**2 OFFICER RECOMMENDATION**

That the Licensing Committee seek not to apply a Late Night Levy to the District of Hart.

**3 BACKGROUND**

- 3.1 The Police Reform and Social Responsibility Act 2011 introduced amendments to the Licensing Act 2003. On 31<sup>st</sup> October 2012 Early Morning Alcohol Restriction Orders and Late Night Levies were introduced, both of which are intended to tackle alcohol related crime and disorder and to help to pay for extra enforcement costs associated with late opening premises.
- 3.2 Any monies generated by a Levy which is passed to the police is not ring-fenced and can be spent by the police authority on policing outside of the Levy area.
- 3.3 The option to implement the levy is left entirely at the discretion of the relevant licensing authority.
- 3.4 If applied the levy must cover the whole borough. The period during which the levy applies can be set by the authority, but must be between midnight and 6am.
- 3.5 Any premise that chooses not operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced to reduce their trading hours outside that to which the levy will apply.
- 3.6 Hart will also have the discretion to offer an exemption from the levy to the following categories of premises and schemes:
  - i. Premises with overnight accommodation
  - ii. Theatres and cinemas
  - iii. Bingo halls
  - iv. Community amateur sports clubs

- v. Community premises
- vi. Country village pubs
- vii. Business improvement districts
- viii. Premises that open late only on New Years Eve.

A multiplier is applied to premises in Band D and E that primarily or exclusively sell alcohol for consumption on the premises. This will ensure that larger clubs and bars make a higher contribution towards the levy.

3.7 It is for the licensing authority to decide whether or not to apply a levy. Should Hart District Council’s Licensing Committee wish to apply a Late Night Levy in the district, the authority must consult with:

- i. The relevant local policing body;
- ii. The relevant chief officer of police or Police Commissioner;
- iii. Holders of relevant late night authorisations.

3.8 The amount of late night level has been set nationally; the charge is calculated according to rateable value, as is the annual licence fee. The following charges will apply to the levy:

<b>Rateable Value band</b>	A - £0 - £4,300	B - £4,301 - £33,000	C - £33,001 - £87,000	D - £87,001 - £125,000	E - £125,000 & above	band D with multiplier	band E with multiplier
<b>Annual Levy Charge</b>	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

3.9 Licensing authorities will have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme such as Pub Watch or Best Bar None, or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000.

3.10 The police will receive at least 70% of the net levy revenue and the licensing authority can retain up to 30% of the net revenue. The licensing authority may deduct permitted administration, collection and enforcement costs from the gross levy revenue.

3.11 There will be restriction on the types of services that the licensing authority can fund with the levy revenue to ensure that the levy is spent on tackling alcohol related crime and disorder and services connected with the night time economy.

## **4 CONSULTATION**

4.1 In order to assess whether there was any desire or support for the implementation of a late night levy a survey was sent to all premises which have a license for the sale of alcohol beyond midnight. In October 2012 sixty questionnaires and covering letters were sent to those premises where the levy would be deemed applicable. The questionnaire and covering letter are shown in Appendix A.



- 4.2 A summary of the survey responses are shown in Appendix B. A total of 13 responses were received which is a return of 21.6%.
- 4.3 Only one premises supported the introduction of a late night levy currently opened beyond midnight. 5 respondents stated that they would continue to open beyond midnight if a levy was introduced. Of those five, only two would be eligible to pay the levy as the remaining three would either fall under the guise of premises with overnight accommodation or community premises. If a levy were to be introduced, the majority of respondents opted for a preferred commencement time of 1am.
- 4.4 On the assumption that the opinions of the recipients is representative of all persons responsible for licensed premises in the District, an imposed levy from midnight would apply to between 8 and 10 premises, with all others either being exempted or opting for a free variation to the licensable hours.
- 4.5 It is important to note that none of the licensed premises on or around Fleet Road responded to the survey.

## **5 CRIME AND DISORDER**

- 5.1 The Police data provided for violent crimes linked to licensed premises was 73 within the last 12 months. Of the premises which have a licence to operate beyond midnight six have been associated with assaults of public order offences over the last 12 months. Of these, three are located in or around Fleet Road.
- 5.2 The three licensed premises outside of Fleet accounted for 2 public order and 1 assault offence. Those premises in or around Fleet Road were linked to 20 assaults and 5 public order offences.
- 5.3 The Safer Neighbourhoods Team which provided the crime & disorder statistics stated that they perceived these figures to be low which may be attributed to officers not linking incidents to a specific premises. In addition, it was felt that the data does not show the level of policing by officers to prevent crime, for example every Thursday, Friday, Saturday night Fleet town centre pubs/clubs are patrolled by two officers dedicated to visiting the premises and conducting Early Intervention Patrols between 2000hrs and 2300hrs. From 2300hrs they are then supported by further officers who conduct a more traditional Public Order High visibility patrol. The full economic cost for a PC at an hourly rate is currently calculated at £60.36.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 On the basis of the survey responses introducing a Late Night Levy in Hart would generate somewhere in the region of £8,000 to £10,000. The actual figure may be greater as an estimated 6 licensed drinking establishments on or around Fleet Road would continue to trade into periods covered by the Levy.
- 6.2 Administrative costs can be deducted for the amount collected, but this will not cover the implementation costs and officer time.

- 6.3 A minimum of 70% of the Levy will be passed to the police. The remaining 30% is estimated to amount to £2,400 to £3,000.

## **7 CONCLUSION**

- 7.1 The Late Night Levy is a blanket charge which must be applied across the whole of the District and does not focus any charge on those licensed premises which require greater levels of policing. Additionally, the levy does not apply to late night refreshment premises such as takeaways and mobile food vendors or retailers such as off-licences which also form an integral part of the night time economy.
- 7.2 Applying a Levy across the whole district would be disproportionate and would impose an additional burden on premises which do not contribute significantly to anti-social behaviour or demand additional resource from the police.
- 7.3 The levy would initially create a significant amount of work for the licensing department which could not be recouped from any monies received.

**CONTACT:** Nick Steevens, Environmental Health & Licensing Manager: Extension 4296:  
E-mail [nick.steevens@hart.gov.uk](mailto:nick.steevens@hart.gov.uk)

### **APPENDICES:**

Appendix A: Letter template to licensed premises - LNL  
Appendix B: Responses to Late Night Levy Survey

^ND,FULLNAME.LIAPPLICANT;  
^ND,ADDRESS.LIAPPLICANT;

**Our Ref:** ^ND,REFVAL.LICASE;  
**VAT No:** 189417423  
**Your Ref:**  
**Email:** licence@hart.gov.uk

**Enquiries to:** The Licensing Officer  
**Direct line:** 01252 774496  
**Fax:** 01252 774499  
**Date:** ^DS,TODAY.SYSTEM,22;

Dear Sir/Madam,

### 2003 LICENSING ACT

^ND,LICNTYPE\_D.LICASE;

^ND,FULLNAME.LIAPPLICANT;  
^IL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE;  
^NL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE;

I am writing to you to gather opinions on the potential for licensing authorities to implement a late night levy on premises which sell alcohol. The late night levy was introduced at the start of October 2012 and enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise, but once imposed must cover the whole of the Hart District Council area.

If Hart chooses to introduce the levy, all licensed premises which are authorised to supply alcohol in the levy period will be affected. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced.

Hart will have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme such as pubwatch or the best Bar None Scheme, or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000.

Hart will also have the discretion to offer an exemption from the levy to the following categories of premises and schemes:

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

The amount of the late night levy is set at a national level and is calculated according to your rateable value. This system applies to the existing licence fee and the levy charge will be collected alongside the annual licence fee. The following charges will apply to the levy:

<b>Rateable Value Bands (Based on the existing fee bands)</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>D x 2</b>	<b>E x 2</b>
	No rateable value to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above	Multiplier applies to premises in Category D that primarily or exclusively sell alcohol	Multiplier applies to premises in Category E that primarily or exclusively sell alcohol
<b>Annual levy charge</b>	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

A multiplier is applied to premises in Band D and E that primarily or exclusively sell alcohol for consumption on the premises. This will ensure that larger clubs and bars make a higher contribution towards the levy.

The police will receive at least 70% of the net levy revenue with the council retaining up to 30% of the net levy revenue to fund other activities besides policing. The 30% retained by the council will be directed towards tackling alcohol-related crime and disorder and services connected to the management of the night-time economy. The licensing authority will be able to deduct permitted administration, collection and enforcement costs from the gross levy revenue.

In order to gauge your opinions regarding the late night levy I would be grateful if you could complete the attached form and return it to this department in the envelope provided. Your responses will assist in determining whether Hart Council decides to introduce the levy, so your input is crucial.

If you have any queries please contact the Licensing Department on the above telephone number.

Yours faithfully



Nick Steevens  
**Environmental Health & Licensing Manager**

^ND,FULLNAME.LIAPPLICANT;  
 ^IL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE;  
 ^NL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE; ^NL,ADDRESS.LICASE;

**Question 1:**

Do you support the implementation of the late night levy in Hart?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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**Question 2:**

If Hart District Council introduced the late night levy would your business continue to sell alcohol beyond midnight or would you take advantage of a free variation to reduce your hours?

Continue to sell alcohol during the levy period	<input type="checkbox"/>	Take free variation to the premises licence	<input type="checkbox"/>
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**Question 3:**

If the levy was introduced and you continued to sell alcohol during the levy period, would you, or do you currently participate in a best practice scheme which would reduce your levy by 30%?

Currently participate in a scheme	<input type="checkbox"/>	Would participate in a scheme in the future	<input type="checkbox"/>	Would not participate in a scheme	<input type="checkbox"/>
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**Question 4:**

Do you currently sell alcohol beyond midnight on a regular basis (i.e. weekly or monthly)?

Yes	7	No	6
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**Question 5:**

If a levy was introduced, in your opinion, from what time should the levy commence?

12am	<input type="checkbox"/>	1am	<input type="checkbox"/>	2am	<input type="checkbox"/>
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Please add any other comments you may wish to make regarding the late night levy below:

**Thank you for your assistance with this survey. Your opinions will be taken into account when considering whether a levy is introduced.**

**Question 1:**

Do you support the implementation of the late night levy in Hart?

Yes	7
-----	---

No	6
----	---

**Question 2:**

If Hart District Council introduced the late night levy would your business continue to sell alcohol beyond midnight or would you take advantage of a free variation to reduce your hours?

Continue to sell alcohol during the levy period	5
---	---

Take free variation to the premises licence	7
---	---

Possibly	1
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**Question 3:**

If the levy was introduced and you continued to sell alcohol during the levy period, would you, or do you currently participate in a best practice scheme which would reduce your levy by 30%?

Currently participate in a scheme	2
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Would participate in a scheme in the future	7
---	---

Would not participate in a scheme	4
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**Question 4:**

Do you currently sell alcohol beyond midnight on a regular basis (i.e. weekly or monthly)?

Yes	7
-----	---

No	6
----	---

**Question 5:**

If a levy was introduced, in your opinion, from what time should the levy commence?

12am	2
------	---

1am	7
-----	---

2am	4
-----	---

Please add any other comments you may wish to make regarding the late night levy below:

We open only on demand for mainly family celebrations. The bar closes at 11pm at all functions. We would seek a free variation to midnight
Businesses already pay:- business rates, VAT, class 2 & 4 NIC and income tax and duty PRS, tax on fruit machines. Why add another tax? 95% of the problems result from High Street pubs and nightclubs so why should all pubs have to pay this new tax?
We are a rural pub so it shouldn't affect us but we believe that it is just another obstacle to already struggling businesses. We already pay enough in business rates to cover this. Fining the offending establishments heavier would be fairer.
Do not agree to a further charge! (levy). Although hopefully we would be exempt as a community premises.
We cannot afford any more increases in our costs. We are losing 7-10 pubs a week & everything is going up. Please don't inflict us with anymore costs. Thank you.

<p>p.s. we have been at the Crooked Billet for over 26 years and have called the police once in that time. Any levy would seem out of context.</p>
<p>Please note Highfield Park is a premises with significant overnight accommodation</p>
<p>Please note Warbrook House and Grange is a premises with significant overnight accommodation</p>
<p>We only open until midnight and would welcome an exemption on New Years Eve. I feel larger late night clubs etc. should pay a levy</p>
<p>The New Inn is a country hotel and has no requirement for selling alcohol late into the night. Those premises who require late night options should pay for the policing etc.</p>

## **LICENSING COMMITTEE**

Date and Time: Tuesday, 8 January 2013 at 7 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

### **COUNCILLORS:**

Ive (Chairman)

Barrell, Butler, Evans, Glen, Oliver, Radley JR

### **OFFICERS:**

Nick Steevens	Environmental Health & Licensing Manager
David King	Principal Licensing Officer
Suzanne Smith	Solicitor, Shared Legal Services
Martine Fullbrook	Democratic Services Officer

## **20 MINUTES OF THE PREVIOUS MEETING**

The draft Minutes of the Licensing Committee held on 06 November 2012 were confirmed and signed as a correct record.

## **21 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Billings and Morris.

## **22 DECLARATION OF INTERESTS**

Councillor Radley pointed out that Code of Conduct training has been arranged for members which will cover declarations of interest. It is important that Members attend the training so please contact Gill Chapman if you are not already booked in for one of the sessions. Dates for the training are as follows:

Monday 28<sup>th</sup> January 7pm, Tuesday 29<sup>th</sup> January 7pm, Wed 30<sup>th</sup> January 9:30am,  
Thursday 31<sup>st</sup> January at 5:30pm

## **23 CHAIRMAN'S ANNOUNCEMENTS**

None.

## **24 LICENSING SUB-COMMITTEE HEARING**

The minutes of the hearing held on 21 November 2012 were noted. Councillor Radley asked if Dominos Pizza had submitted a planning application as discussed at the hearing.

**Post meeting note:** A planning application (12/02480/AMCON) has been received to vary condition 2 of planning permission 09/02714/FUL to allow operating hours of



1100hrs to midnight Sunday to Wednesday and 1100hrs to 0200hrs Thursday to Saturday. The decision is due at the end of January.

## **25 LICENSING SUB-COMMITTEE HEARING**

The minutes of the hearing held on 10 December 2012 were noted

## **26 HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEE INCREASE**

Members discussed the financial implications of the fee increase and raised concerns regarding the shortfall between the cost of providing the service (£96,325) and the projected income for the next financial year (£81,540).

While discussing the comparison of neighbouring authorities (Appendix I), Members questioned why Hart does not charge a vehicle plate fee in line with the other local authorities and suggested that even though the plates provided are now plastic rather than metal, a fee should still be charged. £30 was suggested in line with other authorities. This would reduce the shortfall by 50% and increasing the Hackney Carriage (HC) and Private Hire (PH) vehicle license to £230 would help to reduce it further.

Members were concerned that even with the suggested increases the service would still not break even and requested that the budget be looked at in more detail. The Chairman agreed to discuss the licensing budget with the Leader of the Council with a view to raising the issue at Cabinet.

It was proposed that the 3% increase be approved and that in addition to this, the HC and PH vehicle license be increased to £230 instead of £223 and that a £30 charge be introduced for vehicle plates.

### **RESOLVED**

That the 3% increase be approved, and that in addition to this, the HC and PH vehicle license be increased to £230 instead of £223 and that a £30 charge be introduced for vehicle plates.

## **27 LATE NIGHT LEVY**

Members discussed the Late Night Levy report and agreed that it would not provide funding where required. The police will receive at least 70% of the net levy revenue but as this money won't be ring fenced there is no guarantee that it will be spent on problem areas (such as policing Fleet Road). In addition to this applying a levy across the whole district would be disproportionate imposing an additional burden on premises which do not contribute significantly to anti-social behaviour or demand additional resource from the police, and the levy would initially create a significant amount of work for the licensing department which could not be recouped from any monies received.

### **RESOLVED**

The Licensing Committee agreed not to apply a Late Night Levy to the District of Hart.

The meeting closed at 8:00 pm