

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

<p>Contribution to the Council's Corporate Priorities/ Objectives</p>	<p><b>People</b>  This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p>	
<p>Consultation:</p>	<p>Officers undertook a benchmarking exercise with the other Local Authorities in Hertfordshire and Bedfordshire to establish their present intentions with regard to both EMRO or LNL;</p>	
	<p>Any plans to introduce either of these?</p>	<p>No</p>
		<p>No</p>
		<p>No active plans to introduce</p>
		<p>North Herts are not proposing to introduce either.</p>
		<p>we are being cautious at this time as to whether this is necessary, or relevant to Stevenage</p>
	<p>If not, what are the main reasons why not?</p>	<p>Not of any benefit as there are already enough mechanisms for dealing with problem premises.</p>
		<p>Members seem opposed to the concept, and initial estimates are that any financial gain would be outweighed by the detrimental economic impact on local businesses.</p>
		<p>We have not had cause to introduce a cumulative impact policy and therefore it may be premature to start looking at EMROs, until other</p>

		relevant powers have been considered.
		RAG group felt that this was not a viable proposal for the impact it could have on businesses and the economic development of the towns.
		Not considered necessary but expect new Police Sergeant to make some representations.
	If yes, will you limit EMROs to areas over a threshold density of licensed premises, if so, what density are you using?	No replies.
	Have you considered Ambulance and Police data when trying to decide on a suitable area for EMROs, or are you likely to?	No replies.
	What effect do you think the Late Night Levy would have on the licensed restaurant trade in your area if it were introduced for any premises selling alcohol after midnight?	We believe that a number of premises, such as restaurants, would utilise the free minor variation application, adding to our implementation costs and reducing any financial gain.
		Some restaurants may choose to close but we do not have many open beyond 2400 hours
	What effect do you think the Late Night Levy would have on the licensed restaurant trade in your area if it were introduced for any premises selling alcohol after 1 a.m.?	We do not have many restaurants open beyond 2400 hours.
	Any other comments or	We estimate that the Late

	useful suggestions?	Night Levy would generate a low-to-medium four figure sum if we were to adopt the levy, and following collection costs had the remainder would be too small to realise any discernible benefit.
		The police have given a preliminary indication that they would like to see the levy adopted, and have been invited to make a formal request backed up by relevant evidence to put to the Committee for consideration.
		Depending on what happens with other authorities we will review the situation probably in about 9 to 12 months time, just in case the introduction of such levies by the other authorities begins to have an adverse affect on North Herts.
		We have so far held a provisional meeting with the Police and have agreed to meet again in June this year, with a view to all parties completing some more background works as to this.
	<p>If the Licensing Authority resolves to make and Early Morning Restriction Order, then under s172B Licensing Act, statutory consultation must conform to the following procedure;</p> <p>The licensing authority must:</p>	

- advertise the proposed order in the prescribed manner, and
- within 30 days of the end of the prescribed period, hold a hearing to consider any relevant representations received in the 42 day prescribed period following publication of the advertisement, unless the authority and each person who has made such representations agree that a hearing is unnecessary.

“Relevant representations” means representations which

- are about the likely effect of the making of the proposed order on the promotion of the licensing objectives,
- are made to the licensing authority by an affected person, a responsible authority or any other person,
- are made in the prescribed form and in writing and within the prescribed period,
- have not been withdrawn, and
- in the case of representations made by a person who is not a responsible authority, are not, in the opinion of the licensing authority, frivolous or vexatious.

“Affected person” means

- the holder of the premises licence or club premises certificate in respect of affected premises,
- the premises user in relation to a temporary event notice in respect of affected premises,
- a person who has applied for a premises licence or club premises certificate in respect of affected premises (where the application has not been determined), and
- a person to whom a provisional statement has been issued in respect of affected premises.

“Responsible authority” means—

	<ul style="list-style-type: none"> <li>• the licensing authority</li> <li>• the chief officer of police</li> <li>• the fire and rescue authority</li> <li>• the Primary Care Trust or Local Health Board</li> <li>• the local weights and measures authority</li> <li>• the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any such area,</li> <li>• the local planning authority</li> <li>• the local environmental health authority</li> <li>• the local safeguarding children board</li> <li>• the navigation authorities;</li> <li>• (the Environment Agency, and British Waterways Board) and</li> <li>• the Secretary of State, and</li> <li>• other prescribed persons.</li> </ul> <p>Where the licensing authority finds that any representations are frivolous or vexatious, it must notify the person who made them of its reasons for that determination.</p>
Legal:	<i>See report</i>
Financial:	The advertising budget will require extra £2k - £2.5k for statutory advertising
Human Resource:	None
Risk Management:	None