

<b>MEETING:</b>	Statutory Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 28 October 2015
<b>TIME:</b>	3.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

### Present

Councillors C. Wraith MBE (Chair), Ennis, Frost, Johnson, Saunders, Sheard, Shepherd, Sixsmith MBE, Wilson and Worton

### 1 Declaration of Interests

There were no declarations of pecuniary and non pecuniary interest from Members in respect of items on the agenda.

### 2 Late Night Refreshment Licensing

The Service Director Culture, Housing and Regulation submitted a report providing an overview of the Home Office Guidance relating to the licensing of late night refreshment premises following the commencement of the provisions contained within the Deregulation Act 2015.

The guidance, which would come fully into effect from November, 2015 was intended to assist licensing authorities and the police monitor and enforce activity in relation to the provision of late night refreshment and had been produced to reflect changes to the Licensing Act 2013 which allowed licensing authorities to opt to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Members of the Board were reminded that the provision of late night refreshment involved only the supply of hot food and drink between the hours of 11.00 pm and 5.00 am.

The report outlined in some detail the main provisions of this guidance including:

- the exemptions that could be granted
- the types of premises where exemptions could apply
- the arrangements for determining exemptions

It was anticipated that this new approach would release businesses concerned from unnecessary costs which, in turn, may allow for greater flexibility for licensing authorities to target scarce resources more effectively.

Licensing authorities could review the exemptions at any time, however, unlike any other types of licensing decision, the exemptions were not made on a case by case basis and there was no recourse to bring an individual premise back into the licensing regime. If there was a problem with a particular premise the licensing authority would have to take a decision about the entire exemption and apply it across the whole area. Alternatively, depending on the scale of the problem, other powers could be used to tackle the problem such as closure powers under the Anti-Social Behaviour, Crime and Policing Act 2014. In addition, Environmental Health legislation around noise nuisance may also offer some protection.

Further details would be available within the Statutory Guidance to be issued shortly and a further report would be submitted so that Members could make a full and informed decision as to whether or not to award an exemption.

**RESOLVED** that the report be received.

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Chair