

**LICENSING AND REGULATION COMMITTEE**

**12 December 2006**

Attendance:

Councillors:

Mather (Chairman) (P)

Baxter (P)  
Berry (P)  
Howell (P)  
Hammerton (P)  
Izard (P)  
Johnston (P)  
Love (P)

Pearce (P)  
Ruffell (P)  
Sutton (P)  
Wagner  
Weston (P)  
Wood (P)  
Wright (P)

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1. **APOLOGIES**

Apologies were received from Councillor Wagner.

2. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 24 October 2006 be approved and adopted.

3. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 24 NOVEMBER 2006**  
(Report LR206 refers)

The Committee received the minutes of the Licensing Sub-Committee held on 24 November 2006 (attached as Appendix A to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 24 November 2006 be received and noted.

4. **PUBLIC PARTICIPATION**

Mr Steve Eckton and Mr Martin Dade, representing Winchester taxi and private hire drivers, raised issues including fare charges and the number of licence plates, which are outlined in the minutes below.

5. **REVIEW OF FARES FOR HACKNEY CARRIAGES**  
(Report LR203 refers)

At the invitation of the Chairman, Mr Eckton explained to the Committee that taxi drivers in the Winchester District had requested a ten pence increase in the pull-off charge, which would assist drivers in meeting their maintenance charges, as well as their fuel costs and would keep the rise at the rate of inflation. There would be no change to mileage charges, which would not encourage more drivers to the Winchester area. In response to questions, Mr Eckton stated that, in his opinion, there were too many licences granted and that, as a result, drivers had to work increased hours to earn the same. Many drivers had also taken on schools contracts.

The Licensing and Registration Manager stated that taxi work had been lost due to the introduction of the over 60s travel card. This, coupled with other increases in costs, meant that it was difficult for full-time drivers to earn a full-time income. In response to questions, the Licensing and Registration Manager reported that current legislation did not restrict working hours.

RESOLVED:

That, subject to the statutory requirements for advertising and dealing with objections, the fares which may be charged by Hackney Carriages in the area of Winchester City Council be varied with effect from 1 January 2007 as follows, which produces a fare of £3.60 for the first mile and £1.80 for each subsequent mile:

i) Distance

For the first 660 yards (603 metres) or part thereof, £2.40

For each succeeding 200 yards (183 metres) or part thereof, 20p

ii) Waiting Time

For each period of 1 minute, 25p

iii) Extra Charges

For each hiring which commences between 11pm and 6am or at any time on bank holidays and public holidays, or after 6.30pm on Christmas Eve and New Year's Eve 50% of the above rate of fare

Fouling charge, £40.00

6. **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSES – POLICIES AND PROCEDURES**  
(Report LR205)

The Licensing and Registration Manager explained that the report had been prepared as a result of discussions with taxi drivers and a review of existing conditions, policies and procedures. The report would be the first of a series of reports, dealing with various parts of the licensing regime in relation to taxis and private hire vehicles. The above report covered the principles behind driver licensing, as well as bringing to Members' attention guidance published by the Department of Transport.

The Licensing and Registration Manager commented that, in broad terms, the Council's practices complied with this guidance, although updating of conditions and policies was required. In response to a Member's question, he continued that not all taxis were wheelchair capable (although new licences were only issued for wheelchair capable vehicles), although many customers preferred the choice which was available to them by retaining saloon cars in the fleet. Mr Eckton confirmed that there were currently 76 wheelchair accessible vehicles available to those customers who required them.

During discussion, the Licensing and Registration Manager explained that the Council would have to show that there was no unmet demand for taxis, before restricting the number of licences granted. By 2011, it was expected that legislation would remove any remaining restrictions on the number of plates. Applicants for driver's licences in Winchester had to complete a series of four tests: a knowledge test, driving test, CRB clearance and a medical. He confirmed that, although the Council always had a large number of applicants for the knowledge test, many did not pass this stage and that no licences had been granted recently. It was agreed to bring information to the next full meeting of the Licensing and Regulation Committee regarding the number of licenses granted year on year.

Members discussed the possibility of introducing a practical knowledge test (i.e. requiring the applicant to demonstrate his/her knowledge by driving certain test routes, rather than the current desk-top exercise). The Licensing and Registration Manager stated that this had already been considered, but that it would be a time-consuming exercise which could not currently be implemented.

RESOLVED:

1. That the Policies and Procedures for Applications for Hackney Carriage and Private Hire Driver Licenses, as set out in Appendix A to Report LR205, be approved as a draft document for consultation with relevant representatives of the taxi and private hire trade and other appropriate consultees.
2. That the Guidance issued by the Department of Transport be noted and taken into account in future reviews of policies, conditions and byelaws on taxi and private hire licensing.

The meeting commenced at 6.30pm and concluded at 7.45pm

Chairman

**LICENSING SUB-COMMITTEE****24 November 2006**Attendance:

Councillors:

Sutton (Chairman) (P)

Johnston (P)

Wright (P)

Others in attendance who did not address the meeting:

Councillor Beveridge

Councillor Mather

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**1. THE CLOSE, WINCHESTER**

(Report LR204 refers)

The Sub-Committee met to consider an application by the Chapter of Winchester for the grant of a Premises Licence under Section 17 of the Licensing Act 2003, for the use of regulated entertainment, late night refreshment and supply of alcohol at the open space within the Cathedral Inner Close, The Deanery and surrounding areas, plus the Education Centre and the Undercroft.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Adrian Munns and Ms Charlotte Boyd (Winchester Cathedral). Also in attendance were Mr Warnes, as an Interested Party, and Sgt. Neil Jenkins and PC Gary Miller as representatives of Hampshire Constabulary, one of the Responsible Authorities. There was one member of the public present at the hearing.

The Assistant Licensing and Registration Officer presented the application to the Sub-Committee as set out in the report. She explained that before the new Licensing Act came into force, the Chapter had been applying for Occasional Licences and, since the Act came into effect, Temporary Event Notices (TENs), but that the number of applications permitted in a calendar year were limited to 12. She continued that the Police representation against the application had been withdrawn following negotiations with the Chapter and that it had been agreed to attach conditions to the licence, with reference to Crime and Disorder, Public Safety and Public Nuisance.

Ms Boyd then spoke in support of the application. She explained that most of the events in the past, run by the Chapter, were generally for less than 500 guests and that these events had been carefully and professionally stewarded. She continued that nine TENs had already been applied for during the past year and the decision had been made to apply for a Premises Licence, to ensure that there was no breach of the 12 TENs that are permitted per year. She added that, other than the Christmas market and ice rink planned for December 2006, there were no extra events expected that had not been advertised.

In response to a Member's question, Mr Munns explained that the Cathedral grounds were private property. He continued that the gates were locked at 2200 hours every evening and were reopened at 0600 hours every morning. An Event Management Plan had been prepared for the Christmas Market and that stewarding arrangements had been detailed within this. Access and egress to The Close could be controlled during such events and the Cathedral had their own trained staff for these occasions. Mr Munns confirmed that negotiations had taken place with the Safety Advisory Group and the Chapter were happy to comply with conditions that had arisen from these meetings.

Mr Munns then explained that the Cathedral already worked closely with local residents and responsible authorities to keep music at a reasonable level. He emphasised that the majority of musical events would be held inside, apart from background music for the ice rink in December, but that there were no immediate plans for other musical events.

Mr Warnes then spoke against the application. He stated that since 2004 his family had experienced a series of events that had caused disturbance. Although there was an agreement that his family would be notified in advance of any events with the potential for disturbance, this was not always the case. Noise emanating from the premises often kept his young children awake and no-one from the Cathedral had been available to speak to, when he had been to complain in the past. In conclusion, Mr Warnes voiced his concerns that the number of events could increase and that the quality of life for him and his family would suffer as a result.

In response to the comments made by the Interested Parties, the applicant stated that the majority of events that had disturbed Mr Warnes would have been wedding receptions, and that the Cathedral had been in negotiations with Winchester City Council to address this issue. He added that agreements on noise levels had been reached and that the Cathedral would abide by any conditions set down in the licence.

In response to a question from Mr Warnes, the Licensing and Regulation Manager explained that although the area was included in the "alcohol exclusion zone", regulations provided that this was lifted during the operating hours of a Premises Licence for premises within the zone.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Other Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) Monday to Sunday                      0630 to 0030

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) Monday to Sunday                      1000 to 0000

3. The hours the premises may be used for regulated entertainment shall be:

- (i) Monday to Sunday                      1000 to 0000  
(Indoors and outdoors of premises)

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) Monday to Sunday                      2300 to 0000  
(Indoors and outdoors of premises)

All Licensing Objectives

Crime and Disorder

1. A written policy for sensible consumption of alcohol shall be adopted and appropriate staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.

2. The designated premises supervisor or a personal licence holder shall be on duty whilst events are taking place. This person must be contactable by telephone at all times with the Police and Safety Advisory Group being in possession of the number.

3. The premises licence holder shall ensure that there is an 'incident log' for every event for over 500 persons.

## Public Safety

1. The premises licence holder shall produce an Event Management and Traffic Management Plan for any proposed event that will attract in excess of 500 persons. Such plan is to be submitted to the Police and the Licensing Authority no later than one calendar month before the event.

2. The premises licence holder shall produce an Event Management and Traffic Management Plan for any proposed event that will attract in excess of 2000 persons. Such plan is to be submitted to the Police and the Licensing Authority no later than three calendar months before the event.

3. If an event does not meet the approval of the Winchester Safety Advisory Group, it may not take place without the written consent of the Licensing Authority.

4. Whilst outdoor events are held, there shall be suitable toilets provided for the public in line with the recommendations contained within the Guide to Health, Safety and Welfare at Pop Concerts and Similar Events.

5. There shall be clearly identified Entry and Exit points and waste bins.

6. Any SIA registered door supervisors, stewards and staff shall wear clearly identifiable reflective jackets or vests.

7. Any alcohol that is sold for consumption within the licensable areas shall be served in plastic containers. There shall be no bottles or glass.

8. There shall be no sales of high strength beers over 5.5% volume or any irresponsible drinks promotions, as defined by the British Beer and Pub Association.

## Public Nuisance

1. No amplified music shall be played outside and no noisy equipment associated with entertainment shall be located externally without prior agreement of the Licensing Authority.

2. An annual list of proposed events to be held outside shall be provided to the Licensing Authority no later than one calendar month before the first event.

3. There shall be clear prominent notices displayed at all exits requesting customers to leave the premises and area quietly, and respect the needs of the local residents.

4. Whilst the premises are used for regulated entertainment, the premises licence holder or designated premises supervisor shall ensure that noise levels are monitored at regular intervals in accordance with the Environmental Health Officer's recommendations at the nearest noise sensitive premises, so as not to cause nuisance.

5. The premises licence holder shall ensure that all residents with The Close and Colebrook Street are contacted by letter at least 14 days prior to any large scale outdoor event. This letter shall contain details of the action being taken to prevent any disturbance to residents and also contain a contact telephone number for any queries or complaints from residents.

#### Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

#### Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.

2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.30am and concluded at 11.00am.

Chairman