

LICENSING AND REGULATION COMMITTEE**14 December 2004**Attendance:

Councillors:

Johnston (Chairman) (P)

Allgood (P)

Baxter

Bennetts (P)

Coates

Cook (P)

Evans (P)

Hammerton (P)

Lipscomb (P)

Maynard

Mather (P)

Pearson (P)

Pines (P)

Sutton

Wagner (P)

Deputy Members:

Councillor Cooper (Standing Deputy for Councillor Coates)

Councillor Hiscock (Standing Deputy for Councillor Maynard)

Others in Attendance who addressed the meeting:

Councillor Collin (Portfolio Holder for Healthy and Inclusive Communities)

602. **APOLOGIES**

Apologies were received from Councillors Baxter, Coates, Maynard and Sutton.

603. **PUBLIC PARTICIPATION**

There were no statements made or questions asked.

604. **APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE FOR AN OPEN AIR MUSIC FESTIVAL ON PRIVATE LAND AT CHEESEFOOT HEAD, NEAR WINCHESTER**

(Report LR115 refers)

Members considered the above licensing application in accordance with the procedure note approved by the Licensing Sub Committee on 18th September 1995 (minute 95 refers).

In response to questions from Members, the Licensing and Registration Manager explained that due to limited resources, Hampshire Ambulance had agreed with Mean Fiddler that the on-site medical facility supplier would extend its service to provide transport of persons to the Accident and Emergency Department, as required. He also confirmed that, for the 2004 event, the number of Stewards was reduced with the introduction of CCTV cameras. It was not intended that a further reduction of Stewards be made for the 2005 event.

Inspector May addressed the Committee and advised that the Police regarded the well-established annual event to be well organised and it had not posed any major problems in previous years.

At the invitation of the Chairman, the applicant, Mr Benn, addressed the Committee and advised that the format of the proposed 2005 event was similar to previous events. It was a multi-stage event with an increasing mix of live acts and DJ music. The live arena and all outdoor stages would close at 11pm, with two other arenas closing at 2am and a further arena closing at 3am, thereby concentrating lower numbers of people in remaining arenas as many people tended to leave the event between 1am and 2am.

Mr Benn explained that, in consultation with Hampshire Ambulance, it had been agreed that Festival Medical would provide medical facilities on-site and transfer of patients to hospital. However, Hampshire Ambulance would provide a Paramedic Manager to liaise with Festival Medical and the Hospital.

In response to a Member's question, Mr Benn confirmed that the reduction in Stewards at the last event mainly affected perimeter areas and that although he was exploring the possibility of additional CCTV, there were no plans to reduce Stewards further.

In his closing remarks, the Chairman stated that in reaching its decision, the Committee had considered the application, the case presented by the applicant together with the observations of the Police, Officers and members of the public. They also had regard to the Council's responsibilities under the Human Rights Act and Crime and Disorder Act.

RESOLVED:

1 That the City Secretary & Solicitor be given authority to grant the application for a music festival on land near Cheesefoot Head, between the hours of 1300 on Saturday 28 May 2005 and 0700 on Sunday 29 May 2005 and to issue an entertainments licence accordingly, subject to:

- (i) The imposition of licence conditions, based on the 2004 event with such further amendments or additions, having particular regard to the stewarding arrangements, as the City Secretary and Solicitor may deem necessary (in consultation with the Chairman in the case of major changes);
- (ii) The maximum attendance not exceeding 35,000 paying audience and 3,000 guest ticket holders (total 38,000).

2 That the applicant be requested, prior to the issue of the licence, to undertake in writing with the Council to implement the entirety of the Event Management Plan and the Traffic Management Plan (including any amendments subsequently agreed with the Council).

3 That the applicant be reminded that the Committee attaches the greatest importance to the protection of the SSSI and to maintaining the value of the AONB generally.

4 That in the event of a funfair being provided on site, permission be given under the relevant byelaws for this to continue in operation through the night until 0700 on Sunday 29 May 2005.

605. **LICENSING POLICY – CONSULTATION RESPONSES**
(Report LR113 refers)

Members discussed the Licensing Policy, attached as Appendix 2 to the above report.

Councillor Collin addressed the Committee and explained that, as Portfolio Holder for Healthy and Inclusive Communities, he was keen to promote a smoke-free environment in licensed premises and suggested that an additional paragraph be added under the Protection of Children from Harm section, allowing children entry to smoke-free areas only. The City Secretary and Solicitor advised that public health was not considered to be within the public safety licensing objective and, although the Council encouraged health issues, he did not believe it was appropriate to include such mandatory health-related policies within the Licensing Policy. Councillor Collin explained some of the effects of passive smoking, and Members discussed this issue. It was agreed that the following wording be included on page 31;

“Children and Smoking – the attention of Applicants is drawn to the potential of harm to children which tobacco smoke can cause, and applicants are encouraged to consider these issues as set out in Paragraph 1.11 above.”

Members went on to make the following amendments, shown in italics;

Paragraph 2.13 – Winchester Drug and Alcohol Reference Group *Action Plan*

Paragraph 2.27 – delete (relevant to draft Policy only)

Page 19 – GENERAL

First paragraph to be re-arranged as follows;

“The following measures are designed to provide a range of conditions drawn from experience relating to differing situation and to offer guidance. They are not intended to be regarded as standard conditions to be automatically imposed in all cases.”

Additional wording to bulleted points following second paragraph;
Capacity (*occupancy*) limits.

Page 27 – Street Furniture

Third paragraph to read;

“.....for a specific event or the amplified announcement of food orders outside the building and the operating schedule must include”

RECOMMENDED:

1. THAT THE AMENDED POLICY (ATTACHED AS APPENDIX 2 TO THE ABOVE REPORT) BE AGREED, SUBJECT TO FURTHER AMENDMENTS AS ABOVE, AND ADOPTED AS THE CITY COUNCIL'S LICENSING POLICY FOR THE THREE YEAR PERIOD FROM 7 JANUARY 2005.

2. THAT THE CITY SECRETARY AND SOLICITOR (IN CONSULTATION WITH THE CHAIRMAN) BE AUTHORISED TO AMEND THE NUMBERING AND FOOTNOTES, AND MAKE OTHER MINOR AMENDMENTS PRIOR TO PUBLICATION.

606. **ALCOHOL CONSUMPTION DESIGNATION ORDER – CONSULTATION RESPONSES**

(Report LR114 refers)

The City Secretary and Solicitor advised that requests for additional areas to be included within the Order had been received. The Chairman suggested that the existing proposed areas be agreed, and that further consideration be given to additional areas in due course. This was agreed.

RECOMMENDED:

1. THAT THE CITY SECRETARY AND SOLICITOR BE AUTHORISED TO MAKE A DESIGNATION ORDER UNDER SECTION 13 OF THE CRIMINAL JUSTICE AND POLICE ACT 2003 FOR THE FOLLOWING AREAS;

| | | |
|---------------------|----------------------|-------------------------|
| JEWRY STREET | THE SQUARE | CATHEDRAL GREEN |
| ABBAY GARDENS | ORAMS ARBOUR | REGISTRY OFFICE GARDENS |
| ST MAURICE'S COVERT | ST LAWRENCE'S COVERT | |

TOGETHER WITH THE STREETS AND OTHER PUBLIC AREAS (INCLUDING LOCAL AUTHORITY LAND) IN AN AREA BOUNDED BY (AND INCLUDING):-

| | |
|-------------------|------------------|
| THE WEIRS | COLLEGE STREET |
| ST SWITHUN STREET | SOUTHGATE STREET |
| HIGH STREET | ROMSEY ROAD |
| CLIFTON ROAD | ST PAUL'S HILL |
| STOCKBRIDGE ROAD | CITY ROAD |
| NORTH WALLS | DURNGATE PLACE |
| WATER LANE | BRIDGE STREET |

CONTINUED...

2. THAT FURTHER CONSIDERATION BE GIVEN IN DUE COURSE TO OTHER AREAS WHICH RESPONDENTS HAD SUGGESTED WERE SUITABLE FOR A SIMILAR ORDER, TAKING INTO ACCOUNT EXPERIENCE GAINED ON THE IMPLEMENTATION OF THE ORDER FOR THE WINCHESTER TOWN AREA, AND THE AVAILABILITY OF RESOURCES AFTER THE TRANSITION PERIOD UNDER THE LICENSING ACT 2003 IS OVER (LATE 2005 UNDER THE CURRENT PROGRAMME).

607. LICENSING ACT 2003 – DELEGATION ARRANGEMENTS

(Report LR111 refers)

The above item had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda as a matter requiring urgent consideration, so that any changes to Delegation Arrangements would be considered at the same time as the Licensing Policy.

The Chairman estimated a requirement of approximately 60 meetings per month during the transitional period. He suggested, for practical reasons, that five (rather than four) Members, to include himself and the Vice Chairman, be appointed as Sub-Committee Chairs. The wording of the proposed Council Procedure Rule 17(10) (b) (i) would be revised to read as follows:

“(i) one Member to be Chairman of the Sub-Committee drawn from the following pool: - Chairman, Vice-Chairman, and three others approved for the purpose by the Licensing and Regulation Committee.”

RECOMMENDED:

THAT AMENDMENTS TO THE CONSTITUTION AS SET OUT IN APPENDICES 1, 2 AND 3 OF THE ABOVE REPORT BE APPROVED, AS AMENDED ABOVE, TO GIVE EFFECT TO THE CREATION OF A LICENSING SUB COMMITTEE AND THE IMPLEMENTATION OF A REVISED SCHEME OF DELEGATION, TO TAKE ACCOUNT OF THE LICENSING ACT 2003 AND CONSEQUENT REVISED ARRANGEMENTS (WHEREBY ALL INDIVIDUAL CASES ARE TO BE NORMALLY DEALT WITH EITHER BY THE SUB COMMITTEE OR UNDER DELEGATED POWERS).

RESOLVED:

1. That the City Secretary and Solicitor be requested to make arrangements for a timetable of meetings of the proposed Licensing Sub Committee as outlined in paragraph 4.4 of the above report.

2. That subject to approval by Council to the above recommendation, the Licensing and Regulation Committee consider the appointment of named Members for the purposes of paragraph 17(10)(b)(i) of Appendix 3 to the above report.

The meeting commenced at 6.30pm and concluded at 8.50pm.

Chairman