

**LICENSING AND REGULATION COMMITTEE**

**10 November 2011**

Attendance:

Councillors:

Mather (Chairman) (P)

Bodtger (P)  
Izard (P)  
Jackson (P)  
Love  
Mason (P)  
Pearce

Prowse (P)  
Phillips (P)  
Read  
Scott (P)  
Wright (P)

Deputy Members

Councillor Verney (Standing Deputy for Councillor Read)  
Councillor Witt (Standing Deputy for Councillor Love)

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1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 13 October 2011, be approved and adopted.

2. **COMMUNITY GOVERNANCE REVIEWS**

[\(Report LR373 refers\)](#)

The above Report 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, to enable any agreed review of the Parish Councils specified in the report to commence as soon as possible.

The Corporate Director (Governance) confirmed that, if agreed, it was intended to proceed with the review of the parishes listed in Recommendation 1 within the next few weeks (a review must be completed within one year). The actions proposed in Recommendations 2 and 3 would involve further investigation and consultations with the named parishes, before formulating any review programme.

During debate, the Committee noted that, should other parishes in the District wish to make requests for a review of their electoral arrangements, they would need to form part of a future programme, to be commenced when the current proposed reviews were well advanced.

**RESOLVED:**

1. That the undertaking of Community Governance Reviews of the electoral arrangements for the parishes of Bramdean & Hinton Ampner, Itchen Valley and Wonston, with regard to the size of Council in each case, be agreed.

2. That officers hold a meeting with Denmead and Southwick & Widley Parish Councils to discuss future parish boundaries and related issues, in the light of the West of Waterlooville residential development.

3. That the additional procedures involved with the possible transfer of Abbots Worthy from Kings Worthy Parish to Itchen Valley Parish be noted and the officers be requested to liaise with all interested parties to establish the best way forward.

3. **REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2011**  
[\(Report LR370 refers\)](#)

The Corporate Director (Governance) explained that it would accord more closely with the guidance on specifying polling places, if certain descriptions set out in Appendix A to the report were more broadly defined. Therefore, he suggested the following amendments:-

(a) Polling District YP – delete ‘Room 1, St Edburga’ and leave the address as ‘University of Winchester, Sparkford Road’.

(b) Polling District YS – delete ‘The Courtyard’ and leave the address as ‘The Guildhall’.

(c) Polling District YW – delete ‘Room 3’ and leave the address as ‘West Downs Centre, West Downs Student Village’

It was also noted that, for Polling District WV, the polling place was Hambledon Methodist Hall and not Hambledon Village Hall.

A Member drew attention to the polling places serving the parishes within his Ward and the small electorate involved in each case, especially when postal voters were deducted. Therefore, he asked whether it was possible to group together certain parishes to all vote at just one polling place, resulting in cost savings on premises hire and staffing.

The Corporate Director (Governance) explained that, in the rural areas, polling districts were based on parish boundaries and each polling district must have its own polling place, unless there were exceptional reasons why this was not possible (e.g. the absence of a suitable building). Regard also needed to be had to the convenience of voters. However, if there was a significant degree of support from adjoining parishes in this situation who wished to be grouped together for polling purposes, then a review could be undertaken as part of a future programme of work.

**RESOLVED:**

1. That, having considered the information and for the reasons explained in the above Report, the Polling District and Polling Places set out in Appendix A be approved and adopted, subject to the minor amendments set out above.

2. That, with regard to the provision of additional polling place(s) in the Boarhunt & Southwick and Denmead Wards, the situation with regard to the development of West of Waterlooville continue to be monitored and, whilst no changes be recommended as part of the current exercise, it be noted that proposals were likely to be put in place by the Acting Returning Officer before the May 2012 district elections.

3. That the Corporate Director (Governance), in consultation with the Chairman of this Committee, be given delegated authority to amend any polling district or polling place within the four year period between polling place reviews, should that become necessary because of changed circumstances.

4. **REGULATED ENTERTAINMENT – CONSULTATION TO DEREGULATE LICENSING ACT 2003 CONTROLS**  
[\(Report LR372 refers\)](#)

The Chairman welcomed PC Miller from Hampshire Constabulary and invited him to update the meeting on the current police view of the above proposals.

PC Miller explained that a recent meeting of the Hampshire Police Licensing Officers Group had considered the consultation and a full response would be submitted to the Government in due course. However, in summary, the Group was against the majority of the proposals, principally because the deregulation had been extended to cover far larger crowd numbers/events than was considered advisable.

The Licensing and Registration Manager reported that, at a recent course held by the Institute of Licensing, there was also considerable concern, particularly regarding the unintended consequences of the proposals e.g. the greater difficulty in dealing with noise and nuisance problems which could arise from events involving up to 5,000 people being exempt from existing controls.

Some Members considered that it would be preferable if the City Council could produce its own licensing policies, designed to meet local circumstances. However, the majority view was that it would be better to retain a national regulatory framework. Therefore, subject to the amendment in Resolution 1 regarding Question 12, the responses to the consultation document set out in Appendix 2 to the report were supported.

RESOLVED:

1. That the Head of Legal Services be authorised to respond to the above consultation, in accordance with the responses as set out in Appendix 2 to the report, subject to the first sentence of the response to Question 12 being amended to read as follows:-

“If deregulation is to be pursued, it should be limited to events with an audience below 500 (i.e. the current TEN limit), although where premises are licensed for the supply of alcohol, the provision of what is now regulated entertainment should continue to require a licence in the future. The Council considers that pubs providing entertainment are the primary source of issues and therefore control under the Licensing Act 2003 should continue. A strengthened TEN process, .....

2. That the Head of Legal Services be further authorised to amend the response with any appropriate examples which would help to reinforce and clarify the Council’s replies.

3. That a copy of the final response letter be forwarded to all Members of the Committee for information.

5. **STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS – MINOR AMENDMENTS**  
[\(Report LR371 refers\)](#)

The Licensing and Registration Manager explained the proposed amendments which, although minor in nature, would assist the officers in dealing with certain issues which had occurred in the past.

Members discussed the amendment which required hackney carriage and private hire vehicles to be right hand drive, unless exceptional circumstances applied. It was noted that the discretion for exceptions to be made was likely to be rarely used, but it would be useful for those few occasions where very limited use of a specialist left hand drive vehicle may be involved. Placing examples of possible exceptions in the policy had been considered but not favoured, because they may inadvertently imply a degree of approval, whereas the aim was to assess each application for an exception on its own merits.

However, with regard to the amendment concerning other appropriate driving assessment or training, it was considered that an example would be useful and therefore reference to the 'Blue Lamp Trust', as supported by the Police and Fire & Rescue Service, should be included in the text.

RESOLVED:

1. That, subject to inserting the example referred to above in paras 8.6(a) and (c), 10.1(b) and 10.2 (a), the proposed amendments to the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators, as set out in Appendix 1, be approved for consultation with drivers and operators for a period from 1-31 December 2011.
2. That any representations to the proposed amendments be considered by the Committee at its meeting to be held on 19 January 2012.
3. That, in the event of no representations being received by 31 December 2011, delegated authority be given to the Head of Legal Services to adopt the amendments.

The meeting commenced at 6.30pm and concluded at 8.20pm

Chairman