

LICENSING SUB-COMMITTEE**26 August 2009**Attendance:

Councillors:

Izard (Chairman) (P)

Berry (P)

Hammerton (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)
Mrs C Tetstall (Property and Licensing Solicitor)

1. **APPLICATION FOR A PREMISES LICENCE – WINCHESTER CATHEDRAL, GROUNDS AND ASSOCIATED BUILDINGS**
(Report [LR305](#) refers)

The Sub-Committee met to consider an application for a new premises licence for the Winchester Cathedral grounds and the buildings contained within the grounds. The new licence would consolidate the two existing licences held separately for the Cathedral itself and the Inner Close.

Present at the meeting were Mrs Kate Channing (Applicant's representative), Mr Nigel Spicer (Applicant's legal representative) and Mr Martin Wilson, who had made a representation as an Interested Party.

Mr Myall presented the application as set out in the Report. He explained that an application for a new premises licence had been made to cover the whole of the Cathedral grounds and buildings. The current Inner Close licence permitted regulated entertainment, late night refreshment and sale of alcohol for consumption on the premises. In the Cathedral, late night refreshment and alcohol sale was permitted, predominantly for charitable functions. The new licence would cover these two areas and also encompass the Outer Close, to allow for events such as the military band shows and Food and Wine Fairs, where currently Temporary Event Notices (TEN) had to be applied for. He also advised that the Cathedral would surrender the two other licences if this, more flexible, singular licence was granted.

Mr Myall further explained that the Cathedral grounds were covered by a Designated Public Place Order (DPPO), commonly known as an alcohol exclusion zone, which meant that a Police officer, or Community Support Officer, could demand the cessation of problem drinking if required. However this Order did not apply when the premises licence was in operation for the sale of alcohol.

Mr Myall also reported that, following an initial representation from the Police, discussions with the Head of Environment had resulted in all conditions, as set out in the report, being agreed and the representation being withdrawn. The premises licence holder would now be required to inform the Police and licensing authority at least 14 days in advance of any events which involved the sale of alcohol. Officers could then be notified that they would not be able to use their powers under the DPPO in any area of the Cathedral premise.

However, more extensive time notifications were required for events with significant numbers of visitors i.e. over 500/over 2000. A voluntary agreement had also been reached so that no more than six events featuring live or recorded music could be held in the garden of 1 The Close. This was to be added as a condition of the licence. One other representation had been received from an Interested Party relating to alcohol problems within the Cathedral grounds and crime and disorder.

Following Member's questions Mr Myall clarified that, even if a Temporary Event Notice was in force (as opposed to a Premises Licence), the Designated Public Place Order did not apply. However he reminded Members that the Police still had significant powers to remove disruptive persons from an area, such as if drunk and disorderly behaviour was displayed or there was a breach of the peace. He further clarified that very large events were always brought before the multi-agency Safety Advisory Group and Event Management Plans ensured necessary issues were addressed.

Members expressed concerns over the monitoring of the Outer Close during events, as this larger area was more likely to experience problems. During discussion, Mrs Tetstall advised Members that the prior notice which the Cathedral would now be required to give to relevant parties, enabled adequate resources to be implemented if necessary.

At the invitation of the Chairman, Mr Spicer addressed the Sub-Committee. He outlined to Members how events held at the Cathedral were beneficial to Winchester. He emphasised that very little change was to take place if the licence was granted – rather a consolidation of two existing licences was being requested for administrative reasons. Only a small number of alterations were to be made to the actual licence conditions. He reiterated that the Police still had many powers when the DPPO was not in place and, even when events ran under a Temporary Event Notice, the DPPO would still be lifted. He clarified that the Cathedral did not intend to increase the number of events held if this new licence was granted. Furthermore, he suggested that the current practice of the Cathedral continually applying for TEN was an inefficient use of Council resources, when one licence would absolve this need.

Mrs Channing explained to the Committee how all events operated by the Cathedral were ticketed and at very large events, such as the Christmas Market, an Event Management Plan was always drawn up. Most events were held within marquees where entry and exit of patrons could be closely monitored. Professional stewards were employed and all personal licence holders were trained in the Challenge 21 scheme, and in general good

practice. A Premises Licence Holder was always on duty during events. The Cathedral representatives had met with the Police who had reported that no crime and disorder had ever been directly linked to a Cathedral event.

Mr Wilson addressed the Sub-Committee as an Interested Party. He owned a business near to the Cathedral which was subjected to daily alcohol-related problems including broken windows, smashed glass outside the building, and people urinating and vomiting near to the office. He frequently had to make costly calls to the Police who, he considered, could not respond in an adequate time frame due to a lack of necessary resources. He deemed that consolidation of the licence could aggravate this problem by making it easier for the Cathedral to hold events. He therefore requested that licensing through Temporary Event Notices, rather than a Premises Licence, continue. He believed this gave him more opportunity to raise any issues as they arose. The fact that the operation of a licence nullified the DPPO was also of great concern. Mr Wilson added that his company supported the Cathedral and its operations, but that he had not seen evidence that staff could fully manage the wider area, hence his representation to the Sub-Committee. Due to the Cathedral making a commercial gain from events, he believed they should bear the responsibility for any resulting problems.

Following Mr Wilson's representation, Mr Myall clarified that a Premises Licence would give Interested Parties, such as the Police, Environmental Health, Trading Standards and Mr Wilson greater enforcement powers as, with a Temporary Event Notice, the only party that could object to the event being held were the Police, and this was only on Crime and Disorder grounds. He also asked the Committee to carefully consider whether the serious problems Mr Wilson had outlined were as a result of the events held by the Cathedral, and whether the granting of the Premises Licence would increase the occurrence of these, or impact on the licensing objectives.

In response to further questions from the Sub-Committee, Mrs Channing explained that, when events were held within the Inner Close of the Cathedral, the provision of alcohol was restricted to a marquee only, and people were monitored as they left the event. Visitors were encouraged to not drink excessively and stewards had the support of the Police who would monitor the Outer Close carefully. The Cathedral was also part of the ShopWatch scheme, meaning they had constant contact with the Police and an awareness of problems in the area as they arose. She suggested that the main problems in the Cathedral grounds were caused by street drinkers who were known to the Police and who were not interested in events held by the Cathedral. Street drinkers congregated in the Cathedral grounds regardless of whether an event was occurring and numbers did not increase when an event was taking place.

Mr Spicer re-emphasised Mr Myall's earlier statement that any Interested Party would have far greater powers if a Premises Licence was granted. Granting the licence would also not influence the behaviour of the local street drinkers.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had

taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee agreed to grant the licence subject to two additional conditions set out below:

- That events held in the garden of 1 The Close will be restricted to six events involving live or recorded music per year.
- Whilst events are taking place, the licence holder or appointed member of staff, shall monitor at 15 minute intervals, the area within the boundary of the premises for anti social behaviour, and take appropriate action which may require notification to the Police.

The Sub-Committee agreed to grant the licence because it had not been convinced that the problems outlined during the meeting would be exacerbated by taking this action. Granting the licence would also allow for more control and give interested parties the right to call for a review of the licence if this was required. The Chairman reassured Mr Wilson that they had carefully considered his representation as part of formulating the additional conditions.

The meeting commenced at 2.00pm and concluded at 3.35pm.

Chairman