

LICENSING AND REGULATION COMMITTEE

5 October 2010

Attendance:

Councillors:

Jackson (Chairman) (P)

Baxter

Fall

Hammerton (P)

Izard

Love

Mason (P)

Mather (P)

Pearce (P)

Prowse (P)

Read

Thynne

Wright (P)

Deputy Members:

Councillor Johnston (Standing Deputy for Councillor Izard)

Councillor Verney (Standing Deputy for Councillor Thynne)

1. **CHAIRMAN'S ANNOUNCEMENT**

The Committee expressed its condolences to Councillor Baxter, whose wife had recently passed away.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 10 June 2010, be approved and adopted.

3. **PUBLIC PARTICIPATION**

No comments were received or statements made.

4. **MINUTES OF LICENSING SUB-COMMITTEE HELD 7 JUNE 2010 (LESS EXEMPT APPENDIX)**

[\(Report LR341 refers\)](#)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 7 June 2010 be received and noted, less exempt appendix (attached as Appendix A to the minutes).

5. **MINUTES OF LICENSING SUB-COMMITTEE HELD 15 JULY 2010**
[\(Report LR342 refers\)](#)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 15 July 2010 be received and noted (attached as Appendix B to the minutes).

6. **MINUTES OF LICENSING SUB-COMMITTEE HELD 9 SEPTEMBER 2010**
[\(Report LR343 refers\)](#)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 9 September 2010 be received and noted (attached as Appendix C to the minutes).

7. **PRESENTATION FROM HAMPSHIRE CONSTABULARY ON THE IMPACT OF THE LICENSING ACT**
(Oral Report)

The Committee welcomed Sergeant Jennings and PC Miller from Hampshire Constabulary.

The Committee noted that the licences granted to Winchester town centre pubs and clubs to allow later drinking had resulted in an additional strain on police resources. Those licences meant that many people were drinking alcohol at home (“pre-loading”) before going out to the pubs at around 10pm. Combined with the longer opening hours which increased the opportunities for drinking, this had led to an increase in the incidences of drunkenness in the town centre in comparison to 10 -15 years ago. To cover this, the Police had increased the number of late shifts to the detriment of their day-time cover. The greatest number of incidences currently occurred on Thursday nights.

The Police’s powers ranged from talking to people who were drunk and causing a nuisance; issuing a Section 27 Dispersal Order (an order to leave an area for 24 hours) or arrest where a relevant offence had been committed.

Sergeant Jennings explained that the Police were often unable to object to applications for late licences as the objection had to be evidence-based.

During debate, Members considered the effect of issuing late licences to a larger number of pubs. It was suggested that these establishments, in comparison with purpose-built nightclubs, had poor sound insulation so that they were more likely to create a nuisance to their neighbours. It was also suggested that, in contrast to a purpose-built nightclub where patrons would pay an entrance fee, patrons were likely to move from pub to pub during an evening, which was likely to increase the number of drunk people on the street. Furthermore, purpose-built nightclubs often provided food until late in

the evening (the Police had highlighted the problems associated with late night take-aways) and operated wind-down policies.

The Committee also noted the impact of smokers being required to stand outside and the positive effect achieved by the introduction of street pastors in Portsmouth.

However, the Police did refer to some of the benefits of the Licensing Act and these included, for example, the ability to enforce conditions requiring door supervisors and CCTV.

At the conclusion of debate, the Committee considered establishing an Informal Group to consider in greater detail the effects of the Licensing Act. However, the Committee agreed with the Head of Legal Services' advice that it would be premature to establish such a Group, before assimilating the Government's anticipated proposals to change the Act. Depending on those changes, an Informal Group could then be established by the Social Issues Scrutiny Panel (the Crime and Disorder Committee for the purposes of the Police and Justice Act 2006). In the meantime, the Committee requested that the Head of Legal Services represent Members' concerns in any forthcoming Government consultation.

RESOLVED:

That the presentation be noted.

8. **REVIEW OF LICENSING POLICY 2011**
[\(Report LR334 refers\)](#)

The Head of Legal Services explained that, following its approval at the previous meeting of this Committee, the draft policy had been published on the Council's website for consultation. During the consultation period, only one representation (from the Police) was received. The Police had recommended that references to alcohol banning orders and powers relating to closure orders should be included in the Policy. On the advice of the Head of Legal Services, the Committee agreed that these should be included in the Policy as set out at A18 and A22 of Appendix 2.

The Police's representation also sought an extension of the area for the Special Saturation Policy (SSP). Within a SSP area, there was a presumption that new premises licence and club premises certificate applications would be refused if there was an objection from the Police, unless the applicant could demonstrate that the operation of the premises would not add to the cumulative impact already being experienced. The only SSP within the current and draft Licensing Policies covered the area of Jewry Street and the upper part of the High Street, Winchester. The Police's representation proposed that this be extended to include that of their Beat WC01 east of the railway line (Winchester town centre).

Sergeant Jennings presented to the Committee a series of statistics, which illustrated the effect and cost of alcohol-related crime and disorder incidents and comparative data between the town centres of Winchester, Fareham and Gosport.

The Head of Legal Services advised that licensing policies could be challenged by judicial review proceedings. Therefore, it was important that there was evidence to justify any extension and that the Council consulted widely on the SSP extension.

In response to a question, the Head of Legal Services explained that consulting on the proposal to extend the SSP would not prejudice any current licence applications. Applications would continue to be considered against the current Policy, until any changes were agreed.

At the conclusion of debate, the Committee agreed to recommend to Council the draft Licensing Policy, as set out in Appendix 2, for adoption. However, as it noted that the Policy could be reviewed at any time during its three-year lifespan, the Committee concurred with the concerns raised by the Police and agreed to undertake further consultation on extending the SSP area to that part of Beat WC01 in central Winchester which lay east of the railway line.

RECOMMENDED:

THAT THE DRAFT LICENSING POLICY ATTACHED AT APPENDIX 2 OF REPORT LR334 BE ADOPTED AS THE COUNCIL'S AGREED LICENSING POLICY UNDER THE LICENSING ACT 2003, FROM 7 JANUARY 2011.

RESOLVED:

That consultation be undertaken on the proposal to extend the existing Special Saturation Policy area to include that part of Beat WC01 in central Winchester east of the railway line.

9. **POLICE AND CRIME ACT 2009 – SEXUAL ENTERTAINMENT VENUES**
([Report LR333 refers](#))

The Head of Legal Services explained that the new provisions governing the licensing of sex establishments should be adopted by the Council and that a draft Sex Establishment Licensing Policy be recommended to Council and then published for public consultation. The changes in legislation arose from Section 27 of the Policing and Crime Act 2009 and enabled Councils to control premises, such as lap dancing clubs, under the amended Local Government (Miscellaneous Provisions) Act 1982, including limiting the numbers of such establishments within their areas.

During debate, the Head of Legal Services confirmed that there had been no applications for sex establishments within the District and, in response to

concerns about the potential effect on other retailers, he referred Members to the definition of such establishments which was clearly set out within the Act.

Following discussion, the Committee agreed with the recommendation that a limit of nil should be introduced for each Ward, to protect the character of the area and for the reasons set out in Section 4 of the draft Policy.

The Head of Legal Services also agreed to include the relevant child protection agency in the consultation exercise.

RECOMMENDED:

- i) THAT A RESOLUTION BE PASSED THAT THE AMENDMENTS TO SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, AS SET OUT IN SECTION 27 OF THE POLICING AND CRIME ACT 2009, SHALL APPLY IN THE WINCHESTER DISTRICT WITH EFFECT FROM 20 DECEMBER 2010;**
- ii) THAT THE DRAFT SEX ESTABLISHMENT LICENSING POLICY (ATTACHED AS APPENDIX 1 TO REPORT LR333) BE APPROVED FOR PUBLICATION AS A CONSULTATION DRAFT;**
- iii) THAT THE CONSULTATION PROCESS SET OUT IN SECTION 3 OF REPORT LR333 BE APPROVED;**
- iv) THAT ITEM 9 IN THE TABLE IN PARAGRAPH 4.4 OF SECTION 4 OF PART 3 OF THE CONSTITUTION BE AMENDED TO READ “POWER TO LICENSE SEX ESTABLISHMENTS” AND “THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SECTION 2 AND SCHEDULE 3 (AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009.”**
- v) THAT THE REPRESENTATIONS (IF ANY) RECEIVED FOLLOWING THE CONSULTATION ON THE DRAFT POLICY BE CONSIDERED BY THE LICENSING AND REGULATION COMMITTEE ON 25 JANUARY 2011 AND A REPORT MADE TO FULL COUNCIL ON 6 APRIL 2011 TO ADOPT THE POLICY.**

RESOLVED:

That, if Council agrees to adopt the above provisions, a report be presented to the Committee at its meeting to held 25 January 2011 covering:

- i) the representations (if any) on the draft Policy

ii) the application procedure, fees, hearings procedures and any relevant officer delegations.

10. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt minutes of the Licensing Sub-Committee held 7 June 2010) Information relating to any individual. (Para 1 Schedule 12A refers))) Information which is likely to reveal the identity of an individual (Para 2 Schedule 12A refers))) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7 Schedule 12A refers)

11. **EXEMPT MINUTES OF LICENSING SUB-COMMITTEE HELD 7 JUNE 2010**
(Report LR341 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee held 7 June 2010 be received and noted (attached as Appendix # to the minutes).

The meeting commenced at 6.30pm and concluded at 8.30pm

Chairman