

Present: Councillor Jonathan Noble (Chairman), Councillor Frank Pickett (Vice-Chairman), Councillors Tom Ashton, Alison Austin, Alan Bell, Deborah Evans, Colin Woodcock and Stephen Woodliffe

Officers –

Licensing & Land Charges Manager and Senior Democratic Services Officer

## **6 MINUTES**

The Committee received the minutes of the meeting held on 6<sup>th</sup> November 2018 and agreed that they be signed by the Chairman.

## **7 APOLOGIES**

There were apologies for absence from Councillors George Cornah, Anton Dani and Judith Skinner.

## **8 DECLARATION OF INTERESTS**

No interests were declared.

## **9 PUBLIC QUESTIONS**

None.

## **10 LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY**

The Licensing and Land Charges Manager presented a report, which provided a draft revised Statement of Licensing Policy for the Committee to consider before it went out for consultation.

Under the Licensing Act 2003, every 5 years the licensing authority was required to consult on and publish a statement setting out its policy for the exercise of its functions under the Licensing Act for the sale of alcohol and the provision of regulated entertainment and late night refreshment with a view to promoting the licensing objectives. The Council's Statement of Licensing Policy was last revised and adopted in 2015.

The draft revised Statement of Licensing Policy was attached to the report at Appendix A for Members to review and amend as they saw fit. Changes proposed by the Licensing and Land Charges Manager were highlighted in red throughout the draft.

Following consultation, a schedule of responses would be brought back to the Committee for consideration and for a final draft to be approved with a recommendation it be referred to Full Council for adoption in November.

The list of those that had to be consulted on the policy was quite extensive and the Committee would need to give their comments appropriate weight. The licensing

authority would also consult all Responsible Authorities named in the Act, Elected Members and Parish Councils.

The Licensing and Land Charges Manager went through the more significant changes already highlighted in the draft. These reflected changes in legislation and guidance and strengthened the policy to address issues that had frequently arisen at hearings thereby assisting decision-making.

Members voiced agreement with specific changes highlighted in the report. Other comments included satisfaction that the measures with respect to cumulative impact were adequate. The prevention of illegal working of any type in licensed premises was welcomed in view of the need to closely monitor modern day slavery. A local premises had recently had its licence revoked on these exact grounds.

In answer to Members' questions, the Licensing and Land Charges Manager explained that very few if any, early morning restriction orders had been put in place nationally because an order would apply to all premises in an area and so stifle the night-time economy. If an individual premises was causing problems in the early morning then a restriction would be put on the licence or an application for a licence would be refused. The additional wording had been put in this section in order to reflect the guidance and policies of other licensing authorities for consistency.

"Best Bar None" was an award scheme run by partnership groups that involved the Police, Fire and Rescue, Environmental Health, Licensing and so on, whereby the premises that met a particularly high standard was awarded a badge.

The section of the draft policy relating to the provision of public conveniences being open late at night was a direct lift of the wording from the Section 182 Guidance, where it gave mechanisms or suggestions that could be used to prevent cumulative impact.

A Member queried the proposed wording "*The Licensing Authority acknowledges that the views of the vocal minorities should not be allowed to predominate over the general interest of the community*". It was explained that the wording was from the Section 182 Guidance and that each case was taken on its own merits. Consideration had to be given to the benefits of granting or not granting, revoking or not revoking, balanced against the number of people objecting. For example if there was a large party in Central Park of 10,000 people and there were 20 objections, it could be said that the objections should not be allowed to pre-dominate. However, if objections related to a small shop and there were five objections it could be deemed that they might have merit.

With respect to petrol stations, garages and similar premises, it was explained that if a premises maintained motor vehicles it did not mean that a neighbour in a residential area could also sell alcohol. This section was historic; it had been illegal to sell alcohol in petrol stations and so on, but the Act changed this and it became more flexible. The Act now said that the licensing authority had to balance "primary activity", i.e. they would grant a licence for a shop selling alcohol, but not a garage maintaining vehicles that wished to sell alcohol from the fridge.

With respect to a comment that petrol stations being able to sell alcohol at all hours undermined the Council's policy, it was explained that if applications were made and there were no objections there was no choice but to grant and that this was no different

to supermarkets. Some premises caused problems because of the location, e.g. if they were in the centre of town where people were passing who were already intoxicated.

In the section relating to Public Safety, the wording “suggested occupancy figures” had been added to the list of issues that might be of relevance. The word “suggested” was used because there was no requirement in law to set an occupancy figure, not using this word would imply that licence holders should go over and above the legislative requirements. However, the word suggested could be removed.

Following Members’ consideration, it was remarked that the suggested changes were comprehensive and thorough.

**RESOLVED: That the draft revised Statement of Licensing Policy be published for consultation with the following:**

- **The small number of minor amendments to the draft;**
- **Removal of the word “suggested” before occupancy figures in paragraph 4.2.3;**
- **Removal of the wording “before exercising its discretion to make an objection” in paragraph 10.3 as this was self-evident; and**
- **The insertion of wording that the late-night levy in section 16 would be a matter to be decided by Full Council once it has been confirmed this is the case.**

The Meeting ended at 2.50 pm