

# Public Document Pack

**Date of meeting**      **Wednesday, 30th July, 2014**  
**Time**                    **7.00 pm**  
**Venue**                    **Committee Room 1, Civic Offices, Merrial Street,**  
**Newcastle-under-Lyme, Staffordshire, ST5 2AG**  
**Contact**                    **Geoff Durham**

## **Licensing Committee**

### **AGENDA**

#### **PART 1 – OPEN AGENDA**

- 1 Apologies**
- 2 Declarations of Interest**
- 3 MINUTES OF PREVIOUS MEETING** **(Pages 3 - 6)**  
To consider the minutes of the meeting of this Committee held on 10 April, 2014
- 4 MINUTES OF SUB COMMITTEE MEETINGS** **(Pages 7 - 22)**  
To consider the minutes of meetings of the Licensing Sub-Committees
- 5 Special Saturation Policy** **(Pages 23 - 50)**
- 6 Urgent Business**

**Members:**      Councillors Mrs Bates (Vice-Chair), Miss Cooper, Eastwood, Hambleton, Mrs Heames, Miss Mancey, Mrs Simpson, Tagg, Welsh, Wemyss, Wilkes, Williams, Mrs Williams, Mrs Winfield (Chair) and Woolley

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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**LICENSING COMMITTEE**

Thursday, 10th April, 2014

**Present:-** Councillor Trevor Hambleton – in the Chair

Councillors Eastwood, Miss Mancey, Mrs Simpson, Tagg and Mrs Winfield

4. **APOLOGIES**

Apologies were received from Councillors' Bailey, Mrs Heames and Williams

5. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

6. **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the meeting of this Committee held on 26 September, 2013 be agreed as a correct record subject to the inclusion of Councillor Chloe Mancey's apologies.

7. **MINUTES OF SUB COMMITTEE MEETINGS**

**Resolved:-**

- (i) That, the minutes of the Sub-Committee held on 26 September, 2013 be agreed as a correct record subject to the inclusion of Councillors' Eastwood and Mrs Winfield being in attendance.
- (ii) That, the minutes of the Sub-Committees held on 3 (two hearings) and 4 December, 2013 be agreed as correct records.
- (iii) That, the minutes of the Sub-Committee held on 23 January, 2013 be held as a correct record subject to the inclusion of Councillors' Eastwood and Mrs Heames being in attendance.

8. **ALCOHOL AND VAT BRIEFING NOTE**

Members considered a Briefing Note on the Sale of Alcohol at below duty plus VAT.

The Strategy was launched by the Government in March, 2012 aiming to reshape the Approach to alcohol. It is targeted at harmful and hazardous consumers and limit the impact on responsible consumers.

A copy of the Strategy was attached to the report.

**Resolved:-** That the report be received.

9. **DEREGULATION BRIEFING NOTE**

Consideration was given to a Report on the Deregulation Bill and six amendments that had been made:

- Changes to the number of TENS permitted per year
- Abolishment of Personal Licences
- Liqueur Confectionery sales now permitted to under 16's
- Late night refreshment exemptions
- Report loss or theft of as licence
- Exhibition of films in community premises.

During the consultation, suggestions had been made to further develop the and tighten system on Personal Licences.

**Resolved:-** That the report be received.

**10. REWIRING PUBLIC SERVICES BRIEFING NOTE**

A Briefing Note on Rewiring Public Services was considered by Members. New Licensing Laws have been put forward by the Local Government Association (LGA) which has called for licensing reform.

The LGA report entitled 'Open for Business – Rewiring Licensing' was attached to the agenda and is aiming towards a system that could address the public's and businesses' concerns.

**Resolved:-** That the information be received

**11. SEX ESTABLISHMENT POLICY CONSULTATION 2014**

A report on the Licensing of Sex Establishments was considered and a draft policy was handed round at the meeting.

Members were advised that they had three months to study the document whilst it was put out to consultation. After this period it would come back to this committee for further consideration and comments from Members prior to going to Full Council.

**Resolved:-** That, following the results of the consultation exercise and the Policy document being brought back to this Committee for comment, the Policy be recommended to Full Council for adoption.

**12. CONSULTATION ON LOCALLY SET FEES**

Information on this item was handed round at the meeting.

The Consultation end-date for this document had ended before this meeting was scheduled to take place, therefore the Chair, the Council's Principal Solicitor and Democratic Services Manager had gone through the Consultation Questionnaire and submitted the document.

**Resolved:-** That the information be received.

**COUNCILLOR TREVOR HAMBLETON**

**Chair**

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**LICENSING SUB-COMMITTEE**

Thursday, 23rd January, 2014

**Present:-** Councillor Trevor Hambleton– in the Chair

Councillors Eastwood and Welsh

1. **APPLICATION FOR A PREMISE LICENCE - MARSTONS NEW BUILD. LIVERPOOL ROAD, NEWCASTLE**

Having taken into account the licensing Act 2003 and the Guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that representations have been received from Staffordshire Police and other persons on the basis that to grant the application would undermine the objectives relating to Crime and Disorder and the Prevention of Public Nuisance and the fact that the applicant had indicated that they were prepared to agree the conditions proposed by the Police and on that basis the Police had withdrawn their representations.

The Committee had considered those Licensing objectives in light of what had been said and had listened to the arguments and were persuaded that it would not offend the Licensing objectives to grant the application.

The residents expressed concerns about possible noise nuisance in general that may be experienced by properties at the rear of the premises but the Committee had been given assurances that Environmental Health matters were being dealt with by the Council's Planning Committee.

Residents were also concerned about the hours applied for by the applicant and the possibility of noise nuisance occasioned thereby. The solicitor for the applicant referred to the decision of the High Court in the Daniel Thwaites case in 2008 in which it was held that all determinations of licensing applications should be made on empirical evidence and not on speculative evidence.

Residents also referred to other local public houses which closed at earlier times. The Committee were in relation to this, referred to the problem of zoning alluded to in the Thwaites case where it was stressed the Licensing Authorities should not fix pre-determined closing times for particular areas. In fact the Secretary of State's guidance at 10.11 supported this.

The solicitor for the applicant also referred to the guidance at 9.39 which reiterated the fact that the Authority's determinations should be evidence based.

Having taken all of the evidence into account the Committee concluded that a licence should be granted on the terms applied for subject to the following conditions:

The conditions which the Committee were disposed to impose in addition to the relevant mandatory conditions and also conditions that were consistent with those listed by the applicant in the operating schedule were those set out in an email sent to the Applicant on the 20<sup>th</sup> December 2013 at 10.42 by the Police excluding the additional conditions relating to televised sporting events as the Committee had been

assured that there would be none shown to the public and a notice would be issued to that effect.

**TREVOR HAMBLETON**  
Chair



## LICENSING SUB-COMMITTEE

Wednesday, 16th April, 2014

**Present:-** Councillor Hambleton – in the Chair

Councillors Mrs Bates and Mrs Winfield

1. **APPLICATION FOR A REVIEW OF PREMISE LICENCE - BETLEY COURT FARM, MAIN ROAD, BETLEY**

Having taken into account the licensing Act 2003 and the guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that a local Councillor had requested a review of the premise licence to promote the licensing objectives relating to the Prevention of Public Nuisance and Public Safety, the Committee have considered the relevant licensing objectives and also relevant representations both in favour and against the premises licence and have listened to the arguments and are persuaded that action does need to be taken by the Licensing Authority under its statutory powers to promote the licensing objectives.

Much has been said by the applicants about the nuisance caused during the Junction 16 event last year (2013). Noise nuisance over the three day event was unacceptable as a result of the sound from speakers being directed into Betley village and it has been ascertained that the noise management plan agreed prior to that event had not been adhered to. It was apparent that feelings over the proposed new event this year was mixed and certain residents were happy to achieve a compromise. Concern was expressed that policing in the village was totally inadequate and that further policing was necessary to prevent anti-social behaviour.

The use of Common Lane as an access and egress from the event site also caused considerable problems last year and residents expressed the view that patrons of the event had no legal right to use the highway and if it was used then it should be used at no inconvenience to the residents adjoining the lane. Further, residents had been advised that the event organisers were willing to work with the public in relation to the proposed event but that thus far it had not happened.

It was suggested that the volume of vehicles accessing and exiting the site brought their own problems in that the area became gridlocked which in itself made a traffic management plan necessary for the proposed event. Some residents were also concerned the length of the proposed event being over three days and also the sound testing which caused considerable noise inconvenience including the disruption of a church service on the Sunday morning.

In response to the evidence given a spokesman for the event organisers stated that they had been brought into the organisation of last year's event rather late in the day and that arrangements made were chaotic. They were involved in firefighting. He did however, confirm the organisers commitment to working with the residents and that had they been employed earlier there would have been no complaints of this nature.

It was confirmed that this year Common Lane was only proposed to be used for a limited time at the end of the event to take pressure off the roads and they were

proposing a proper management plan with traffic lights. There was no intention of causing inconvenience to residents.

In accordance with the existing licence conditions it was confirmed that the event organisers would be working with the Safety Advisor Group which had representation from Environmental Health, Staffordshire Police, Northern Licensing Unit of the Police, the Fire Department, Staffordshire County Council Highways Department and Staffordshire Ambulance Service to ensure that necessary improvements were made to the organisation of the event.

It was also confirmed that the event organisers had employed an independent company to undertake noise monitoring as there had been no noise limit referred to in last year's licence. They had also been working with Environmental Health in this regard. It had also been confirmed that consultants had been employed in connection with the orientation of the speakers with a view to limiting noise.

It was further confirmed that sound testing should not occur this year on the Sunday morning and that the event organisers would work around church services. It was intended this year to keep residents informed and there would be a dedicated noise nuisance number to call. If such a call was made then noise measurements would be taken.

The event organisers had stated that the Safety Advisory Group were the experts and that their recommendations would be adhered to but they would be putting a noise limit in their management plan to show their commitment to the community. Whilst this was considered a positive step by residents they wanted to see what the noise monitoring arrangements were now.

Environmental Health confirmed that there was to be a noise management plan and that compliance monitoring would take place but that locations had not yet been agreed.

Residents also expressed concerns about the lack of toilet facilities for people entering the site last year. The event organisers confirmed that this should not be a problem for the residents this year as the event timing would be looked at in terms of when people arrived at the site.

Having regard to what had been said the event organisers were of the opinion that there was adequate provision in the current licence to deal with noise problems and that a noise management plan would be agreed with Environmental Health prior to the event taking place. At this stage it was submitted that it was inappropriate to go into detail about the plan proposals.

A traffic management plan would be agreed with the Safety Advisory Group and the event organisers would pay for two police officers in the area before and after the event. The issues regarding the use of Common Lane would be dealt with at the Safety Advisory Group.

Having regard to the evidence the Committee, in accordance with the guidance at 11.19, considered the range of powers available to the Licensing Authority for it to exercise for the promotion of the licensing objectives and decided that the most appropriate course of action would be to modify the conditions of the premise licence in view of the concerns expressed the regard to noise nuisance. This remedial action was considered appropriate and proportionate and directed at the causes of the concerns in that regard.

Accordingly, the Committee decided to impose the conditions referred to below for the following reasons:

Firstly, because negotiations were not sufficiently advanced with the Safety Advisory Group to control any potential public nuisance.

Secondly, that the conditions provide clarity as to what the noise management plan needs to contain and the level of detail required.

Thirdly, various approved plans which were agreed last year were not complied with and it was felt that certain noise matters need to be made more explicit and;

Finally, it was felt that the residents ought to have prior information as to what the proposals were.

The conditions which the committee decided to amend and impose are:

**GENERAL:**

**New Condition**

The licensable event shall not proceed where the required management plans required by the licence have not been approved by the relevant responsible authority in advance of the event. Thereafter, the approved policies and procedures shall be observed in full for the duration of the event, with any variation being made following formal approval from the relevant responsible authority. The required management plans and procedures relevant to this condition are:

The Event Management Plan  
The Noise Management Plan  
The Traffic Management Plan  
The Lost Children Procedure  
Child Protection Policy  
Food Hygiene Procedures  
Policing and Security  
Alcohol Sales

**Amendment to condition 1**

The following words to be added at the end of condition 1, following the words..... for events of over 500 people.... "thereafter, the approved Event Safety Plan shall be observed in full. Subject to the Head of Environmental Health being satisfied, written approval will be given no later than one month in advance of the event taking place. Any modifications only being made with the prior written consent of the Head of Environmental Health.

**NOISE:**

Remove conditions 20 to 21 and replace with the following:

1. The "Permitted Music Noise Level" shall not exceed 65 d BLAeq (15 min) free field when assessed at any noise sensitive premises in Betley.

2. At least three calendar months in advance of the event taking place each year, submit to the Environmental Health Department a "Event Noise management Plan" for prior written approval in advance of the event taking place. Thereafter, the approved noise management plan shall be observed and complied with in full. Subject to the Head of Environmental Health being satisfied, written approval will be given no later than one month in advance of the event taking place with any modifications only being made with the prior consent of the Head of Environmental Health. For the avoidance of doubt the noise management plan shall include the following elements:

Shall clearly define the measures to be taken to achieve (e.g. Sound propagation, calculation, mapping or similar) and ensure compliance (e.g. manned monitoring locations, remote monitoring with feedback system to the sound mixing desk) with the "Permitted Music Noise Level".

Shall clearly define the continuous noise monitoring arrangements and locations to be monitored, to determine compliance with the "Permitted Music Noise Level" for the full duration of each performance.

Shall specify the operator competency and type of noise monitoring equipment to be utilised. Measurements shall be undertaken on a real time basis for the full duration of the event.

Shall clearly define the arrangements to secure compliance with the "Permitted Music Noise Level" throughout the event and the organisational management to secure the same. Where the "Permitted Music Noise Level" is breached, details of corrective action shall be appropriately documented.

Shall clearly define the arrangements for receiving and responding to complaints from the community about noise and other issues associated with the build-up and clearance of the site infrastructure and the event itself.

All complaints shall be documented with the date and time of receipt, contact details for the complainant, details of the person receiving the complaint, details of the investigation made and the date and time of any feedback given to the complainant.

Submit an event timetable including times and dates for the erection and dismantling of site infrastructure, sound propagation and speaker tests, sound checks, time of the first chord and the last chord for each day.

3. The main points of the Noise Management Plan shall be made available to the public at least 21 days in advance of the event and for the full duration of the event.
4. Not later than 21 days in advance of the event taking place each household and business within the vicinity of the site shall be provided with details of how to make a complaint about event related noise and other issues along with a "community production schedule" detailing when the following activities are scheduled to take place. In devising the "community production schedule" all

reasonable steps shall be taken to avoid any conflict with religious services taking place at the nearby church.

Erection and dismantling of the site infrastructure (not to be before 7.30am or after midnight on any day.

Timings for sound prorogation and speaker tests (Friday 10.00am to 3.00pm, Saturday 11.00am to 1.00pm and Sunday 1.00pm to 3.00pm).

Time of the first chord and time of last chord. (To be inside licensed hours)

5. Within one calendar month of the event taking place, a full "Noise Report" prepared by a technically competent person shall be submitted to the Environmental Health Department. At the same time main points of the report shall be made accessible to the public by the Premise Licence Holder. The report shall include:

Details of the findings of the noise monitoring undertaken during the event.

Detail of the number of occasions and duration when the "Permitted Music Noise Level" was exceeded.

Detail of the corrective action taken to ensure compliance with the "Permitted Music Noise Level".

Provide a full breakdown of noise complaints received and action taken.

Make recommendations for improvements in the management of event related noise for subsequent events.

And a notice will be issued to that effect.

**Chair**

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## LICENSING SUB-COMMITTEE

Wednesday, 4th June, 2014

**Present:-** Councillor Mrs Joan Winfield – in the Chair

Councillors Mrs Simpson and White

1. **APPLICATION FOR A REVIEW OF A PREMISE LICENCE - LONDON ROAD, TAVERN, NEWCASTLE**

Having taken into account the licensing Act 2003 and the Guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that Staffordshire Police requested a review of the premise licence to promote the licensing objectives relating to the Prevention of Crime and Disorder and the Protection of Children from Harm.

The Committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that, in the light of the evidence before it, it is appropriate to take steps to ensure that the licensing objectives are promoted. In considering which of its powers to invoke, the Committee had regard to the guidance at 11.19 and 11.20 which indicates that the Committee should seek to establish the cause of the concerns that the representations identify and that the remedial action taken should generally be directed at the cause and be no more than appropriate and proportionate. In particular where the cause of the identified problem relates to poor management decisions, the Committee may consider the appropriate action.

It has been brought to the Committee's attention that certain criminal activity that may arise in connection with licensed premises should be treated as particularly serious and in this case the illegal purchase and consumption of alcohol by minor's was specifically referred to. In fact the guidance at 11.26 to 11.28 deals with this matter

The Police stated in evidence that the sale of alcohol to underage persons had occurred on three occasions and that on the first occasion, which resulted in a review of the premise licence, conditions were imposed relating to Challenge 25 and staff training.

Subsequently, the premises have sold alcohol to underage persons on the 6<sup>th</sup> December 2013 and the 19<sup>th</sup> February 2014. Further, on the 31<sup>st</sup> January, a police investigation revealed that there were a number of other breaches of the premises licence.

In their defence, the representative for the licence holder stated that on the second occasion (6<sup>th</sup> December 2013), the gentleman concerned has only just started to work at the premise and his training had been arranged for later that week. On the third occasion, the person serving was not an employee but was just helping out.

The Committee takes the view however that having imposed relevant conditions previously they should have been adhered to.

The Committee have been impressed by the fact that the Designated Premise Supervisor has subsequently put in place measures to ensure that these problems do not occur again and are aware that this is family run premises with limited cash flow.

The Committee have considered the steps available to it to promote the licensing objectives in the interests of the wider community and firstly considers that further modification of the licensing conditions were not appropriate.

Since the premise licence was utilised predominately for the sale of alcohol there was no point in excluding that licensing activity as that would in effect close the premises. The committee did seriously consider the removal of the Designated Premise Supervisor but in view of the action taken by her that was not considered reasonable.

This is of course, a serious matter and revocation of the premise licence was considered but having taken into consideration all of the evidence the Committee have decided that one further chance should be given to enable the licence holder and the DPS to prove that the premises can trade responsibly.

However, criminal activity has taken place within the premises and therefore the Committee are disposed to:

1. Suspend the premise licence for a period of one month to enable the premises to embed the remedial actions proposed by the DPS.
2. In addition the Committee warn the licence holder and the DPS that any further breach of licence conditions could result in a further review of the premise licence and possible revocation thereof.

A written decision will be issued to that effect.

**COUNCILLOR MRS JOAN WINFIELD**  
**Chair**



## LICENSING SUB-COMMITTEE

Monday, 23rd June, 2014

**Present:-** Councillor Mrs Winfield – in the Chair

Councillors Eastwood and Hambleton

### 1. **APPLICATION FOR A REVIEW OF A PREMISE LICENCE - THE CREWE ARMS HOTEL**

Having taken into account the Licensing Act 2003 and the guidance issued under section 182 of the Act, the Council's statement of licensing policy and also the fact that Environmental Health have requested a review of the premises licence to promote the licensing objective relating to public nuisance and Staffordshire Police have made representations to promote the objective relating to the prevention of crime and disorder and other persons have also made representations to promote the objective relating to public nuisance.

The Committee has considered those licensing objectives in the light of what has been said and has listened to the arguments and is persuaded that, in the light of the evidence before it, it is appropriate to take steps to ensure that the licensing objectives are promoted. In considering which of its powers to invoke the Committee had regard to the guidance at 11.19 and 11.20 which indicates that the Committee should seek to establish the cause of the concerns that the representations identify and that the remedial action taken should generally be directed at the causes and be no more than appropriate and proportionate. In particular where the cause of the identified problem relates to poor management decisions the Committee may consider appropriate action.

Environmental Health brought the review on the basis that the premises had contravened the requirement of the Licensing Act by playing amplified live music and recorded music at an excessive volume both before 2300 hours and on a number of occasions after midnight and into the early hours of the morning in contravention of the times that the premises licence authorised the carrying out of licensable activities, and also issues relating to the management of patrons using the exterior parts of the premises in connection with noise, litter, glass and vomiting. Other persons residing in close proximity to the premises supported these assertions. Staffordshire Police similarly became involved after having received a complaint in July 2013 concerning an allegation that the premises was carrying out licensable activities in breach of the premises licence.

Environmental Health stated in evidence that from as early as April 2013 they had been in discussions with the tenant of the premises (**redacted information**) regarding the soundproofing of the Crewe Arms and also the installation of a noise limiter. Following an event which took place in May 2013 which went on until 23.30

hours and a subsequent complaint which was received regarding noise nuisance the tenant was advised that live music was only permitted from Sunday to Thursday until 22.00 hours and on Friday and Saturday until 22.30 hours with recorded music to terminate at 23.00 Monday until Sunday and that if additional hours were required then an application to vary the licence would need to be made. The tenant stated that the premises licence holder (**redacted information**) would be attending to this. No application was received and noise control proposals were not implemented.

There followed a catalogue of complaints from residents concerning amplified and recorded music after licensed hours from the premises and nuisance being caused by patrons in the car park. At this point noise monitoring equipment was installed in nearby residential premises and the tenants were again informed of the problems. A number of meetings were arranged with the tenants in order to try to resolve the issues where promises were made by the tenants but were not adhered to. Complaints continued to be received by Environmental Health throughout 2013 regarding very loud music played on occasions until the early hours of the morning, despite the terminal hour for licensable hours for entertainment which, it was accepted, had been amended by the Live Music Act 2012 which had created changes to the regulation of entertainment and which allowed live music to be performed in the premises until 23.00 hours. There were no records concerning the issue of temporary event notices for any of the occasions where music continued past 23.00 hours. Noise control proposals had still not been implemented and no action had been taken by the tenants to alleviate noise or to control the public disorder occurring in the car park despite the Police having been advised of the situation and their monitoring the premises. During 2013 the designated premises supervisor who had been appointed by the tenant changed 3 times. The tenant had also been advised that the premises licence was not visible in the bar area. On the 24th December 2013 Environmental Health served a noise abatement notice on the tenant following consideration of recorded evidence. By this time the noise monitoring equipment had been installed into a number of residential properties which had produced evidence of excessively loud amplified and recorded music and patron noise into the early hours. No contact had subsequently been received from the tenants concerning this.

Following complaints of excessive noise and nuisance, noise monitoring continued throughout the period until the date of the review hearing with complaints continuing to be received from local residents about amplified and recorded music emanating from the premises which was clearly audible in their properties until times in excess of the licence terminable hour and also noise from patrons outside the front of the premises. During this time the licence holder had been kept fully informed of the problem. Environmental Health produced two CDs which contained recorded noise, from noise monitoring equipment that had been installed in residential premises as a sample of all of the recordings that had been made. Unfortunately, these two CDs were the only ones that would play on the Committee's equipment and whilst the Committee was informed that the music and noise was louder on other CD's it was still audible. The property windows were open but the Committee was informed that the World Health

Organisation had confirmed that people in the enjoyment of their properties should be entitled to enjoy fresh air throughout the year. The solicitor acting for the licence holder alleged that the noise was only modest but compelling evidence had also been given by the residents who were personally affected by the noise and other nuisance each of whom explained the impact of the nuisance on their personal lives and how it made them feel.

Staffordshire Police also gave evidence that, following complaints that they had received in 2013, they had witnessed activities at the premises which amounted to breaches of the premises licence. The Police had contacted the premises licence holder with their concerns and had been advised that (**Redacted Information**) were already aware of the breaches and that the DPS would ensure that all staff at the premises were aware of the licence conditions and that they would be adhered to.

Following these promises the Police attended the premises at 00.40 hours following receipt of a complaint on 12 October 2013 and they witnessed a number of people drinking outside the venue and witnessed people dancing to loud recorded music and about 15 people sitting around the tables drinking.

On the 19<sup>th</sup> October 2013 Police officers again visited the venue at around 00.30 hours and found numerous persons sitting inside the venue drinking and music could be heard playing. This visit had been recorded on DVD. The CCTV unit for the premises was found to have no monitor and this was seized by the Police. The Police requested the then DPS to attend a meeting to discuss the rise in recorded incidents at the venue and also to discuss the two visits by the Police. The DPS had cancelled the meeting and no further meeting had been offered by the DPS.

On 7<sup>th</sup> February 2014 the Police attended the premises at 23.27 hours. Upon arrival loud recorded music could be heard emanating from the venue. This visit was also recorded on DVD. Staffordshire Police formed the view that the premise was having a serious negative impact upon crime and disorder.

The recorded DVD's were presented to the Committee to view. Unfortunately, the quality was not as good as it could be and the Police intimated that the wind noise had partially drowned out the noise that could be heard from the premises. The DVD's did show though that the premises were in breach of licensing hours and also it was established that the premises till receipts was just over one hour slow, the till receipts for a specific period had been removed by the Police. Again the Committee gave weight to the evidence given by local residents as to the noise nuisance emanating from the premises.

For themselves, local residents, some of whom only lived 20 or so metres from the premises, gave evidence that they had been disturbed at night mainly on Fridays and Saturdays by noise coming from discos and heavy rock bands, sometimes until the early hours of the morning, and disturbance from patrons of the premises, sometimes in large numbers, shouting and swearing. Residents had also witnessed patrons fighting, smashing glass, urinating and vomiting and

in some cases had had to move bedrooms. Despite complaints made to the DPS, the Tenants and Licence holder nothing had been done.

The Licence holder gave evidence that money had been spent on insulating the roof over the bar, but clearly that had been inadequate, and that recently a noise limiter had been installed at the premises. The solicitor for the licence holder put forward the argument that as dancing had been deregulated by the Live Music Act the music played at the premises was incidental to a deregulated activity and therefore the performance of live music or the playing of recorded music was not regulated entertainment. The Committee was referred to paragraph 15.41 of the Section 182 guidance dated June 2013.

The police produced evidence to the fact that the entertainment which had been and was to be held on the premises had been advertised on the premises Facebook page and therefore it was the main attraction.

Having had regard to the guidance and specifically paragraph 15.42 to 15.44 the Committee do not accept the argument put forward by the solicitor for the licence holder and considered that the entertainment provided is not exempt entertainment. The licence holder also stated that they do not have control over the activities at the premises. Those activities are controlled by their tenant, (**Redacted Information**) who are also responsible for appointing the DPS. No assurances could be given by the licence holder that their tenants could or would comply with their licensing obligations and in particular the licensing objectives relating to the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

The Committee were concerned by the fact that there had been no meaningful compliance with the attenuation of noise levels by the premises despite a number of approaches by both the Police and Environmental Health and that noise and nuisance issues have continued up to the date of this hearing. In fact the tenants appeared to be operating the premises to the detriment of the community.

In view of the above the Committee has considered the steps available to it to promote the licensing objectives and in accordance with the guidance at 11.18 has noted that where responsible authorities such as the Police and Environmental Health Officers have issued warnings requiring improvement - either orally or in writing that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

In accordance with paragraph 11.19 the Committee firstly considered the modification of the conditions of the premises licence. In view of the fact that the premises licence holder did not appear to have any significant control over the activities being carried on at the premises by its tenant or to substantially be able to influence any outcomes the Committee had no confidence that any such modification would be effective or that (**Redacted Information**), the Tenants, would comply with any such modification in view of the previous history and also the fact that a resident had given evidence to the fact that the only company

accounts returned (up to 30/07/2013, submitted April 2014) described the tenant as a dormant company.

Similar consideration was given to the exclusion of the licensable activity for the performance of live music or playing of recorded music from the scope of the licence. The Committee again felt that as these activities were being currently carried out in contravention of the premises licence the Committee had no confidence that the activities would cease.

The Committee also considered removing the designated premises supervisor because it considered that many of the problems were the result of poor management. The Committee discounted this however because it was the tenants who appointed the DPS and it would appear from the evidence that the DPS's were removed whenever there was a problem and replaced by others who merely continued with the same practices. The licence holder gave evidence to the fact that they had nothing to do with the appointment of the DPS. Indeed the frequent removal of the DPS's by the tenant gave to the committee a clear indication of deeper problems impacting on the licensing objectives.

The Committee then gave serious consideration to the suspension of the premises licence but felt that in view of the fact that noise and nuisance has continued to emanate from the premises up to the date of the review hearing there was no certainty that it would cease after the premises began trading again. From the evidence given it would appear that the licence holder was not taking a pro-active role in this connection.

Regrettably therefore the Committee felt that, in view of the persistent and blatant disregard of the provisions of the Licensing Act by the licence holder and its tenant and, as little had been done to put strategies in place to remedy the nuisance being sustained by members of

the public and also stopping the premises from operating beyond its licensed hours, in order to promote the licensing objectives relating to the prevention of public nuisance and the prevention of crime and disorder the premises licence should be revoked.

A notice will be given to this effect.

**Chair**

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1. **REPORT TITLE**                      **Special Saturation Policy**
- Submitted by:**                      **Democratic Services Manager**
- Portfolio:**                              **Safer Communities**
- Ward(s) affected:**                      **Town Ward**

## **Purpose of the Report**

For Members to consider whether the Special Saturation Policy - agreed at the Committee's meeting held on 3<sup>rd</sup> July 2013 - is still required.

Staffordshire Police will be in attendance at the meeting to provide advice and guidance for the Committee, as well as relevant evidence.

## **Recommendations**

**The Committee must decide whether**

- a) **The current Saturation Policy is still required**
- b) **The current Saturation Policy is still adequate.**
- c) **The current Saturation Policy needs to be reviewed.**

## **Reasons**

The guidance issued under section 182 of the Licensing Act 2003 states that there should be an evidential basis for the decision to include a Special Saturation Policy within the Statement of Licensing Policy.

The guidance also states that once adopted, special policies should be reviewed regularly to assess whether they are still needed or whether they should be amended.

## 1. **Background**

- 1.1 Cumulative impact is not mentioned specifically in the 2003 Act but in the Section 182 of the Guidance to the Act it is taken to mean the potential impact on the promotion of the licensing objectives of a significant number of licenced premises concentrated in one area.
- 1.2 There are currently a number of licensed premises concentrated together in one area that together have a detrimental impact on levels of crime and disorder and public nuisance and in particular violent crime in the town centre. This being the case, the Council has previously satisfied itself that it is appropriate and necessary to include in its Licensing Policy a Special Saturation Policy.

- 1.3 The Policy allows the Council to refuse new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which can be substantiated by evidence. Where such representations are received, applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 1.4 Where representations are supported by evidence, applicants will need to clearly demonstrate in their operating schedule measures to address the identified problem of drink-related violence in the town centre and in particular will need to demonstrate measures to prevent binge drinking on the premises. Where no relevant representations are received in this connection, the application will be granted.
- 1.5 The Guidance (at 13.31) states that “once adopted special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.”
- 1.6 In this respect, the Guidance at 13.28 provides that the steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are:
  - (1) To identify concern about crime and disorder; public safety; publicly nuisance; or the protection of children from harm.
  - (2) To consider whether there is good evidence that crime and disorder or public nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - (3) If such problems are occurring, identify whether these problems are being caused by the customers of the licensed premises, or that the risk of cumulative impact is imminent.
  - (4) To identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
  - (5) To consult with those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy document.

## 2. **Issues**

- 2.1 At the meeting of the Licensing Committee held on 3<sup>rd</sup> July 2013 it was resolved that the special saturation policy be retained and reviewed on an annual basis.
- 2.2 Representatives from Staffordshire Police will be in attendance at the meeting to present evidence regarding the Special Saturation Policy.

## 3. **Options**

- 3.1 The Committee can:-



- Retain the area as it currently stands.
- Retain the area as it currently stands and review on a twelve monthly basis.
- Opt to consider expansion or reduction of the area covered by the current policy subject to the necessary consultation.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 The contents of this report relate to the following corporate priorities:

- Creating a cleaner, safer and sustainable Borough
- Creating a healthy and active community

5. **Legal and Statutory Implications**

5.1 'Cumulative Impact' is not mentioned specifically in the 2003 Licensing Act but is detailed at Section 13 of the guidance issued under section 182 of the Act.

6. **Financial and Resource Implications**

6.1 There are no financial implications for the Council relating to the retention or not of a Special Saturation Policy.

7. **Major Risks**

7.1 Not designating a Special Saturation Policy within the Council's Licensing Policy could lead to:

- An increase in serious problems of nuisance and disorder outside licenced premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Queuing in itself may lead to conflict, disorder and anti-social behaviour.
- Large concentrations of people may also increase the incidence of other criminal activities. These conditions are more likely to take place in town centres.

8. **Earlier Cabinet/Committee Resolutions**

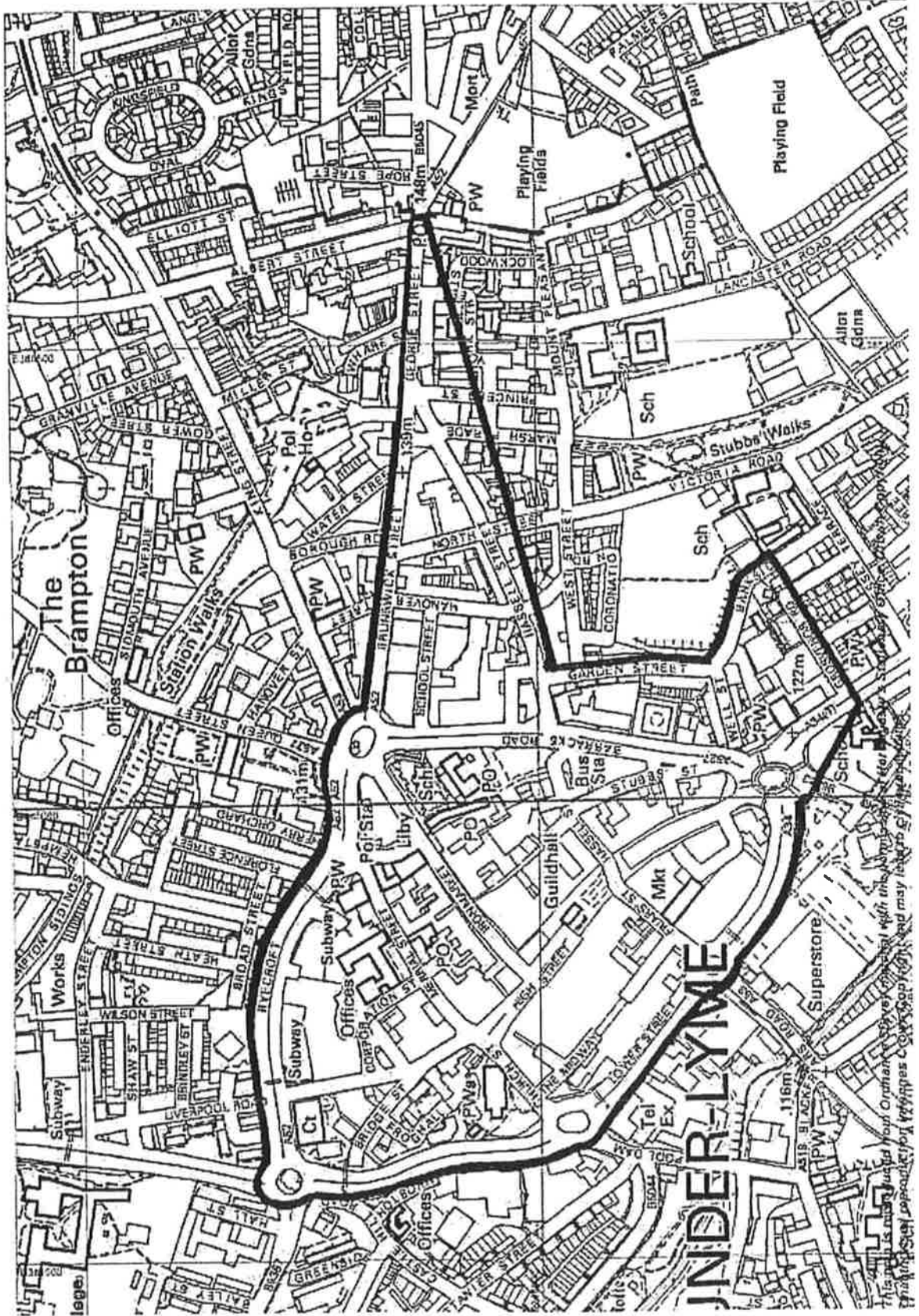
8.1 Decision of the Licensing Committee on 3<sup>rd</sup> July 2013

9. **List of Appendices**

9.1 Plan showing current cumulative impact zone

9.2 Presentation by Staffordshire Police – Newcastle cumulative Impact Zone Review (Restricted)

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# Cumulative Impact Policy Review Presentation

Ch. Insp. Riley  
Newcastle LPT Commander

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## Cumulative Impact Review

To support a special policy within Local Authority licensing policy known as Saturation Zone

Effect is that the Policy creates a rebuttable presumption that applications for new premises licenses or variations will be refused unless:

(DCMS Guidance for sec 182 licensing June 2007, 13.29)



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The applicant provides evidence to show that the application includes measures to show that crime and disorder will not be increased.

OR

There are no representations from Responsible Authorities





## **Aims of tonight's presentation –**

- Seek ongoing support of the inclusion of a Special Area of Policy within the Licensing Statement (Cumulative Impact)
- Provide evidence and support to enable a decision to be made around this matter





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## Newcastle Borough

- Population - 123,900
- Households - 52,600
- Incidents Average - 86 per day
- Crimes Average - 18 per day

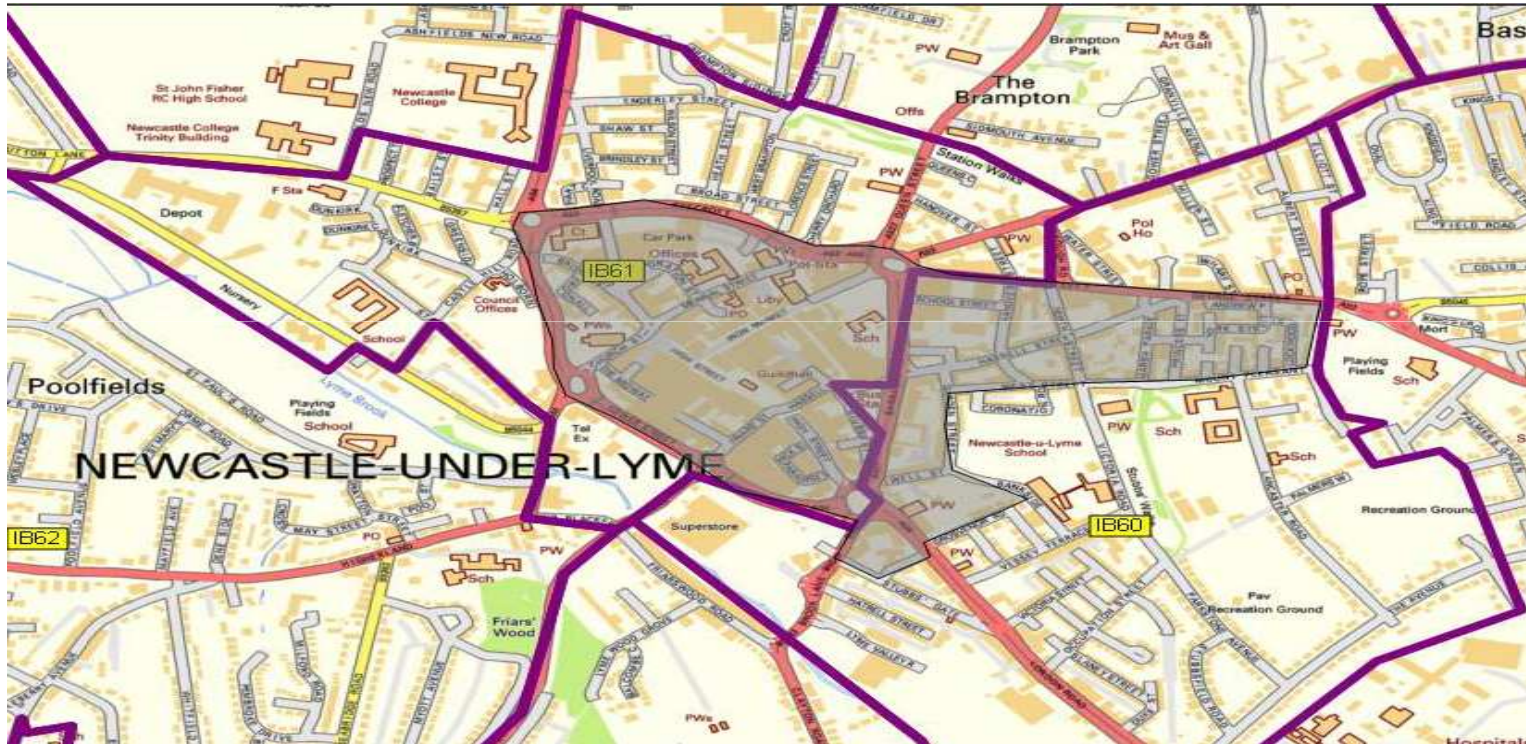


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**The Cumulative Impact Zone (shaded in grey) falls within two Readily Identified Areas - IB60 & IB61 (identified by the purple lines)**

The majority of the Top Street Locations for All Violent Crime fall within the zone

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## Newcastle CIZ Overview - 2013

1<sup>st</sup> Jan to 31<sup>st</sup> Dec 2013 compared to 1<sup>st</sup> Jan to 31<sup>st</sup> Dec 2012

- 89 Less Incidents Overall  
**134 Less Incidents during the Night Time Economy (NTE)**
- 8 More Violent Crimes Overall  
**28 Less Violent Crimes during the NTE**
- 16 Less ASB Incidents Overall  
**5 more ASB Incidents during the NTE**

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## All Violent Crime – Definition

Most Serious Violence

Less Serious Violence

Other Violence Against the Person

Public Order

Robbery – Business/ Personal

Rape

Serious Sexual Offences

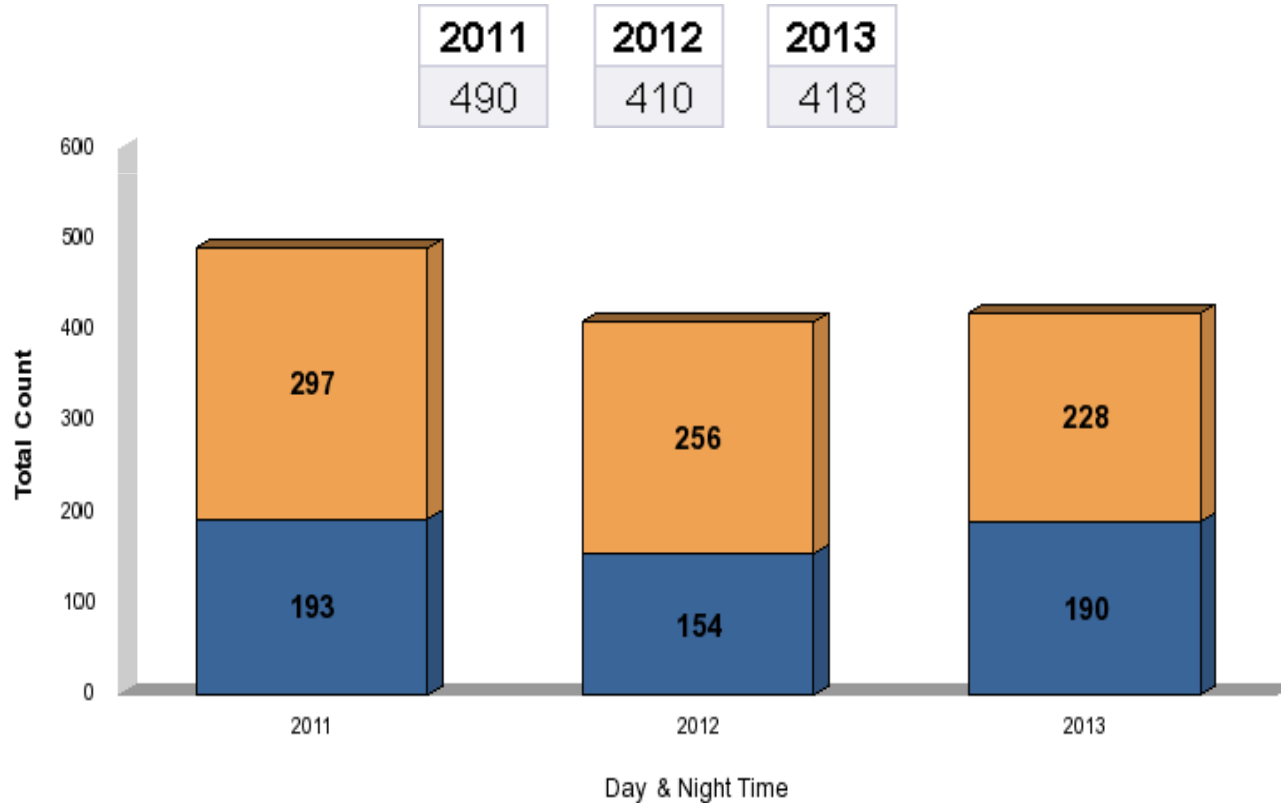
Other Sexual Offences

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## All Violent Crime – Year on Year



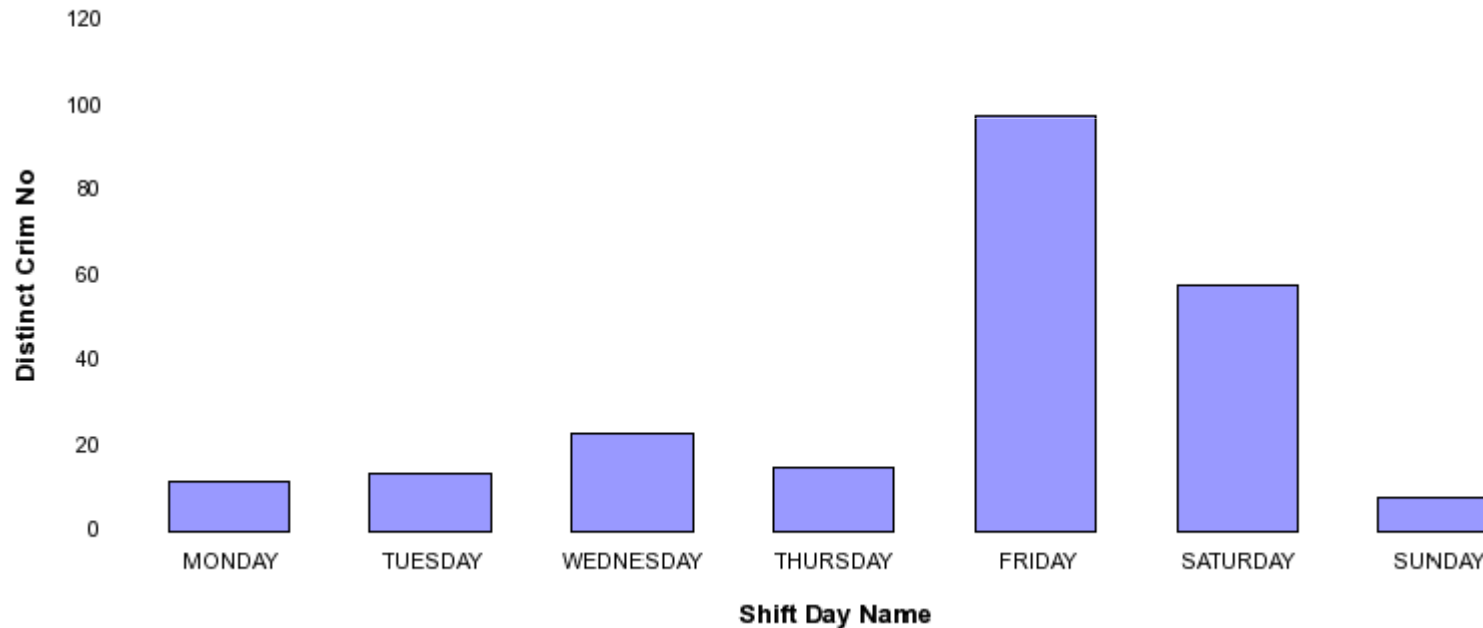


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## All Violent Crime - Day of Week - 2013

Night Time Economy (21:00-06:59 hrs)



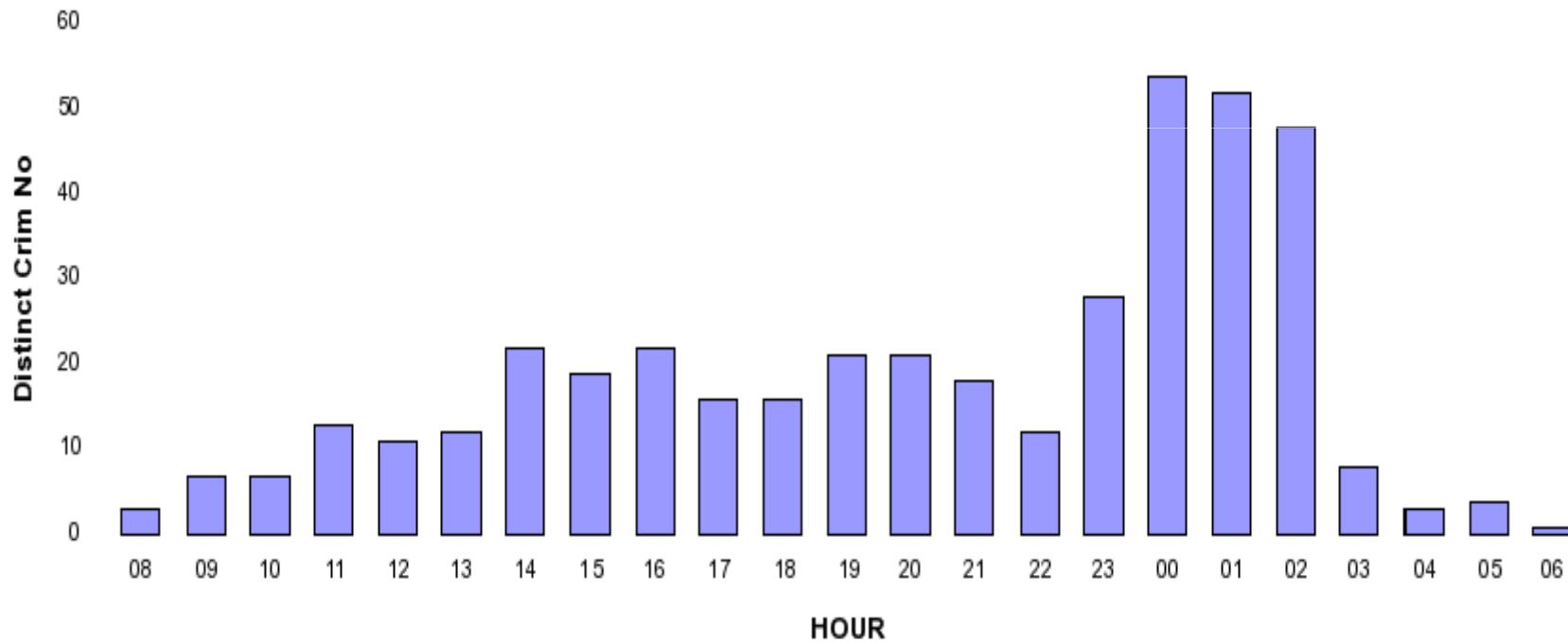
A Police Operational working day starts at 07:00 hrs to 06:59 hrs the following day, not Midnight to Midnight

Eg Friday data above includes = Friday 21:00 hrs to midnight + 01:00 – 06:59 hrs on Saturday

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## All Violent Crime – Hour of the Day - 2013



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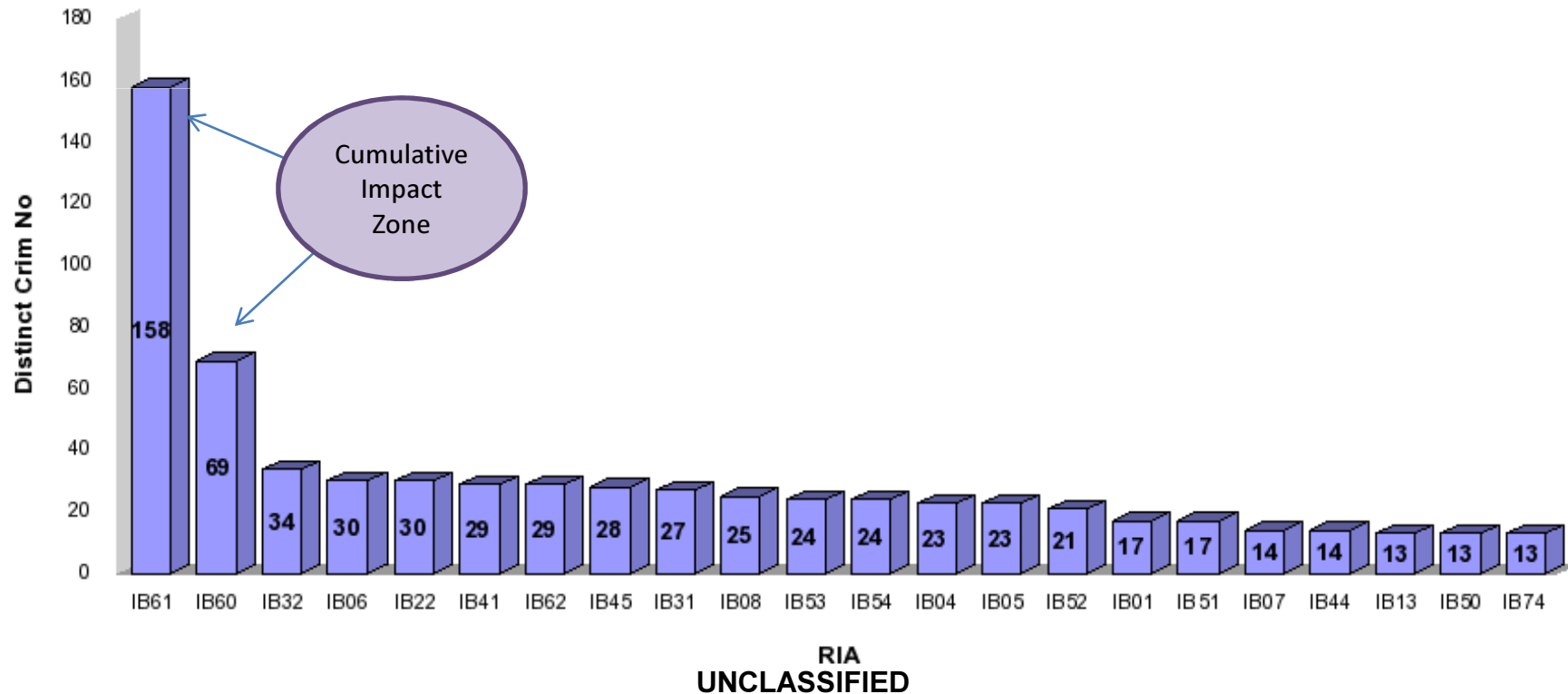


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## All Violent Crime (Top 20 RIAs) - 2013

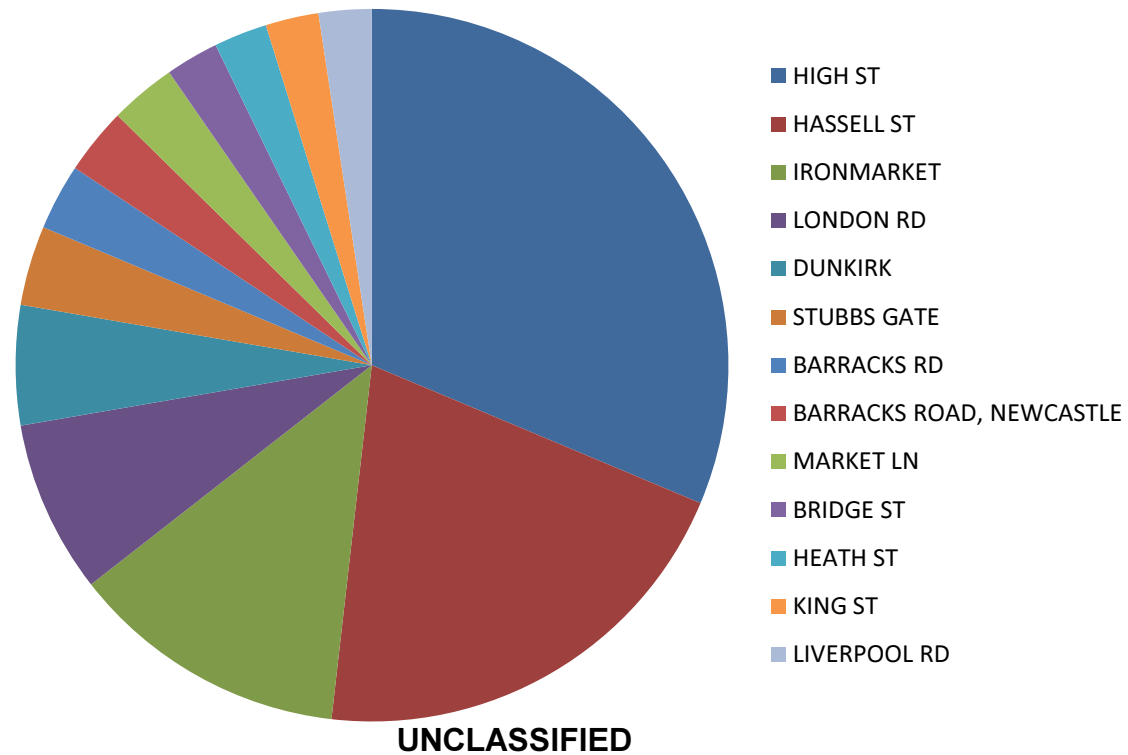
Night Time Economy (21:00-06:59 hrs)





# All Violent Crime – Top Streets - 2013

Night Time Economy (21:00-06:59 hrs)



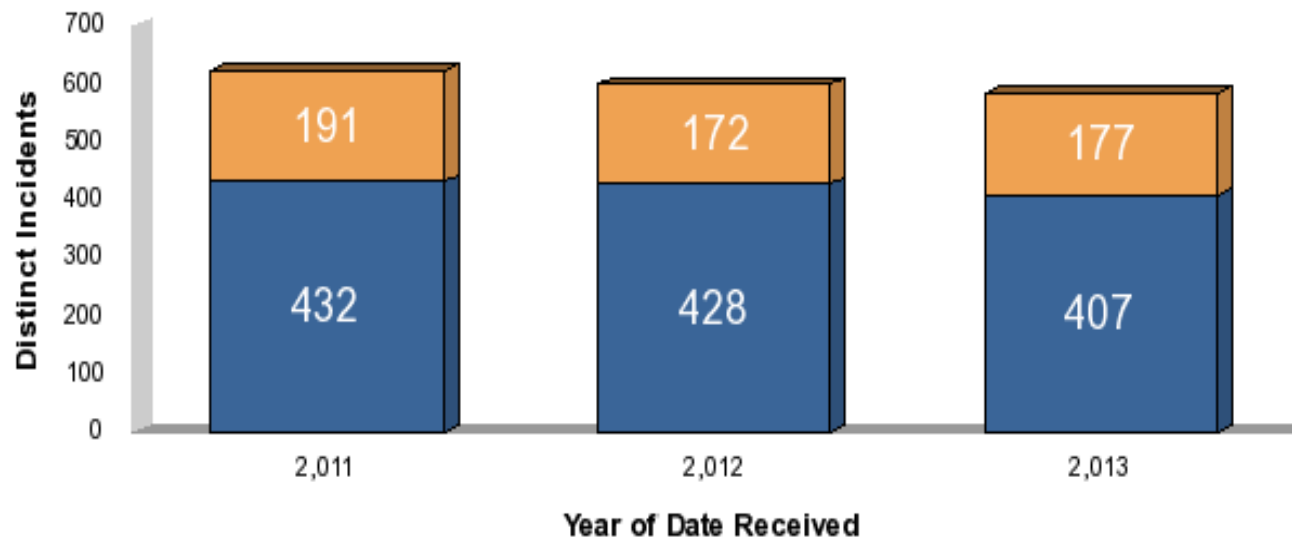


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## ASB – Year on Year

2011	2012	2013
623	600	584

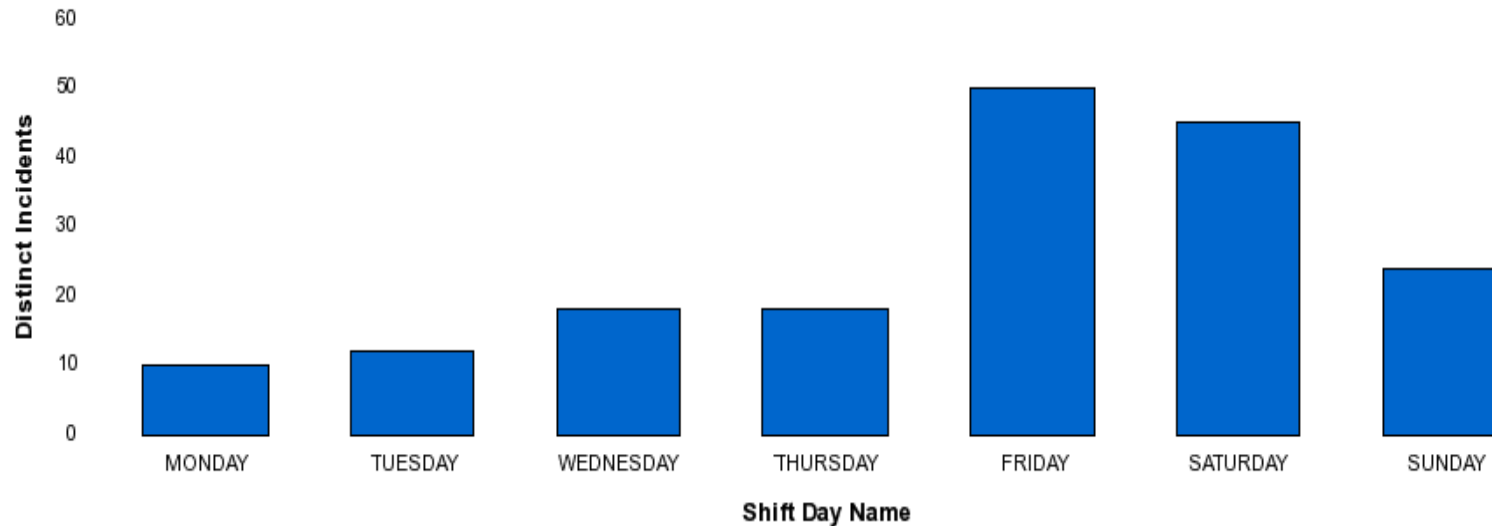


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# ASB – Day of the Week - 2013

Night Time Economy (21:00-06:59 hrs)



A Police Operational working day starts at 07:00 hrs to 06:59 hrs the following day, not Midnight to Midnight

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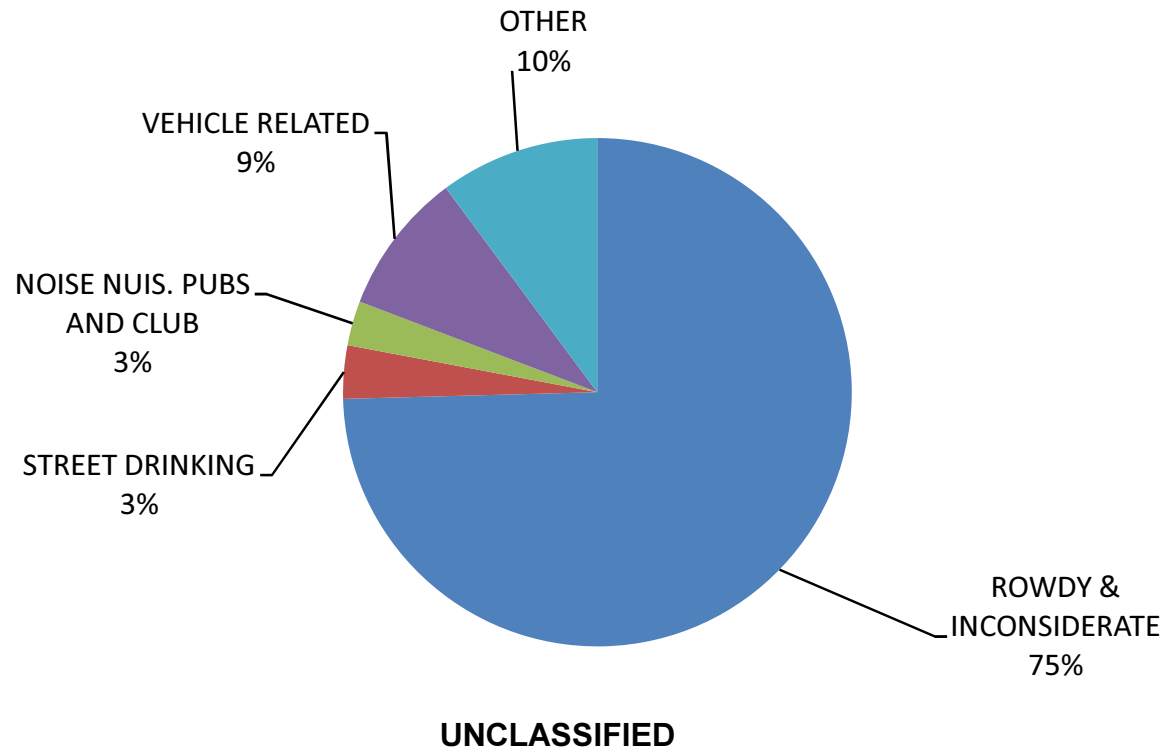


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## ASB Proportions - 2013

Night Time Economy (21:00-06:59 hrs)

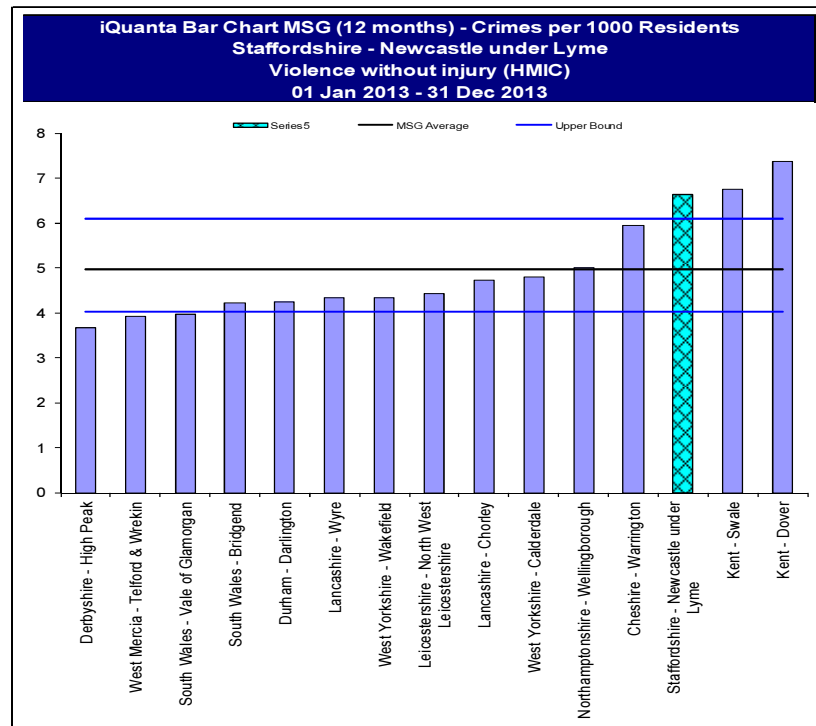
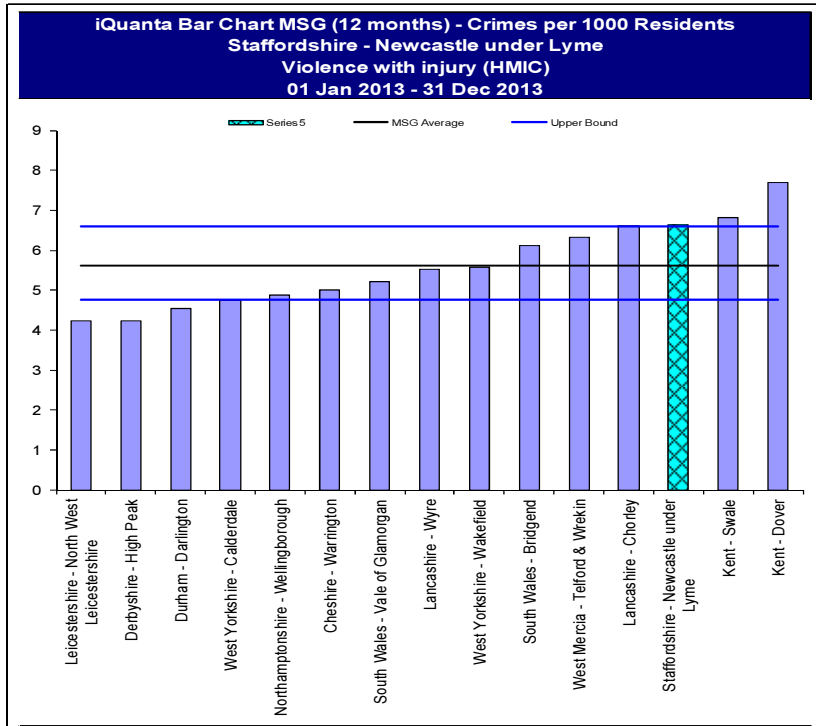






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# Most Similar Group/Family - 2013



Prev Year Ending Selected Month	Year Ending Selected Month
01 Jan 12 - 31 Dec 12	01 Jan 13 - 31 Dec 13
5.96	6.64
	<b>Up 0.678 (11%)</b>

Prev Year Ending Selected Month	Year Ending Selected Month
01 Jan 12 - 31 Dec 12	01 Jan 13 - 31 Dec 13
5.47	6.64
	<b>Up 1.162 (21%)</b>

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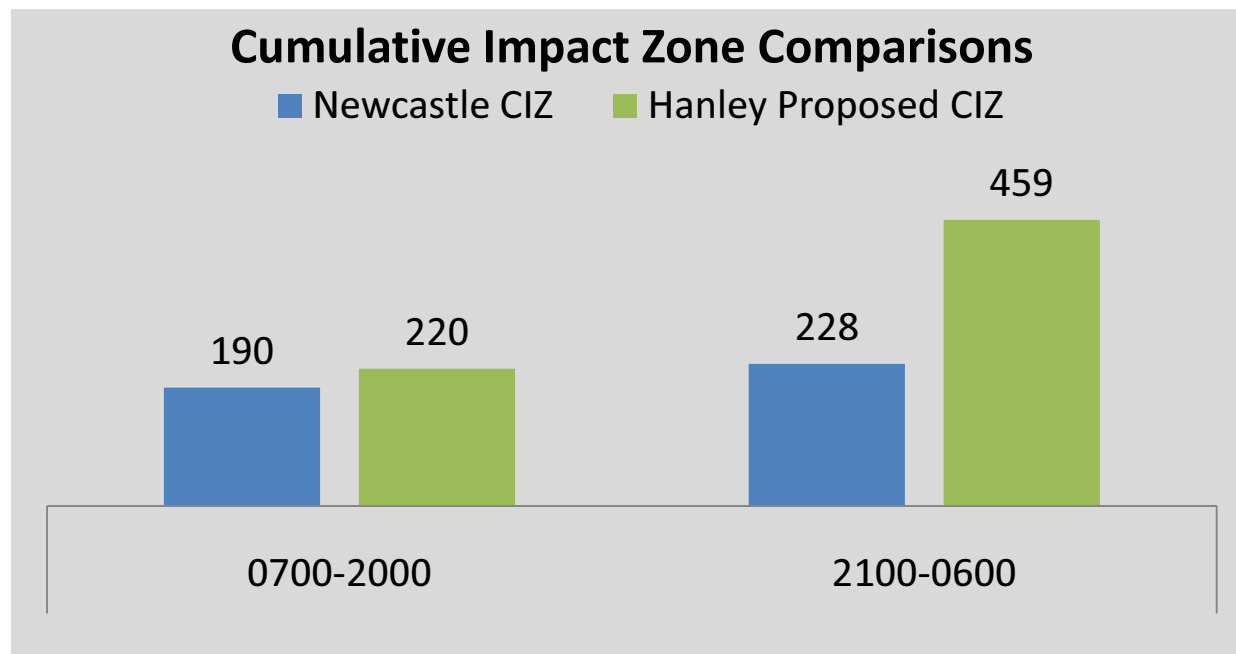


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## Conclusion

### 1. Significant Success - Do we need to continue?



All Violent Crime

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## Conclusion

### 2. Impact Factors

- Government Spending Plans
- Resource Demand
- Cost of Policing
- Impact in the Wider Community

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# Questions?

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