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Date of meeting Tuesday, 27th January, 2015
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 23 October, 2014
- 4 **Minutes of Sub Committee Meetings** (Pages 7 - 10)
- 5 **PURPLE FLAG UPDATE.**
To receive a verbal update on 'Purple Flag'.
- 6 **Update in Relation to the De Regulation of Licensable Activities** (Pages 11 - 12)
- 7 **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, 23rd October, 2014

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Miss Cooper, Eastwood, Hambleton, Wilkes, Williams,
Mrs Williams and Woolley

1. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest stated

2. **MINUTES OF PREVIOUS MEETING**

Resolved:- That the minutes of the meeting held on 27 August, 2014 be agreed as a correct record.

3. **MINUTES OF SUB COMMITTEE MEETINGS**

Resolved:- (i) That the minutes of the meeting held on 4 September be agreed subject to Councillor Hambleton being replaced by Councillor Mrs Bates as attending.

(ii) That the minutes of the meeting held on 30 September be agreed as a correct record.

4. **PURPLE FLAG AND REDUCING THE STRENGTH**

PURPLE FLAG

Members received an update from one of the Councils' Community Safety Officers on the Purple Flag accreditation scheme. The scheme governed by the Association of Town Centre Managers and designed to improve the early evening and night time offering in the town centre.

The Council had been working towards the scheme since 2010 but at that time, were not in a position to apply for accreditation. The proposal was revisited again in 2013 when there was a Town Centre Manager and Town Centre Partnership.

The Council had been informed that it had been successful in its application and on 5 November, at an official awards ceremony, Newcastle would officially be granted Purple Flag status. The Council was now looking to put on a local launch event on 2 November.

The Assessors report had however highlighted some areas for improvement and an action plan would be drawn up to deal with these.

REDUCING THE STRENGTH

This was a scheme aimed at removing high-strength alcohol from off-licences around the Borough. It was part of an ongoing campaign to manage 'dependent drinkers'.

The scheme was officially launched two weeks ago where those participating were presented with a plaque and posters.

Unfortunately, the larger supermarkets were unable to join the scheme as they were governed by their own company rules. This matter was being taken up by the Council's Portfolio Holder for Safer Communities.

Officers were also looking into whether this voluntary scheme could be included within any new Premise License Agreements.

Members agreed that pressure needed to be put onto MP's to 'get the ball rolling' on the scheme.

It was agreed that the Council's Democratic Services Manager and Community Safety Officer would meet to discuss the best way forward and bring their findings back to a future meeting.

- Resolved:-**
- (i) That a letter be written to the Local MP Asking for assistance in implementing the scheme.
 - (ii) That Officers look into the possibility of adding appropriate conditions to Premise Licenses in order to facilitate implementation of the scheme

5. LICENSING SUB-COMMITTEE QUORUM

Members considered a report on a proposal to introduce a Quorum for Licensing Sub-Committees, with a recommendation that it be three Members.

In addition, the Committee were asked to consider whether a fourth Member could be put on standby.

- Resolved:-**
- (i) That the quorum for Licensing Sub-Committees be three Members in attendance for each hearing.
 - (ii) That, at the discretion of the Licensing Officer, a fourth Member be asked to be on standby whenever possible and that this be restricted to Reviews for the time being in order to assess its success.

6. GAMBLING ACT FEES

Members considered a report on the proposed fees to be charged in relation to the Gambling Act 2005.

- Resolved:-** That the fees, as set out in the report, be agreed.

7. SEXUAL ENTERTAINMENT VENUE FEES

Consideration was given to a report on the fee to be charged in relation to the licensing of Sexual Entertainment Venues.

Resolved:- That the fees for the licensing of Sexual Entertainment Venues be set as follows:

Application Fee:	£3000
Renewal Fee:	£2000
Variation:	£1000
Transfer:	£1000

8. TO CONSIDER THE WORK PROGRAMME FOR THIS COMMITTEE

Members discussed possible items for consideration by this Committee over the next few months.

The following topics were put forward:

- Update on the Deregulation Bill (an update will be brought to the next meeting)
- Early Morning Restriction Orders.
- Late Night Levies.
- Licensing Policy.
- Reducing the Strength.

Resolved:- That the above items be included in the Work Plan for the Licensing Committee.

COUNCILLOR MRS JOAN WINFIELD
Chair

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LICENSING SUB-COMMITTEE

Thursday, 27th November, 2014

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Williams and Mrs Williams

1. **APPLICATION FOR A PREMISE LICENCE - CRICKETER'S ARMS. ALEXANDRA ROAD, MAY BANK**

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 objections to the application have been received on the basis that to grant the application would undermine the objective relating to the prevention of public nuisance.

The Committee have considered that licensing objective in the light of what has been said and have listened to the arguments and were mindful of the fact that following consultation with Staffordshire Police the applicant's application had been amended in order to provide for additional opening hours of the premise for just 30 minutes per day to provide for 'drinking up time'.

The Committee were persuaded that it was appropriate to take steps to ensure that the licensing objectives were promoted. In considering which 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 remedial action taken should be directed at the causes and be no more than appropriate and proportionate.

The residents had stated that they had been subjected to noise nuisance for some considerable time and that patrons have not been leaving the premises until well after the time when the premises should have been closed. Evidence had been given that much of the noise had occurred because the windows to the premises had been left open.

Residents also complained about noise and nuisance being caused by patrons leaving the premises particularly in the car park.

In response to the complaints the applicant guaranteed that if an extension to the opening hours was granted then patrons would be out of the premises before closing time. The applicant also confirmed that the windows to the premises would be closed to prevent noise nuisance and that all bottling would be done before the first shift (in the morning), rather than after the last shift (at night), to prevent noise nuisance.

On balance the Committee considered that it would not offend the licensing objectives to grant a short period of drinking up time with a number of conditions imposed to reflect the promises given by the applicant. Therefore, subject to the conditions that are referred to, the Committee were disposed to grant an additional 20 minutes drinking up time on Monday's to Sunday's. Patrons were therefore expected to have vacated the premises with the minimum of noise by 11.20pm

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Mondays to Saturdays and by 10.50pm on Sundays, and a notice would be issued to that effect.

The conditions which the Committee were disposed to impose in addition to the relevant mandatory conditions were;

1. That toilet windows at the premises shall be closed before 7.00pm each day
2. That all other windows in the premises shall be closed before 8.00pm each day
3. That all 'bottling' at the premises to be done with the minimum of noise before the first shift at the premises in the morning and that no bottling shall be undertaken in the evening.
4. That permanent and clear legible notices shall be displayed at all the exits used by customers asking patrons to respect the needs of local residents and to leave quietly.
5. Members of staff to monitor the car park area after 10.30pm until closure of the premises for the purpose of minimising disturbance from the patrons and their vehicles in the car park.

COUNCILLOR MRS JOAN WINFIELD
Chair

LICENSING SUB-COMMITTEE

Tuesday, 9th December, 2014

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Hambleton and Mrs Williams

1. **APPLICATION FOR A PREMISE LICENCE - ST MARY'S CONVENIENCE STORE.
65 UNITY WAY, TALKE**

Resolved:-

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 both Staffordshire Police and other persons on the basis that to grant the application would undermine the licensing objectives relating to crime and disorder, the prevention of public nuisance and the protection of children from harm. The committee considered those licensing objectives in the light of what had been said and took into account that Staffordshire police had entered into negotiations with the applicant and were prepared to withdraw their objection to the grant of the premise licence on the basis of an agreement that had been reached regarding the imposition of the conditions referred to in the report. On the basis of the agreement reached by the police and the representations made by other persons the committee were persuaded, on balance, that it would not offend the licensing objectives to grant the application (subject to the agreed conditions).

The committee heard that the residents were concerned about parking and other traffic management situations in the area but unfortunately these were not within the remit of the committee.

The committee in its deliberations took into account the decision of the High Court in the Thwaites case that all determinations of licensing applications should be made on empirical evidence, and should take no account of speculative evidence. Also, the committee took into account paragraphs 1-0.13 -10.15 of the Secretary of States October 2014 guidance that licensing authorities must consider each application and must not impute pre-determined licensing hours unless circumstances justified. Further, shops and stores should normally be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet was open for shopping unless there were sound reasons based on the licensing objectives for restricting those hours. The committee had heard no evidence to warrant such a restriction.

The guidance at paragraph 9.42 re-iterated that the authority's decisions should be evidence based justified as being appropriate for the promotion of all the licensing objectives.

The committee having regard to the Act and the guidance, reviewed the evidence included and the petition but concluded that there was no real evidence which could justify preventing the grant of the application.

Therefore, having taken into account what had been said and all the evidence supplied, the committee concluded that the licence should be granted on the terms applied for, subject to the relevant mandatory conditions: Those conditions that were consistent with those listed by the applicant in the operating schedule and also those conditions agreed with the police as set out in pages 117-120 of the report considered by the committee and a notice will be issued to that effect.

COUNCILLOR MRS JOAN WINFIELD
Chair

Update in Relation to the De Regulation of Licensable Activities.

The Legislative Reform (Entertainment Licensing) Order 2014 has now been approved by Parliament. This means that the various aspects of entertainment deregulation contained in the Order will come into effect on **6 April 2015**.

Details of the areas of regulated entertainment that will no longer be regulated are

1. The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises
2. Live music in relevant alcohol licensed premises and workplaces
3. Recorded music in relevant alcohol licensed premises (not workplaces)
4. Live and recorded music held by 3rd parties in schools, hospitals, local authority and community premises.
5. Travelling circuses
6. Greco-Roman and freestyle wrestling
7. Incidental films (where the film is incidental to another activity which is not a itself description of regulated entertainment, e.g. drinking or eating)

All the above up to 11pm only, and most are limited to audiences of 500 (Greco-Roman and freestyle wrestling up to an audience of 1,000 and the provision of entertainment by or on behalf of local authorities, etc no audience limit).

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