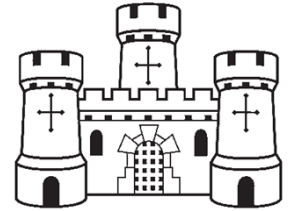


Public Document Pack

Date of meeting Monday, 19th June, 2017
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Licensing Committee

AGENDA

PART 1 – OPEN AGENDA

1 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items contained within the agenda.

2 MINUTES OF PREVIOUS MEETING

(Pages 3 - 4)

Resolved: That the minutes of the meeting held on 27 March, 2017 be agreed as a correct record.

3 SPECIAL SATURATION POLICY -JUNE, 2017

(Pages 5 - 8)

4 MINUTES OF SUB COMMITTEE MEETINGS

(Pages 9 - 12)

To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing Committee.

5 LICENSING ANNUAL REPORT, 2017

(Pages 13 - 16)

6 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Frankish, S Hambleton, T Hambleton (Chair), Harper, Johnson, Jones, Mancey, Parker, Reddish, Simpson, Spence, S Tagg, White, J Williams and Winfield (Vice-Chair)

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.

FIELD_TITLE

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

LICENSING COMMITTEE

Monday, 27th March, 2017
Time of Commencement: 6.30 pm

Present:- Councillor Trevor Hambleton – in the Chair

Councillors Frankish, Harper, Johnson, Jones, Parker, Reddish, Simpson, Spence, S Tagg, White, J Williams and Winfield

Officers Geoff Durham

Apologies Councillor(s) Mancey

1. **APOLOGIES**

Apologies were received from Councillor Mancey

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 22 November, 2017 be agreed as a correct record.

4. **MINUTES OF LICENSING SUB- COMMITTEES - NOV 16 AND JAN 17**

Resolved: That the minutes of the Licensing Sub-Committees held in November, 2016 and January, 2017 be received.

5. **AMENDMENTS TO LICENSING ACT 2003 AND POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

Consideration was given to a report notifying members of a number of amendments had been made to the Licensing Act 2003 and the Police Reform and Social Responsibility Act, 2011.

Resolved: That the amendments to the Licensing Act 2003 and the Police Reform and Social Responsibility Act, 2011 be noted.

6. **FEEES TO BE CHARGED FOR THE LICENSING OF GAMBLING, SEXUAL ENTERTAINMENT VENUE LICENSING 2017-18**

Consideration was given to a report regarding the fees to be charged for the licensing of Gambling and Sexual Entertainment Venues for 2017/18.

Resolved: That the fees for the licensing of Gambling and Sexual Entertainment Venues for 2017/18 be agreed.

7. URGENT BUSINESS

There was no urgent business.

COUNCILLOR TREVOR HAMBLETON
Chair

Meeting concluded at 6.40 pm

<u>REPORT TITLE</u>	Special Saturation Policy
<u>Submitted by:</u>	Head of Environmental Health Services
<u>Portfolio:</u>	Finance, IT and Customer
<u>Ward(s) affected:</u>	Town Ward

Purpose of the Report

For Members to consider whether the Special Saturation Policy - agreed at the Committee's meeting held on 21st July 2016 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 14.32) 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 14.29 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 3rd 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.
- Opt to remove the Special Saturation Policy

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 14 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 21st July 2016

9. **List of Appendices**

9.1 Plan showing current cumulative impact zone

9.2 Presentation by Staffordshire Police – Newcastle cumulative Impact Zone Review

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DECISION RELATING TO CLAYTON LODGE HOTEL, CLAYTON, NEWCASTLE APPLICATION FOR REVIEW OF PREMISES LICENCE

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 with further representations having been received by Staffordshire Fire and Rescue Service and Staffordshire Police to promote the licensing objectives relating to the prevention of crime and disorder, public safety 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 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.

Following a multi-agency investigation, Environmental Health brought the review on the basis that there had, inter alia, been reported incidents of crime and disorder at the premises, breaches of licence conditions, high readings of ion track drug swabs carried out at the premises, non-compliance with fire regulations, selling alcohol to a volunteer under the age of 18 years, cases of child exploitation linked to the premises, failure to notify the licensing authority of having gaming machines at the premises and no supervision of the use of such gaming machines.

Environmental Health gave evidence of a catalogue of breaches of licence conditions that had broad effect on all of the licensing objectives referred to between the period 24th April 2016 to present. Complaints started to be received soon after the former DPS had resigned on 21st April 2016, which generally related to the fact that there were no managers on site; that staff appeared to be too young, and that bar staff had poured vodka into young girl's drinks without charging, knowing that they were only 16 years old, as they also worked at the premises. Following a fire at the hotel, there had been no evacuation and there was no fire assembly point. Also, brawls outside the premises between young people took place.

During May of 2016, the licence was transferred to a limited company and an application was received to change the DPS to a David William McIntyre.

At that same time, further complaints were received similar in nature to earlier ones relating to the age of staff and the lack of management.

Following numerous visits from Environmental Health it had been ascertained that CCTV, whilst in place, did not fully function and no one knew how to use it. Due to concerns about the operation of the premises, the DPS was asked to consider a variation of the premises licence to add conditions to safeguard licensing conditions. Complaints continued to be received from May 2016 onwards about the lack of staff, defective fire alarm and guests not able to access rooms.

Inspections had also revealed that there was no supervisor or manager available when required; that there was a lack of staff training records; that there was no premises licence summary on display

and no full licence available. Cleaners were serving drinks to guests and, because of general mess in and around the premises, guests were put at risk.

Further complaints were received about the state of guest rooms and lack of managing staff, particularly at night throughout September and, during October, guests reported approximately 50 young people fighting after a birthday party, and all seemed intoxicated.

Complaints continued to be received regarding underage drinking, noise, lack of control and, in general, poor hotel management. Gaming machines were evident in bar areas without notification. The kitchen area was filthy and no one knew who the kitchen staff were. Electrical equipment had not been PAT tested, or testing was out of date. It was evident that some hotel rooms had been broken into.

Similar complaints continued to be received throughout the rest of the 2016 year and it was evident that numerous licence conditions were not being complied with. The premises were subject to crime facilitated by the lack of working CCTV, and the premises licence holder had been warned that, unless licence conditions were complied with, the licence could be reviewed.

On 16th November, a further application was received to transfer the premises licence. The Director and DPS of the proposed company licensee, Mr McIntyre was to remain as DPS. CCTV still remained inoperative; there was a lack of SIA registered door staff, which were required on occasions, and high readings of cocaine had been observed through ion track swabs at the premises. Again, the DPS was not available. Reports indicated that, despite warnings no notable improvements were evident. Environmental Health had also complained to the Gambling Commission about the illegal siting of the gambling machines at the premises.

Complaints about fighting and spirits being served without measure, including being served in pint glasses instead of single measures, and underage drinking, with guests helping themselves behind the bar, continued to be received. There was still a lack of management and supervision at the premises and staff had been inviting young girls to drink after parties. Large numbers of guests had been sick and toilets were observed to be out of service for large period of time after functions.

Concerns continued to be expressed throughout the rest of the year with no improvement and most notably there was still no working CCTV despite licence conditions in that connection.

During January 2017, it became evident that there was also child sexual exploitation issues at the premises and a number of cases had been identified. Staff at the premises had been identified as being young, unprofessional and poorly trained, which had exacerbated the problems. Staff had allowed older males to check in with young girls unchallenged, with no real identification taken.

Staffordshire Fire and Rescue gave evidence to the effect that as a result of an inspection carried out on 7th June 2016, a Notice of Deficiencies Schedule had been issued to the then premises licence holder detailing breaches of the Fire Safety Order. One month later, it had been noted that not only had the work not been completed, but twelve additional concerns had been noted. Most notably the fire alarm was defective at the premises and fire escapes had been blocked. Correspondence had taken place between the parties but as time had progressed further concerns about the premises had been noted.

Staffordshire Police also produced a catalogue of issues with the premises including evidence that a young vulnerable girl missing from a children's home had been found at the premises with a male aged in his 30s. They had received complaints of fighting at the premises and were also concerned

that there was no CCTV in operation. Staffordshire Police had worked closely with Environmental Health and assisted in identifying problems referred to including lack of staff training, lack of refusals book and incomplete refusals register. They had identified that there was no accident/incident book available, and the fact that toilets were often soiled or out of order.

The Police had also had to attend at the premises with social services because of an incident with a female, in order to carry out a mental health assessment, and they were also concerned that unstaffed bars in the premises that were stocked with alcohol were accessible to the general public from outside. Again, it was identified that, despite numerous warnings, no notable improvements were being made at the premises. The young staff were poorly trained and had little or no understanding of child exploitation, and would probably be unable to support vulnerable people.

On the 9th December 2016, the premises were subject to a test purchase operation. Alcoholic drinks were sold by a member of staff to a volunteer aged 16 years old. The DPS was not present and the person who had sold the alcohol had received no training.

During December 2016, the Police continued to receive reports of fighting and assault at the premises, and on 15th December, disorder at the premises and outside had been as a result of a large scale Christmas party where the majority of people were intoxicated. The manager was not on the premises and CCTV was not in operation. The party was one of the party nights as advertised in the brochure 'Christmas 2016 Celebration Packages'.

On the 20th December 2016, the Police issued the DPS, Mr McIntyre, with a conditional caution in view of the number of breaches of licensing conditions.

On 31st December, complaints were received about large numbers of youths attempting to gain access to rooms at the hotel during another organised party. Again, there was no CCTV and the DPS was not present. Similar problems subsequently occurred.

In response, representatives of the hotel stated that they accepted all of the evidence, but that measures had now been put in place to prevent similar issues. ID now had to be produced by anyone booking rooms, and relevant licensing records were now being completed and training given. There was still an issue with the CCTV, but this was being dealt with. CSE training was to be given to staff, and the younger staff had now been dismissed. PAT testing was now being undertaken, and Mr McIntyre was to be replaced as DPS. There was no proposal to hold any more "all-inclusive parties" at the premises. The hotel manager stated that he had not been aware of the CSE and how bad it was. He now wanted to improve the premises and undertook to get the CCTV working as soon as possible. He acknowledged that the licence conditions were still being breached, but that he would like the chance to rectify the situation.

The Committees attention had been drawn to the revised Section 182 guidance and, in particular, paragraphs 2.22 and 2.23 relating to the protection of children from harm; 10.39 relating to irresponsible promotions; 11.27 relating to criminal activity that should be treated as serious, including the grooming of children and 11.28 relating to the review procedure.

In accordance with paragraph 11.22, the Committee considered the poor management of the premises and the proposal by the representatives of the hotel to remove the present DPS at some point in the future.

In the circumstances, and in view of the undertakings given by the licence holder to improve the premises, the Committee decided that it would not be appropriate at this stage to revoke the premises licence.

The Committee were, however, disposed to make the following order:

Firstly, the premises licence shall be suspended for three months, in order to enable the licence conditions to be complied with, including putting the CCTV into working order.

Secondly, that Mr D McIntyre be removed as designated premises supervisor forthwith, as it was not felt that he was a fit and proper person to hold that position.

Thirdly, that the premises licence be modified to include the following conditions:

1. That no "all-inclusive party nights" or similar events containing irresponsible drinks promotions shall be held on the premises.
2. That all staff shall be trained on child sexual exploitation (including how to spot it and who to report it to) by a body recognised by Staffordshire Police and / or the Licensing Authority's Partnership Department.
3. That the reception area of the hotel must be staffed at all times, particularly during the evening (to include during staff absences, however short.)
4. That no gaming machines shall be installed at the premises (any automatic entitlement thereto being removed).
5. Any recommendations raised by the Fire Authority shall be addressed within the timescales set by the authority.
6. Details of persons staying at the hotel must be taken to include guests' names, addresses and age, and forthwith upon request such details shall be supplied to any authorised officer of the Police or Local Authority for the purposes of intelligence and / or investigation of any criminal offence.

And a notice will be issued to that effect.

Agenda Item 5

<u>HEADING</u>	Licensing annual performance report
<u>Submitted by:</u>	Head of Environmental Health Services
<u>Ward(s) affected:</u>	All

Purpose of the Report

To inform Members of the key issues and activities undertaken by the Licensing Service in 2016-2017.

Recommendations

That Committee receives the report and supports the priorities for 2017-2018 work plan.

Reasons

To enable Committee to be informed of the nature and extent of routine and enforcement work undertaken by Licensing and endorse the priorities for 2017-2018.

1. **Background**

- 1.1 The Environmental Health Service makes a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our national priorities are to:
- Protect the public, businesses and the environment from harm
 - Support the local economy to grow and prosper

We determine our activities each year by assessing the needs of local people and our local business community, and considering the risks that require addressing, in light of local needs and of national priorities.

- 1.2 The Environmental Health Service is divided into five teams: Food & Safety; Environmental Protection; Licensing & Enforcement; Dog & Pest Control and Licensing Administration. The Licensing Administration function was transferred to Environmental Health Services within 2016. The service also delivers the Corporate Health & Safety function. Food & Safety, Environmental Protection, some Licensing & Enforcement, Dog & Pest Control and Corporate Health & Safety are not included within this report, as this is reported separately to Public Protection Committee and Audit & Standards Committee respectively

- 1.3 The work of the teams comprises both programmed planned activities and reactive work in response to service requests or complaints. The activities are diverse and wide ranging and therefore some activities are undertaken only a reactive or infrequent basis. This report details the principal activities and associated enforcement activities undertaken by the teams over the past year.

2. **Report**

2.1 **Licensing Administration Team:**

The team undertakes the following activities: The administration of all applications made under the Licensing Act 2003, Scrap Metal Dealers Act 2013, Sexual Entertainment venues, Charity Collections, and various licences and permits under the Gambling Act 2005.

The team acts as the Licensing Authority body under the provisions of the Licensing Act 2003 and Gambling Act 2005, and is responsible for developing, consulting upon and implementing the Council's Policy documents in relation to the licensing frameworks detailed above.

The team undertakes partnership working with a wide range of Responsible Authorities, including the Police, Fire and Rescue Service, Trading Standards, and the Council's Licensing Enforcement team, Environmental Protection team and the Partnerships team.

The objectives of the service are:

- To ensure all applications are dealt with efficiently and within legislative timescales where necessary
- To assist prospective and current licence holders, members of the public and partner organisations in all aspects of Licensing.

Activity	2016-2017
Number of licensing and gambling act applications received	
<ul style="list-style-type: none"> • Personal Licences • Premises Licence • New application for a premise • Alcohol Licenced premises • Pub Machine Notifications • Premises Licence Gambling Act 	112 63 11 11 40 3
Number of hearings undertaken for Licensing Act	3
Number of Temporary Event Notices processed	292 issued
Number of Scrap Metal Act licenses issued	16 issued
Number of Lottery Applications processed	27 issued
Number of House to House Collections processed	17 Issued
Number of Street Collections processed	29 Issued

2.2 Licensing & Enforcement:

The team undertakes the following activities in relation to licensing; Regulation and enforcement of the Licensing and Gambling Acts.

The team fulfils licensing enforcement and acts as the responsible body to the licensing authority.

The objectives of the service are:

- Prevention of public nuisance through licensable activities
- Protection of the public using taxis
- Ensure that anti-social activities are deterred.

Activity	2016-2017
Inspection licensed premises	104
Licensed premises complaints	80
Temporary event notice representations	152

3. Priorities for 2017-2018

3.1 The service plan has been created for the new financial year, the planned pre-programmed activities and reactive duties as detailed within this report are to continue. However in addition to the activities, the service is directed by a number of government department as to priorities and work to be undertaken. In addition, some of the work, projects or enforcement action commenced in 2016-17 will continue in 2017-18.

3.2 The additional projects or priorities are listed below:

- Review, consult upon and issue a new Taxi and Private Hire Policy
- Review, consult upon and issue a new Sex Establishments Policy
- To undertake a review of the fees and charges that the Council has the power to determine.

4. Proposal

4.1 That Committee receives the report and supports the priorities for 2017-18 work plan.

5. Reasons for Preferred Solution

5.1 The service plan and priorities for 2017-18 supports both statutory requirements and also the national and local priorities for Environmental Health Services.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

6.1 The proposals relate to the delivery of environmental health services which would contribute to the following:

A clean, safe and sustainable borough

- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.

A borough of opportunity

- Fair, proportionate and consistent regulation and enforcement creates an equal opportunity for business to thrive.

A healthy and active community

- Fair, proportionate and consistent enforcement creates an environment for prevention, maintenance or improvement in health and well being.

A co-operative Council delivering high quality, community driven, services.

- High performing services will be delivered for all residents, businesses and customers.

7. Legal and Statutory Implications

7.1 All activities are in line with the statutory duty of the Council and in accordance with the advice and guidance of the relevant Government bodies.

8. Equality Impact Assessment

8.1 No issues have been identified.

9. **Financial and Resource Implications**

9.1 All the services fees and charges are published annually in the Councils fees and charges register.

10. **Major Risks**

10.1 Environmental Health services undertake statutory duties, failure to deliver these duties adequately, competently or thoroughly would be a risk to the Authority.

11. **Background Papers**

Environmental Health Service Plan 2017-2018