

Public Document Pack

Date of meeting Thursday, 21st July, 2016
Time 7.00 pm
Venue 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**
To receive declarations of interest from Members on items contained within the agenda.
- 3 **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)
To consider the minutes of previous meetings.
- 4 **Special Saturaton Policy JULY 2016** (Pages 5 - 10)
- 5 **Presentation by Inspector Barlow**
- 6 **To consider the Work Programme for this Committee**
- 7 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

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

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.

Public Document Pack Agenda Item 3

Classification: NULBC UNCLASSIFIED

Licensing Committee - 23/02/16

LICENSING COMMITTEE

Tuesday, 23rd February, 2016

Present:- Councillor Joan Winfield – in the Chair

Councillors Eastwood, Johnson, Parker, Simpson, Tagg, Wemyss and Williams

1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

2. PROPOSED AMENDMENTS TO LICENSING ACT 2003

Consideration was given to a report outlining proposed amendments to the Licensing Act 2003 which had been proposed by the Policing and Crime Bill – introduced to Parliament on 10 February, 2016.

There were five proposed changes shown in the agenda report.

Resolved: That the proposed amendments to the Licensing Act, 2003 be noted.

3. PAYMENT OF ANNUAL FEES IN CONNECTION WITH THE PREMISES LICENCES AND CLUB PREMISES CERTIFICATE

Consideration was given to a report recommending that, should a licensee fail to pay the annual fee, authority be delegated to the Chief Executive or Head of Business Improvement, Central Services and Partnerships to suspend Premises Licences and Club Premises Certificates – under the Licensing Act 2003.

Members were informed that, reminder letters are sent out when they annual fees are due and this would be followed by a second reminder letter – at which point the majority are paid. Non-payment was not a big problem with this Authority.

Resolved: (i) That authority be delegated to the Chief Executive or Head of Business Improvement, Central Services and Partnerships in consultation with the Chair or Vice Chair of the Licensing Committee to suspend Premises Licences and Club Premises Certificates under the Licensing Act 2003 if the Licensee fails to pay the annual fee.

(ii) That it be recommended to Full Council that the Scheme of Delegation be updated to include the delegation for suspension of Premises Licences and Club Premises Certificates.

4. APPLICATION FOR THE GRANT OF A LICENCE FOR A SEX ESTABLISHMENT

An application had been received for the renewal of a licence for a sex establishment for the Lace Gentlemen's Club.

Resolved: That a licence be granted.

5. **URGENT BUSINESS**

There was no urgent business.

COUNCILLOR JOAN WINFIELD
Chair

1. **REPORT TITLE** **Special Saturation Policy**
- Submitted by:** **Head of Environmental Health Services**
- Portfolio:** **Finance, IT and Customers**
- 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 23th July 2015 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 13.32) 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 13.29 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.

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**

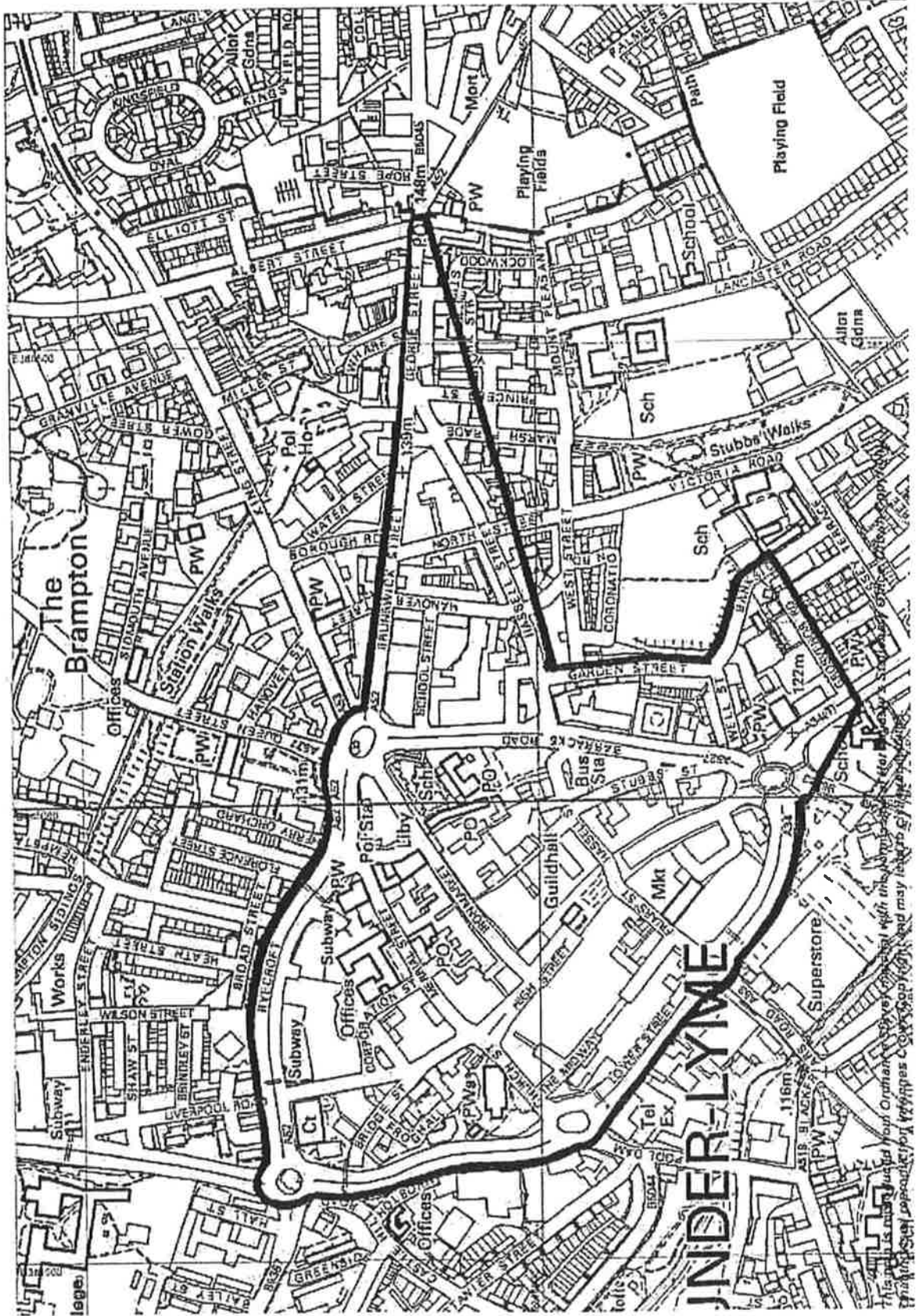
8.1 Decision of the Licensing Committee on 23th July 2015

9. **List of Appendices**

9.1 Plan showing current cumulative impact zone

9.2 Presentation by Staffordshire Police – Newcastle cumulative Impact Zone Review

This page is intentionally left blank



This page is intentionally left blank