

REPORT TO COUNCIL – 20 November 2013

REPORT OF LICENSING COMMITTEE (LICENSING ACT 2003) – 22 October 2013

Licensing Committee (Licensing Act 2003) met on 22 October 2013. The minutes are published on the Council's website.

The following Members were present at the meeting:

Present: Councillor J Brown (Chair)

Councillor Jeffree (Vice-Chair)

Councillors I Brown, J Connal, K Crout, G Derbyshire, J Dhindsa, K Hastrick, H Lynch, M Meerabux, M Mills, G Saffery, D Scudder, L Scudder and M Turmaine

Also present: Councillors Bell and Khan

The following was a recommendation to Council:

5. REVIEW OF STATEMENT OF LICENSING POLICY

The Committee received a report of the Head of Community and Customer Services setting out the proposed changes to the Council's Statement of Licensing Policy following consultation.

The Licensing Manager introduced the report. He drew the Committee's attention to a number of corrections which needed to be made to the report. He referred to paragraph 3.14 which should read "The proposal in the draft policy LP4 to define three SLAs was on the basis that there was not any evidence from local residents". He noted that on Page 9 the date of full Council should read 20 November 2013. On Page 22, paragraph 6 should read "Where relevant representations against the sale of alcohol after 10 pm have been received...". *Post meeting note – these changes have now been reflected in the Statement of Licensing Policy.*

The Licensing Manager highlighted the key changes to the Policy. The Policy was the result of the consultation which had been taking place. He noted that it would last for five years although it could be reviewed earlier if required. He explained that the technical changes were set out in paragraph 1.2. The Policy recognised that an Early Morning Restriction Order (EMRO) may be a tool that the Council wished to consider in the future although the latest crime figures suggested it was not required at present. The Policy introduced four Sensitive Licensing Areas in the majority of St Albans Road, as well as parts of Whippendell Road, Queens Road and Market Street. This was not a cumulative impact policy but when applications were received in the areas the Licensing Authority would consider making representations. This was quite a flexible policy and representations would not necessarily be made for every application. The policy would not apply to existing premises unless they applied to change their licence.

Councillor Turmaine asked how the Sensitive Licensing Areas policy would be monitored. The Licensing Manager responded that an annual report of the Licensing Act 2003 was brought to the Licensing Committee each Spring and information about Sensitive Licensing Areas would be included from 2015.

Councillor Turmaine referred to the policy about petrol-filling stations and asked whether data would be available. The Licensing Manager said that if an application came before a Sub-Committee sales and footfall data would be made available. He confirmed in response to Councillor Jeffree that the intensity of use was the relevant consideration.

In response to a further question from Councillor Turmaine, the Licensing Manager suggested that there may have been an error in paragraph 3.20 of the report, the last sentence should probably read "and a smaller number in Queens Road or elsewhere".

Councillor I Brown referred to the policy on EMROs and asked whether any had been introduced. The Chair reported that she had spoken to a councillor from Hartlepool who said that late-night operators had funds available to oppose any local authority which introduced an EMRO. The only appeal against it was a judicial review which could be very expensive. The Licensing Manager was aware that a number of authorities had considered it, but none had been introduced.

Councillor Khan referred to paragraph 3.18 of the report which cautioned against the introduction of a Designated Public Places Order (DPPO) on St Albans Road. As a ward councillor and local resident, he had met with the Police and it was his understanding that a DPPO could be introduced. He was in favour of such a scheme in this area. There had been a number of unpleasant incidents involving street drinkers. The Chair responded that it had been considered but if the DPPO applied to St Albans Road, the result would be to disperse the street drinkers into nearby residential streets. If the DPPO covered all the residential streets in the area, it would be too difficult to police. The Environmental Health and Licensing Section Head reported that the Police wished to address the issues directly themselves. Councillor Khan said he would speak to the Environmental Health and Licensing Section Head and the Police outside the meeting. He felt that ward councillors should be involved in all the discussions. The Licensing Manager noted that it was the Council who introduced DPPOs and underlined the other tools available to the Police. The Environment Health and Licensing Section Head apologised that he had been given the wrong impression and had not been informed of developments.

Councillor Bell advised that he supported the Sensitive Licensing Areas policy. He asked whether the policy would be applied in the same way across the four areas. The Licensing Manager referred to policy LP4 and noted that it was different from the previous cumulative impact policy which only applied to off-licences in Whippendell Road. He explained how the policy would work in practice. Councillor Bell noted that it was important for ward councillors and residents to pass on information about antisocial behaviour and other problems.

Councillor Bell referred to the review of licensing that was recommended by the Local Government Association. The Licensing Manager advised that this review concentrated on bureaucratic functions under national legislation. The Council had to take the Regulators' Code into account to ensure that unnecessary burdens were not being placed on business.

Councillor Meerabux referred to the new measures being brought in by the Home Office to replace Antisocial Behaviour Orders. He asked what the impact would be. The Licensing Manager explained that the Antisocial Behaviour Bill was going through

Parliament and that different tools would be available to tackle antisocial behaviour. It was not possible, at this stage, to comment on the impact they would have.

Following a question from Councillor Dhindsa, the Licensing Manager explained that the definitions of premises were set out in LP1 whereas LP2 described how the Council would deal with certain types of applications.

Councillor Khan asked about the relationship between the Licensing regime and the Planning regime. He questioned how the permitted hours of opening for premises under planning law could be checked. The Licensing Manager explained that the Local Planning Authority was a statutory consultee and was advised of every application. It was for them to decide whether to make representations about applications.

RESOLVED –

that the Licensing Committee recommends to the Council, acting as the Licensing Authority for the Borough of Watford, that it adopts the amended Statement of Licensing Policy set out at appendix 1.

A copy of the report to Licensing Committee (Licensing Act 2003) is attached.