

# Public Document Pack



## MINUTES OF THE LICENSING COMMITTEE MEETING HELD AT 7.00PM, ON 18 OCTOBER 2018 BOURGES/VIERSEN, TOWN HALL, PETERBOROUGH

**Committee Members Present:** Ayres (Chair), Allen, Coles, Elsey, Fuller, Fox, Hogg, Saltmarsh, Hussain and Joseph.

<b>Officers Present:</b>	Peter Gell Terri Martin Kerry Leishman Colin Miles Karen S Dunleavy	Head of Regulatory Services Regulatory Officer Licensing & Business Manager Litigation Lawyer Democratic Services Officer
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### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Nawaz, Councillor Coles was in attendance as substitute.

### 2. DECLARATIONS OF INTEREST

Declarations of interest were received from Councillors Joseph and Hussain in that they had made a representation in relation to item 4, Cumulative Impact Policy and would not take part in the debate or vote on the item and would leave the room other than to speak on their representations if invited by the Committee.

### 3. MINUTES OF THE MEETING:

#### 3.1 Licensing Committee - 12 October 2017

The minutes of the meeting held on 12 October 2017 were agreed as a true and accurate record.

#### 3.2 Licensing Act 2003 Sub-Committee - 18 October 2017

The minutes of the meeting held on 18 October 2017 were agreed as a true and accurate record.

#### 3.3 Licensing Act 2003 Sub-Committee - 8 December 2017

The minutes of the meeting held on 8 December 2017 were agreed as a true and accurate record.

#### 3.4 Licensing Act 2003 Sub-Committee - 10 January 2018

The minutes of the meeting held on 10 January 2018 were agreed as a true and accurate record.

### **3.5 Licensing Act 2003 Sub-Committee - 23 January 2018**

The minutes of the meeting held on 23 January 2018 were agreed as a true and accurate record.

### **3.6 Licensing Act 2003 Sub-Committee - 1 March 2018**

The minutes of the meeting held on 1 March 2018 were agreed as a true and accurate record.

### **3.7 Licensing Act 2003 Sub-Committee - 9 May 2018**

The minutes of the meeting held on 9 May 2018 were agreed as a true and accurate record.

### **3.8 Licensing Act 2003 Sub-Committee - 13 July 2018**

The minutes of the meeting held on 13 July 2018 were agreed as a true and accurate record.

### **3.9 Licensing Act 2003 Sub-Committee - 1 August 2018**

The minutes of the meeting held on 1 August 2018 were agreed as a true and accurate record.

The Licensing Committee, agreed that members of the public present at the meeting would be given the opportunity to speak to their representation for two minutes.

## **4. LICENSING ACT 2003 - CUMULATIVE IMPACT - REVIEW, CONSULTATION AND RESPONSES**

The Licensing Committee were advised that a representation from the Communities Team had not been included on agenda for the Cumulative Impact Review. The Committee and members of the public in attendance were provided with the representation documentation, and at this point the meeting was stopped for five minutes to allow all present to read the document.

Councillor Joseph introduced her representation and the following key points raised and responses to questions from members included:

- Councillor Joseph confirmed that there had been many alcohol related issues raised with her by local residents of Park Ward and that it had been perceived by them that the Council had neglected the area.
- The level of street drinkers in the earlier hours of the morning and late in the evening in the Park Ward area, had caused great concern to Councillor Joseph.
- There was no evidence of crime and disorder that had been caused by the groups of people drinking on the street in the Park Ward area, however, there had been an unease felt by local residents with regards to this activity.

7:20pm - At this point Councillors Joseph and Hussain left the room.

The Licensing Committee received a report in relation to results of the consultation carried out between 6 August 2018 to 23 September 2018, on the Council's

Cumulative Impact Policy (CIP) which formed Section 11 of the Council's Statement of Licensing Policy.

The purpose of the report was to advise Members of the results of the consultation of the Council's Cumulative Impact Policy.

The Regulatory Officer introduced the report and advised of the consultation undertaken to review the CIP. Members were asked to note the contents of the report and responses received to the consultation on the Cumulative Impact Policy (CIP) and determine the future of the current CIP.

The Regulatory Officer responded to comments and questions raised by Members. The responses included:

- The Cumulative Impact Assessment review document was a review that had been undertaken by a responsible authorities working group and had been included within the report pack.
- The licensable activities analytical data from the police (Cambridgeshire Constabulary) had not been available to include within the CIA review document, due to a change with their software system. The information provided within the Cumulative Impact Assessment Review had been developed by responsible authorities and was intended to provide Members of the Committee with as much information as possible.
- Some Members were concerned with the lack of data from the police and questioned whether the information provided was robust enough for the Committee to reach a balanced decision as set out in section 5A of the Licensing Act.
- Members commented whether the CIP item should be deferred in order to obtain further evidential data.
- Officers confirmed that a response had been provided by the Peterborough Enforcement Services (PES) and crime statistics had been outlined within 5.10 of the report. Cambridgeshire Constabulary had provided limited data in relation to statistical alcohol related crimes and incident data as part of the responsible authorities working group.
- There was no information to suggest that Cambridgeshire Constabulary would be in a position to provide further alcohol related crime data in the future due to their software issue.
- The alcohol tag markers in relation to alcohol related crime were not being recorded on the community system.
- Some Members commented that although there was a lack of statistical evidence in relation to alcohol related crime, it was important to recognise that the CIP was the backbone for the Operation Can Do Area.
- Some Members commented that to defer the CIP item in order to request further information within the Cumulative Impact Area when the alcohol related crime data had not been available, would be a pointless exercise.
- The Council were required to review and implement the CIP by 7th January 2019. There would not be enough time to gather further data for a future meeting, however, this had not precluded the Committee from considering the CIP review again if it was not adopted on this occasion.
- Section 5A of the Licensing Act 2003 outlined that the CIA policy must be reviewed every three years and the overarching Cumulative Impact Zone policy every five years.

- There had been no national data indicators in relation to the under reporting of alcohol related crimes.

Councillor Jamil, Central Ward Councillor addressed the Committee and outlined his representation and responded to questions from Members. In summary his representation and responses to questions included:

- The CIP made a real difference to the Operation Can Do Area and had provided assurance to residents over the number of premises licence operating in the area.
- It had been apparent when talking with residents that there had been a lack of confidence in the methods to report alcohol related issues, such as over the telephone to the police.
- Residents had reported issues to Ward Councillors about people drinking early in the morning as well as urinating in the street. There had been a resource in place through a Council contract for a street cleaner to dispose of the alcohol bottles and cans as well as clean the area of urination. This was felt by Ward Councillors to be a cost that the Council should not have to bear.
- Residents Associations and Council Officers views should be considered by the Committee as the evidence of the alcohol related issues within the CIA.
- The evidence received by Ward Councillors fed in regards to the CIP consultation had been included within the report.
- The procedure for residents to report alcohol related issues to the police had been encouraged by Ward Councillors.
- Prior to the CIP being adopted in 2013, there were many shops opening and being granted premises licences. It had been believed that the introduction of the CIP for the Operation Can Do Area, had reduced the number of premises licence applications.
- It was felt by Ward Councillors that the police would not raise concerns about premises licence applications in the CIA, unless the application had been received from a repeat offender of the licensing objectives.
- It was felt by Ward Councillors that if the CIP was not adopted by the Committee on this occasion, that the Operation Can Do Area would revert back to the position experienced prior to 2013.

The Head of Community Resilience and Integration addressed the Committee and outlined his representation and responded to questions from Members. In summary his representation and responses to questions included:

- The evidence in support of retaining the CIP had been submitted in the main by Ward Councillors and should be considered by the Committee as evidence and not an opinion.
- Residents had signed letters in relation to the CIP consultation, which had included groups such as the Milfield and New England Regeneration Partnership (MANERP) and Community First. It was felt that these representations should be given consideration to retain the CIP.
- There had also been concerns raised by residents about the effectiveness of reporting drug and alcohol related issues in the Operation Can Do area to police.

Brian Gascoyne, MANERP addressed the Committee and outlined his representation and responded to questions from Members. In summary his representation and responses to questions included:

- The Regulatory Officer confirmed that the licensing guidance 182, under section 14.19, that there had been no requirement to demonstrate 'need' to grant or refuse a premises licence.
- There were no objections from MANERP to grant on licences in the CIA, only to off licences.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- Members commented that it was important to listen to the Ward Councillors and local residents about how lives were being affected in the Operation Can Do area as a result of alcohol related issues, such as anti-social behaviour and street drinking.
- Members also felt concerned about being requested to reach a decision on the CIP as there had been a lack of evidence provided, however, there had been no evidence to suggest that the Cumulative Impact Policy should not be retained.
- The Legal Officer advised the Committee that Members would need to consider the evidence heard and presented in writing, and attach what weight they deemed fit to retain the CIP. Members were also advised that the Authority was required to formulate in writing, the evidential basis for retention of the CIP, if approved.

## **RESOLVED**

The Licensing Committee considered the report and **RESOLVED** (Unanimously) to:

1. Note the contents of the report and responses received to the consultation on the Cumulative Impact Policy (CIP); and
2. Agreed to recommend to Council retention of the status quo for the Cumulative Impact Policy.

## **REASONS FOR THE DECISION**

To comply with statutory requirements of the Licensing Act 2003 as amended by the Policing and Crime Act 2017.

The Committee agreed to recommend to Council, retention of the Cumulative Impact Policy, taking note of the fact that there had been a lack of data recorded and evidenced by the police over alcohol crime related issues in the Operation Can Do area. The Committee also noted that the evidence from Public Health related to a larger area than the Can Do area. In addition, there had been no evidence presented to the Committee that the CIP should not be retained and it was clear from the representations made that the CIP should be retained. These representations were made in writing, and at the meeting by Council services, such as the Prevention & Enforcement Services, Peterborough City Council (PCC) Community Capacity Manager and the PCC Community Resilience and Integration Manager, Ward Councillors and a Local Community Association (MANERP).

8:25PM - at this point Councillors Joseph and Hussain returned to the meeting.

## **5. STATEMENT OF PRINCIPLES – GAMBLING ACT 2005**

The Licensing Committee received a report in relation to amendments to the Statement of Principles.

The purpose of the report was to advise Members of the consultation undertaken to review the Statement of Principles.

The Regulatory Officer introduced the report and advised Members of the process undertaken to review the Statement of Principles. Members were asked to review the policy, consider the representations made on the revised Statement of Principles and agree to recommend approval by Full Council.

The Regulatory Officer responded to comments and questions raised by Members. The responses included:

- It was confirmed that the consultation undertaken had been completed.
- Responses were received from Gosschalks solicitors and Gamcare.
- None of the responsible authorities had reported any issues as a result of gambling activity.

### **RESOLVED**

The Licensing Committee considered the report and **RESOLVED** (Unanimously) to:

1. Approve the revised Statement of Principles and recommend that it be adopted by Council on 12 December 2018.

### **REASONS FOR THE DECISION**

To comply with our statutory requirement under section 349 of the Gambling Act 2005 to produce, adopt and publish a Statement of Principles.

Chairman  
7.00pm – 8:28 pm  
18 October 2018