

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Friday 28 January 2005 at 9.30am in The Guildhall, Portsmouth.

PRESENT

Councillors Paula Riches (Chair)
Geoff Goble (Vice Chair)
Elaine Baker
Margaret Foster
Jacqui Hancock
Lee Hunt
Carolyn Lowndes
Robin Sparshatt
Deborah Tomes

1 Apologies

Apologies were received from Councillor Tom Blair and Lee Mason.

2 Declaration of Members' Interests in accordance with Standing Order 14 (AI 1)

No interests were declared.

3 Minutes of Licensing Committee Meeting held on 17 December 2004 (AI 2)

(TAKE IN MINUTES)

Minute 51 – Consultation on Draft Statement of Licensing Policy

In relation to the deputation given by Mr. Charles Burns, Councillor Hunt raised concerns that the record of the meeting did not record the thrust of Mr. Burns' sentiments. The key points of Mr Burns deputation are shown below:

- The relationship between planning and licensing functions. He felt that there was some overlap which should be resolved before the draft guidance note is published.
- The advice from Portsmouth City Council Trading Standards was very good and Mr. Burns suggested that it be attached to the guidance note.
- Applications for 24-hour licences - there needs to be strong guidance for applicants to ensure that they only apply for the length of licence that they need and do not unnecessarily apply for 24-hour licences.
- There should be provision in the Licensing Policy to encourage applicants to consider the provision for litter collection near their establishment.
- Mr. Burns was in favour of the provision of support/training for applicants in completing licence application forms.

RESOLVED that, subject to amendment of Mr. Burns' deputation as shown above, the minutes of the Licensing Committee meeting held on 19 December 2004 be agreed and signed by the Chair as a correct record.

4 Matters Arising from the Minutes (AI 3)

The Committee received a deputation from Mr Robert Adderley, Chair of the West Southsea Neighbourhood Forum (WSNF).

Mr Adderley thanked the Chair for allowing him to speak. He had read the document and wanted to congratulate those who had produced the report. He was concerned at the speed of change and had one or two outstanding issues:

- There was a need for the Neighbourhood Forums to be kept up to date as there was not always City Council representation at their meetings.
- He was concerned that all applicants would apply for 24-hour licences.
- The Police do not have sufficient resources to deal with the potential problems.
- The current transport provision is inadequate.

In response to Mr Adderley's concerns, The Licensing Manager, Mrs. Nickii Humphreys stated that licensing staff and the Police were not anticipating 24-hour alcohol sales in the City. Applicants are likely to apply for extra hours to benefit from the flexibility of the new Act but not excessively so.

With regard to applications made, Mrs. Humphreys explained that these would have to be advertised in the press, at the location and both ward and town councillors would be notified. The Licensing Department also hopes to add the information to the Council's website.

With regard to the lack of communication with the Neighbourhood Forum, Mrs. Humphreys stated that representatives from the Licensing Department and the Police would be happy to attend to discuss licensing issues.

Councillor Lee Hunt raised a point of order with regard to the grounds under which Mr. Adderley's deputation to the committee was permitted. Representatives from Democratic Services undertook to ensure that he received a written explanation from the Democratic Services Manager.

DSU

5 Licensing Act 2003 – Pool of Model Conditions – Proposed Additional Model Condition (AI 4)

(TAKE IN REPORT)

Copies of the existing pool of model conditions were circulated to members.

Sergeant Steve Hutchings from the Police Community Safety Unit attended the meeting and introduced the report to the committee.

Members of the Committee were given the opportunity to ask questions. The

following points arose:

- Door staff do not have to be present at every licensed venue. The Police considers the premises, the clientele and the activities undertaken there and then decides whether door staff are appropriate and/or necessary.
- As the Licensing Authority, the Council cannot impose conditions on a licence unless representations are received or the applicant refers to measures within the operating schedule. However, the pool of model conditions would be available to provide guidance and applicants would be strongly advised to include the relevant conditions in their operating schedule. These would then become conditions of the licence.
- It was not known whether other local authorities request that door staff wear similarly identifiable tabards.
- The tabards would be usually worn in the evening/night-time, although this would be decided by the venue.

RESOLVED that the Committee approve within the existing pool of model conditions, under the existing heading of “prevention of crime and disorder – door supervisors”, the inclusion of an additional model conditions worded as follows:

“Where a premises employs door supervisors for security purposes both within the club and the purposes of monitoring both the entrance and exits, those staff should wear a fluorescent and/or reflective tabard, clearly marked “door supervisor” or security”. The tabard should also be fitted with a permanent clear plastic window on the chest area in which to satisfactorily display the license issued to the door supervisor by the Security Industry Authority”.

With the addition of the following: 'That this condition may be disapplied at the discretion of the police.'

**6 Local Government Act (Miscellaneous Provisions) Act 1982:
Application for the renewal of a Public Entertainment License – The
Union, Students Centre, Cambridge Road, Portsmouth (AI 5)**

(TAKE IN REPORT)

An additional pack of information supplied by the applicants on the work of the Student Union was circulated to members.

Janet Hillier, Peter John Hooley, Stephen Bailey-Green, Dave Lymson and Scott Taylor Licensees and Marion Ellis, Chief Executive of the Students Union were in attendance for this hearing. Councillor Frank Worley was present as ward councillor for St. Thomas Ward.

The full hearing procedure was used.

RESOLVED that the Committee approve the application to renew the public entertainment licence in respect of The Union, Students Centre,

Cambridge Road, Portsmouth subject to the existing standard and special conditions.

In addition, Special Condition 4 be amended to read as follows: 'That a noise limiting device approved by the Director of Corporate Services shall *be maintained*.'

7 Exclusion of Press and Public (AI 5)

RESOLVED that the press and public be excluded from the meeting during the following items of business because it is likely that if members of the public were present, there would be disclosure to them of "exempt information" within paragraphs 4 and 7 of Schedule 12A to the Local Government Act 1972.

<u>Item No.</u>	<u>Paragraph No.</u>
7 Application for the grant of a hackney carriage vehicle – Mr H	4 & 7
8 Consideration of Private Hire Driver's Licence – Mr D	4 & 7

8 Application for the grant of a hackney carriage vehicle – Mr H (AI 7)

(TAKE IN EXEMPT REPORT BY THE LICENSING MANAGER)

The applicant Mr. H and the General Manager of the Taxi Company (Mr. W.) were in attendance.

The simplified hearing procedure was followed.

The Licensing Manager introduced the report and explained that there was a consultation process currently being undertaken to review the number of Hackney Carriage vehicle licences in the City. Mrs. Humphreys would be submitting a report to the Committee before the end of March and therefore recommended that the application be deferred until the review had been completed.

RESOLVED that the application be deferred on the basis that it would set a dangerous precedent and pre-empt the contents of the report being brought to the Committee in March 2005.

9 Consideration of Private Hire Driver's Licence – Mr D (AI 8)

(TAKE IN EXEMPT REPORT BY THE LICENSING MANAGER)

Mr. D was in attendance for this hearing.

The simplified hearing procedure was followed.

During the Licensing Manager's presentation, she circulated the copy of Mr.

D's drug test results to which she had referred in her report.

The Committee expressed its concern at the delay in considering this case.

RESOLVED that the private hire driver's license not be revoked for Mr D but conditional upon Mr D undergoing a compulsory drug test at Kingsway House, Elm Grove within the next 7 days and every 4 weeks for a period of 3 months. These tests were to be at his own expense.

10 Date of Next Meeting

The next meeting of the Committee would be held at 9.30am on Friday 11 February 2005.

The meeting concluded at 3.00pm.

Chair