

## LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Friday  
24 June 2005 at 9.30am in Civic Offices, Portsmouth.

### Present

Councillors David Stephen Butler (Chair)  
Gerald Vernon-Jackson  
Margaret Foster  
Jacqui Hancock  
David Horne  
Simon Boshier  
Mike Blake  
Fred Charlton  
Alan Langford  
Deborah Tomes  
Lee Mason

### Apologies

Apologies were received from Councillors Tom Blair, Jason Fazackerley,  
Lee Hunt and Geoff Goble.

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

<u>Member</u>	<u>Item</u>	<u>Nature of Interest Declared</u>
Councillor Deborah Tomes	Licensing Act 2003 – A Special Policy within the Statement of Licensing Policy	Personal in that she owns a property in Beech Road but does not reside there.
Councillor's Mike Blake Simon Boshier David Horne Alan Langford Lee Mason	Licensing Act 2003 – A Special Policy within the Statement of Licensing Policy	Personal in that the Conservative South Party Office is in Granada Road
Councillor Lee Mason	Licensing Act 2003 – A Special Policy within the Statement of Licensing Policy	Personal in that the Students' Union falls within one of the areas and he is employed to drive vans for the union.

**27 Minutes of Licensing Committee Meetings held on 15 April and 17 May 2005 (AI 2)**

(TAKE IN MINUTES)

Resolved that the minutes of the meetings held on 15 April and 17 May 2005 be confirmed and signed by the Chair as a correct record

**28 Minutes of Licensing Sub Committee Meetings held on 4 March, 15 April, 13 May, 31 May and 15 June 2005 (AI 4)**

(TAKE IN MINUTES)

Resolved that the minutes of the meetings held on 4 March, 15 March, 13 May, 31 May and 15 June 2005 be confirmed and signed by the Chair as a correct record

**29 Matters arising from the Minutes (AI 5)**

Minutes of Sub Committee Meeting held on 15 June 05

Councillor Gerald Vernon-Jackson referred to the two decisions taken at the meeting on the 15 June 2005 noting that both applications were in residential areas. He emphasised his belief that Councillors should always consider the impact of their decisions on residents, particularly when late night opening in residential areas was being considered. While respecting the independence of each sub committee and their right to make decisions he asked for clarification as to whether the decisions made the 15 June were potentially open to further scrutiny.

Lesley Spencer, the Committee's Legal Advisor, told the meeting that decisions could not be revisited and that the decisions of the committee were based on the representations presented on the day. Nickii Humphreys, Licensing Manager, also told the meeting that the policy was quite specific on residential amenity and that it gave protection to residents. Each application however, had to be heard on its individual merits.

Mrs Humphreys went on to explain that when the Licensing Act 2003 comes into effect from the 24 November that interested parties and responsible authorities can apply for a review of the licence, if they believe that existing conditions of the license are being broken. In response to concerns from members that the new hours would seriously affect residents during the summer, Mrs Humphreys also told the meeting that all new licences granted would only come into effect from 24<sup>th</sup> November.

The Chair read out to the meeting part of the licensing policy in respect of residential amenity and character of function of a particular area. "Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. However this will not limit opening hours without regard to individual merit of any application".

### 30 Consultation on Draft Proposed Amendments to Portsmouth City Council's Statement of Licensing Policy (AI)

(TAKE IN REPORT)

Richard Chalmers, Deputy Licensing Manager briefly introduced his report the purpose of which was to (1) detail the representations received following the consultation process undertaken on the draft proposed amendment to the Council's Statement of Licensing Policy and (2) Consider the adoption of a special policy to combat impact of the concentration of licensed premises in certain areas of the city.

Mr Chalmers told the meeting that seven responses had been received all supporting the proposals. An additional letter had been received from Councillor Mike Hancock CBE, MP after the report had been published suggesting that there should be a neighbour notification system for licensing similar to that in operation for planning applications.

Councillor Gerald Vernon-Jackson offered his support to this suggestion, stating that the Council had a duty to keep residents informed about potential developments in their area.

Nickii Humphreys, Licensing Manager told the meeting that there was a prescribed statutory process in respect of advertising licensing applications and she read out the advice from LACORS (Local Authorities Co-ordinators of Regulatory Services) on this subject. The advice was:

"LACORS reminds colleagues of the importance in not appearing to solicit representations on licence applications. LACORS has recently been passed copies of correspondence by trade associations that have been issued by the licensing authority to local residents, which could be construed as encouraging local residents to make representations on targeted applications. LACORS encourages licensing authorities to engage local residents in the licensing process wherever possible, but in the interests of your own legal costs, seeks clearance from your own legal officers on correspondence to ensure that it cannot be misunderstood as prejudicing the licensing process". Mrs Humphreys went on to tell the meeting that it was important for the Licensing Section to be seen to be impartial and that it did not appear that they were seeking to influence residents into making representations. There might also be problems in defining the area/vicinity to distribute notifications.

Councillor Vernon-Jackson indicated that there had been similar arguments in planning about defining notification areas but that the council had not been challenged due to the notification process being done in a neutral way.

Ms Spencer also reminded members that they had to consider not only the rights of residents but also those of licensees.

Councillor Simon Boshier agreed that both Councillor Vernon-Jackson and Councillor Hancock had raised salient points and suggested that the Licensing Department should bring forward a report on neighbourhood consultation. In response to the suggestion that members should consider the introduction of a neighbourhood notification scheme as an amendment to the report's

recommendation, Councillor Boshier argued that it would help the Committee's deliberation if they received a written report outlining the advantages and disadvantages of introducing neighbourhood notification, including an explanation of resource or any legal implications.

Mrs Humphreys told the committee that a neighbourhood notification system would not have to sit within the statement of licensing policy. If it were put into the policy it would have to go out to consultation. It could not be added in as an addition without proper consultation in accordance with the statutory provisions.

Councillor Fred Charlton asked why there was no reference to the "Pyramids" in the report as it was a night club and there was a lot of trouble in that area. In reply, Richard Chalmers told the meeting that this had been discussed at the meeting on the 25 April 2005 and that Inspector Taylor from the local police had produced data showing that the amount of trouble in that area was minimal in comparison to the areas highlighted in the report. Mr Chalmers also told the meeting that the police statistics in the report were based on 03/04 figures which were the latest available at that time.

**RESOLVED (1) That the Licensing Committee agree the responses to the draft amendment to the policy;**

**(2) That the Licensing Committee recommends to the full Council that it adopts the amendment to its Statement of Licensing Policy;**

**(3) That the Licensing Department submit a report to a future meeting of the Licensing Committee outlining the implications of introducing a neighbourhood notification scheme similar to that used in respect of planning applications**

The meeting concluded at 10.15

Chair