

REPORT TO: LICENSING COMMITTEE – FRIDAY 24 JUNE 2005

REPORT BY: DEPUTY LICENSING MANAGER

AUTHOR: RICHARD CHALMERS

**Consultation on Draft Proposed Amendment to
Portsmouth City Council's Statement of Licensing Policy**

1. Purpose of Report

The purpose of this report is to detail the representations received in response to the consultation process undertaken on the draft proposed amendment to the Council's Statement of Licensing Policy, in respect of adopting a special policy to combat the effects of the cumulative impact of the concentration of licensed premises in certain areas of the city. The statutory public consultation process was carried out between 25 April and 25 May 2005.

As a result of the consultation, no amendments are proposed to the original draft and therefore this report requests the approval of the Licensing Committee to the proposed amendment to the policy and to recommend to the full Council that it adopts the amendment to its Statement of Licensing Policy

RECOMMENDED:

- (1) That the Licensing Committee considers 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.**

2 Background

Section 5 of the Licensing Act 2005 ("the Act") requires the Council to determine and publish its Statement of Licensing Policy ("the Policy") (which it did on 21 December 2004), to keep the policy under review and to make such revisions to it, at such times, as it considers appropriate. Prior to making any changes, however, the Council must carry out a consultation process in the same way as was carried out prior to publishing the original policy.

3 Consultation Process and Responses

Following consideration by the Licensing Committee on Friday 15 April 2005 the draft amendment to the policy was circulated for consultation in accordance with the statutory requirements of the Act.

In addition to circulating the document to statutory authorities and interested parties, the draft amendment was published on the Council's website, a public notice was placed in The News, copies were available at the City Help Desk and the Licensing Office and public libraries were informed.

At the conclusion of the consultation period a total of only seven responses had been received

The table at Appendix A details the responses that have been received together with officer advice, explanation and recommendation where appropriate.

To assist Members when considering the representations, a copy of the draft proposed amendment is attached at Appendix B. Members may also wish to refer to their own copies of the Policy, in particular the parts entitled "Cumulative Impact" and "Other Mechanisms for Controlling Cumulative Impact" (paragraphs 6 and 7 refer).

The Licensing Committee is requested to decide the matter.



Richard Chalmers
Deputy Licensing Manager

RSC/DMF
3 June 2005

**"CONSULTATION RESPONSES TO DRAFT AMENDMENT TO
PORTSMOUTH CITY COUNCIL'S STATEMENT OF LICENSING POLICY"**

<u>No</u>	<u>Name</u>	<u>Comment</u>
1	Terence J Carter, Chair for Fratton Neighbourhood Forum Steering Group	Supports the draft proposed amendment to PCC's Statement of Licensing Policy
2	Councillor Terry Hall	<p>Confirms agreement to draft proposed amendment and writes</p> <p>"For some time there has been a perception that the Guildhall area is an unsafe place for residents and this inevitably has an impact on potential audiences at the New Theatre Royal. Clearly from the statistics you have provided, this perception is well founded.</p> <p>Certainly I firmly believe that the Guildhall area would be improved by a better "mix" of late night entertainment uses, such as restaurants and other uses which avoid the high volume, vertical drinking establishments which predominate at present.</p> <p>I would not therefore like to see this proposed amendment being used to refuse permission for what I believe would be more acceptable leisure uses and I would hope that a suitable wording could be included in the amendment to cover this.</p> <p>With regard to the South Parade area I must declare an interest since I live just outside the proposed area. Personally I have not experienced any damage to personal property other than car wing mirrors being damaged in the past, but I could not say whether such incidents are connected with the late night licensing policy in the South Parade Pier area.</p> <p>However, I am aware from speaking to residents who live both within the South Parade Pier area and just outside the designated zone that there has been an increase recently in anti-social behaviour as late night entertainment users make their way from the South Parade Pier area. Indeed it is clear from my correspondence with residents and Hampshire Constabulary that the police are unable to contain and deal with the antisocial behaviour problems at their current staffing level.</p>

<u>No</u>	<u>Name</u>	<u>Comment</u>
		<p>The Portsmouth City Local Plan Revised Deposit Draft on pages 73/74 specifically deals with the question of late night entertainment uses and states that “proposals within these areas (including the South Parade Pier area) will therefore be subject to particular scrutiny, and it is likely that opportunities to increase to intensify late night uses within these areas will be extremely limited”.</p> <p>The draft proposed amendment to the Licensing Policy is therefore in accord with the development control policy that the “cumulative effect of existing and proposed late night uses does not have an unacceptable adverse impact upon the amenity of residents adjacent to these areas</p> <p>I am therefore able to support the draft proposed amendment.”</p>

OFFICER ADVICE

Paragraphs 6.4, 6.6 and 6.7 of the Statement of Licensing Policy specifically cover this eventuality. An application for a “more acceptable use” would be considered on its merits and it would be possible to approve new premises licences if the applicant could demonstrate that its grant would be unlikely to add significantly to a negative cumulative impact on one or more of the licensing objectives (see paragraph 6.7 of the Policy).

Similarly an adoption of the amendment to the Policy does not relieve responsible authorities (in this case, the police) of the need to make a relevant representation to the licensing authority on each occasion a new application is made before it may lawfully consider giving effect to its special policy (see Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003) (“The Guidance”).

RECOMMENDATION: that no amendment be made to the proposed amended policy.

<u>No</u>	<u>Name</u>	<u>Comment</u>
3	Councillor Phil Shaddock	What is proposed regarding the two “dispersal areas” seems very sensible and he believes it should be adopted. He believes that there will be no problems with this being achieved.

<u>No</u>	<u>Name</u>	<u>Comment</u>
4	Councillor Mike Hancock	He fully endorses the views of the police and hopes that we can move ahead on this as quickly as possible.
5	Lynda Fisher, Strategic Director for Children, Families and Learning, PCC	Supports the amendment to the Statement of Licensing Policy.
6	Mo Love, Principal Equalities Adviser, PCC	Have no problems with the amendment.
7	Steve Dennis, Luminar Leisure Ltd	<p>Responded on behalf of Lush & Bliss, Time and Envy, Chicago Rock Café and Joanna's in South Parade, Southsea and Route 66 in Guildhall Walk. In principle he accepted the concept of the special policy which establishes an area where the cumulative impact exists and needs special treatment. He states</p> <p>"We respond specifically as follows</p> <ol style="list-style-type: none"> 1. Guildhall Walk area. Accepted as proposal. 2. South Parade Pier area. There is a very large licensed premise – The Pyramids –, which on occasion trades late and draws upon the same resources of taxis, late night eateries and police utilisation. We do not understand why the location, which is less than 400 metres away from the designated zone, is not included. It has generated some earlier problems. 3. Gunwharf – This area has currently a capacity of 4000 late night drinkers, which could be greatly expanded, just by existing licensed premises trading later. We believe this area too should be designated under the cumulative impact special policy. <p>Our licensed premises would very much like to see a minimum drinks price established in Portsmouth/Southsea. This would greatly assist in cutting excessive drinking.</p> <p>The cumulative impact policy needs to establish a level playing field which restricts problems across the whole of the Portsmouth/Southsea area and will not just move problems from one area to another.</p>

OFFICER ADVICE

Neither Gunwharf nor The Pyramids were included in the police representation. This is because the crime and disorder statistics do not indicate that those areas impact negatively on the licensing objectives at this time. Therefore the licensing authority cannot, by itself, include them in the Policy. The police are monitoring the situation at Gunwharf to see if it should be included in the Policy in the future.

The Statutory Guidance specifically advises against conditions being attached to licences, which promote fixed prices for alcoholic drinks, and suggests that it would be likely to be unlawful for licensing authorities to promote voluntary arrangements. Conditions to control or address **irresponsible** drinks promotions may be permissible provided they are necessary for the promotion for the licensing objectives. Licensing authorities are advised to take legal advice before attaching conditions of this nature to premises licences.

RECOMMENDATION: that no amendment be made to the proposed policy.

<u>No</u>	<u>Name</u>	<u>Comment</u>
8	Laura Caton, Strategy Unit, Portsmouth City Council	<p>The Evening and Late Night Economy Partnership, chaired by Laura Caton discussed the proposal at a Partnership meeting on 24 May 2005. The following is an extract from the minutes of that meeting:</p> <p>"The police feel there are a large number of drinking venues and have evidence of a high level of drink related violence and anti-social behaviour in the Guildhall Walk and South Parade areas late at night. The area is beginning to expand outwards bringing additional crime and disorder problems. The police feel these areas are already at saturation point and would like to bring in an amendment to be able to refuse to grant new premises on crime and disorder grounds in these areas.</p>

<u>No</u>	<u>Name</u>	<u>Comment</u>
		<p>The Group are aware that each application will be looked at on its merits and any successful applicant will be expected to have planned for avoidance of crime and disorder problems. It was felt in many cases pubs opening later and staggered closing could be beneficial and regulation of this could be incorporated into the policy if all clubs/pubs in an area wanted to stay open to the same time. If any established licensed premises begin to cause a problem the police will be able to apply for a review of their licence. The meeting felt it would be useful to have a map of licensed premises and opening hours to be able to spot trends in new areas. The group agreed the evening economy expansion caused a problem when an accumulation of high volume drinking establishments were concentrated in one particular area and welcomed encouraging a diversity of types of premises into the evening and late night economy framework.</p> <p>The group agreed to support this amendment.</p>