

LICENSING POLICY COMMITTEE

MINUTES OF A MEETING of the Licensing Policy Committee held on Friday 26 February 2010 at 9.30am in the executive meeting room of the Guildhall, Portsmouth.

Present

Councillors Les Stevens (chair)
Margaret Adair
Margaret Foster
Andy Fraser
Jacqui Hancock
Malcolm Hey
Hugh Mason
Lee Mason

1. Declaration of Members' Interests (AI 1)

Councillor Margaret Foster declared a prejudicial interest in agenda item 4 – Local Government (Miscellaneous Provisions) Act 1976 – Appointment of Hackney Carriage Stand – King Henry 1st Street – in that she had had meetings with various taxis drivers about the rank.

The chair changed the order of business so as to allow the item with deputations to be taken first.

2. Local Government (Miscellaneous Provisions) Act 1976 – Appointment of Hackney Carriage Stand – King Henry 1st Street (AI 4)

(TAKE IN REPORT BY THE LICENSING MANAGER)

The Licensing Manager introduced the report and explained that the matter was before the committee today for consideration following a call-in from Councillor Jason Fazackarley. In response to the public consultation, 3 letters had been received. 2 letters were of support and 1 of objection from Mr Ogilvie as hackney carriage trade representative. Councillor Fazackarley had been formally asked by Mr Ogilvie to speak on his behalf as his ward Councillor.

The Licensing Manager explained that the proposed stand had received widespread support from other hackney carriage/private hire trade representatives, the Chief Officer of Police, the Highways Authority and the Chair of Portsmouth Pubwatch, on behalf of the licensed premises in Guildhall Walk and King Henry 1st Street. She reiterated that there were no proposals to revoke the existing rank in White Swan Road.

The Licensing Manager also reported that the committee should exercise caution when considering the petition attached the report as it is unclear as to whether the drivers who signed the petition were fully aware they were signing a petition of objection as the heading reads only "2nd Guildhall Rank – Representation in Council".

Councillor Jason Fazackarley, spoke on behalf of Mr Ogilvie, who lives in his ward, and made the following points during his representations:

- Raised concern as to whether the new rank will replace existing rank;
- Drivers cannot understand why King Henry 1st Street is being used;
- This part of Guildhall Walk area is not busy;
- Crime and disorder in Guildhall Walk has reduced;
- There will be no taxis marshals and no CCTV covering the new rank;
- Will the temporary order be removed?
- Hope members do not proceed with the scheme;
- Appreciate petition could have been worded better;
- Drivers didn't sign without being aware of the issues;
- Why are the Police not here today to voice their support?
- Not a suitable scheme;
- Concern about lack of Police late at night to police the new rank;
- Will become an area of concern;
- Already an existing rank which works well;
- Feel this rank will lead to more trouble in Guildhall Walk area.

Councillor Luke Stubbs, spoke and made the following points during his representations:

- Police pushed for the pedestrianisation of Guildhall Walk, cabinet were not keen;
- Original plan was for rank to be in King Henry 1st Street but it ended up in White Swan Road;
- Taxis reps are here today and committee must listen to them;
- It is the taxis drivers' livelihood and they are the ones who work the ranks.

Mr Ian Ogilvie, objecting to the proposal made the following points during his representation:

- Support Councillors Stubbs and Fazackarley's comments;
- Petition has been signed by drivers who work the ranks around Guildhall Walk;
- Proposing to put a taxi rank outside a bar which could potentially create problems;
- Tail end of one rank working too near to this rank;
- Arguments are likely between drivers;
- Will create problems for the articulated lorries and coaches;
- The rank is too near to the Guildhall access gates;
- Feel that the proposed rank will eventually become the only rank for Guildhall Walk;
- This is our livelihoods and we know what will work.

During discussion of this item, members asked about the operational hours of the proposed rank, the size of the proposed rank and whether there was a demand for a further rank. The Licensing Manager responded by saying that the parking would be suspended from 6pm when the rank would operate, as with other ranks in the city. The rank would be able to accommodate approximately 20 vehicles and the aim is to disperse people in Guildhall Walk much quicker. The rank had been suggested by the trade and has been approved by Highways.

RESOLVED that in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the committee appoint a hackney carriage

stand on the north side of King Henry 1st Street outside of the University Park Building with taxis accessing the rank along Exchange Road and queuing in a westerly direction around the circle outside of King Henry 1st Building and onto the rank.

3. Monitoring of the Third Quarter 2009/10 Revenue Cash Limit (AI 8)

(TAKE IN REPORT BY THE STRATEGIC DIRECTOR AND S151 OFFICER)

RESOLVED that the report be noted.

4. Minutes of the Licensing Policy committee meeting held on 25 November 2009 (AI 2)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Licensing Policy committee held on 25 November 2009 be agreed as a correct record and signed by the chair.

5. Minutes of the Licensing Sub committee meetings held on 11 November, 18 November and 9 December 2009 and 13 January, 20 January and 27 January 2010 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Licensing sub committee meetings held on 11 November, 18 November and 9 December 2009, and 13 January, 20 January and 27 January 2010 be agreed as a correct record and signed by the relevant chair of the meeting.

6. Department for Culture, Media and Sport – Legislative Reform Order: Proposal to exempt small live music events from the Licensing Act 2003 (AI 5)

(TAKE IN REPORT BY THE LICENSING MANAGER)

The Licensing Manager introduced the report and explained that the consultation document relates to small live music events for audiences of not more than 100 people.

Mr Richard Lee, Public Protection, explained that small venues, such as public houses, are likely to cause nuisance to neighbours in Portsmouth and that there is significant evidence to say so. Public houses are in communities highly populated and are attached or situated very close to residential accommodation. He asked members to support his formal response to the Department of Culture, Media and Sport.

RESOLVED that the committee noted the contents of the report and strongly agreed that the views of the Head of Environment and Public Protection Service be submitted as the formal response from the city council.

7. **Department for Culture, Media and Sport – Legislative Reform Order: Proposal to amend the Licensing Act 2003 (Personal Licence: relevant offences) (AI 6)**
(TAKE IN REPORT BY THE LICENSING MANAGER)

The Licensing Manager introduced the report and explained that the proposal is to update the list of offences that are treated as relevant offences for the purpose of obtaining and holding a personal licence under Part 6 of the Act.

RESOLVED that the committee noted the contents of the consultation report.

8. **Department for Culture, Media and Sport – Proposal to clarify the definition of “entertainment facilities” (AI 7)**

(TAKE IN REPORT BY THE LICENSING MANAGER)

The Licensing Manager introduced the report and explained that the consultation document relates to a proposal to exclude the provision of musical instruments from the definition of entertainment facilities in the Licensing Act 2003 and also to clarify that entertainment facilities are not separately licensable if they are used solely for the provision of incidental music.

RESOLVED that the committee noted the contents of the consultation report.

The meeting concluded at 11.30am.

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Signed by the chair
Councillor Les Stevens.