

A meeting of the **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 5 NOVEMBER 2008** **ON THE RISING OF THE LICENSING AND PROTECTION PANEL MEETING** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting of the Committee held on 18th June 2008.

**Mrs A Jerrom
388009**

2. MEMBERS' INTERESTS

3. ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING. (Pages 5 - 12)

To consider a report by the Licensing Manager on Alcohol, Entertainment and Late Night Licensing.

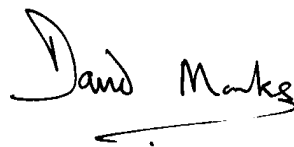
**G Peck
388010**

4. ALCOHOL DISORDER ZONES (Pages 13 - 16)

To consider a report by the Head of Administration on Alcohol Disorder Zones.

**R Reeves
388003**

Dated this 27 day of October 2008



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*

(a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*

- (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs A Jerrom, Democratic Services Officer, Tel No 01480 388009/e-mail:Amanda.Jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

[Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) *(under Councils and Democracy).*

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 18 June 2008.

PRESENT: Councillor J M Sadler.

Councillors K M Baker, J T Bell, J J Dutton, R W J Eaton, R S Farrer, A Hansard, R Powell, J M Sadler, T D Sanderson and J S Watt.

APOLOGIES Apologies for absence from the meeting were submitted on behalf of Councillors Councillor I R Muir and T D Sanderson.

06. MINUTES

The Minutes of the meeting of the Committee held on 14th May 2008 were approved as a correct record and signed by the Chairman.

07. MEMBERS' INTERESTS

No declarations were received.

08. APPOINTMENT OF SUB-COMMITTEE MEMBER

Members noted that the appointment of a Member to fill the current vacancy on the list of Sub-Committee Membership would need to be deferred pending the appointment of an additional Liberal Democrat Member to serve on the Licensing and Protection Panel/Licensing Committee which was due for consideration at the Council Meeting to be held on 25th June 2008.

09. LICENSING ACT 2003 - DELEGATIONS

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) recommending that the existing arrangements for officers to make representations under the Licensing Act 2003 be approved formally.

RESOLVED

- (a) that the Head of Planning Services be authorised to act on behalf of the local planning authority under Section 13 (4) (d) of the Licensing Act 2003; and
- (b) that the Head of Environmental and Community Health Services be authorised to act on behalf of the environmental health authority under Section 13 (4) (e) of the Licensing Act 2003.

10. GAMBLING ACT 2005 - DELEGATIONS

Further to Minute No. 07/10, the Committee considered a report by the Head of Administration (a copy of which is appended in the Minute Book) seeking approval for further delegations to officers to enable them to implement and administer the provisions of the Gambling Act 2005. Whereupon, it was

RESOLVED

- (a) that the Licensing Manager be authorised to act on behalf of the licensing authority under Section 157 (a) of the Gambling Act 2005; and
- (b) that the Head of Environmental and Community Health Services be authorised to act on behalf of the environmental health authority under Section 157 (g) of the Gambling Act 2005.

11. EVALUATION OF THE IMPACT OF THE LICENSING ACT 2003

The Committee considered a report by the Head of Administration (a copy of which is appended in the Minute Book) outlining the outcome of a recent review by the Government into the implementation and impact of the Licensing Act 2003 which had come into force in November 2005.

Members were advised that the review had concluded that the freedoms introduced by the Act were being used well but that the powers to tackle problems were not sufficiently well known and were not being taken advantage of. Having been advised that this reflected the situation locally where the implementation and administration of the Act and its provision had operated smoothly, despite the somewhat last minute issue of many of the required regulations, the Committee

RESOLVED

that the contents of the report now submitted and the evaluation exercise published by the Department for Culture Media and Sport be noted.

Chairman

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**ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT
LICENSING
(Report by Licensing Manager)**

1. Introduction

- 1.1 The Department of Culture, Media and Sport (DCMS) has a responsibility to compile a National Statistics bulletin on alcohol, entertainment and late night refreshment under the Licensing Act 2003.
- 1.2 The latest statistical information required by DCMS was for the period 1st April 2007 until 31st March 2008. Data was required for the number of licences and certificates in force and applications received during that period.

2. Current Situation

- 2.1 The data collected by the Licensing Section on behalf of the DCMS is contained in Annex A attached.

The bands referred to in question 1a relate to the rateable value bands on which fees are based. The premises licences in question 1b are exempted from paying fees under the Act because they do not authorise the sale of alcohol and relate to educational establishments or a village hall or similar location.

The statistics provide a useful overview of the scale of the impact of the Licensing Act in Huntingdonshire. As at the end of March there were 681 licences and certificates in force, of which 543 were authorised to sell or supply alcohol. Of these only 3, all of which are supermarkets, are permitted to remain open for 24 hours per day. In addition 532 valid temporary events notices were received in 2007/08 which permit events of up to 96 hours duration and a maximum attendance of 500 people. The number of personal licences in force grew in the year by 18% to 1047 but as a licence is valid nationwide, this does not present an accurate reflection of the number of personal licence holders who currently are actively authorising alcohol sales in Huntingdonshire.

3. Recommendation

It is recommended

that Members note the contents of this report.

Background Papers:

Nil

Contact Officer:

Mr G Peck – Licensing Manager

Tel: (01480) 388010

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Please **complete all white cells**, and as many **yellow** cells as possible. All values entered to the cells should be numerical, so please use 0 where the answer is 'none'. Any cells left blank will be assumed to be unknown.

Q1a Number of Premises Licences and Club Premises Certificates by fee band (please include premises with no fee applicable here)

Q1a HELP

	Premises Licences	Club Premises Certificates	Personal Licences
Total	526	69	1047
<i>of which:</i>			
Band A	100	24	
Band B	318	40	
Band C	53	4	
Band D (no multiplier)	14	0	
Band D (with multiplier)	0		
Band E (no multiplier)	41	1	
Band E (with multiplier)	0		
	ok	ok	

Q1b Number of Premises Licences and Club Premises Certificates with no fee applicable

Q1b HELP

	Premises Licences	Club Premises Certificates
Total with no fee applicable	86	0
	ok	ok

Note: For detailed explanation on how to treat licences with 'no fee applicable' please see the help guide for this question.

Q2a Number of Premises Licences and Club Premises certificates permitted to sell or supply alcohol

Q2 HELP

	Premises Licences	Club Premises Certificates
<i>Total (taken from Q1a above)</i>	526	69
Licensed to sell or supply alcohol (On-sales only)	58	5
Licensed to sell or supply alcohol (Off-sales only)	107	
Both on and off sales or supply of alcohol	223	64
Licences not permitted to sell or supply alcohol	138	0
	ok	ok

Q2b Number of Premises Licences and Club Premises certificates by licensable activity authorised

Q2 HELP

	Premises Licences	Club Premises Certificates
Late night refreshment	126	
	ok	
Any regulated entertainment	319	36
<i>of which:</i>	ok	ok
(a) Plays	35	6
(b) Films	12	5
(c) Indoor sporting events	52	12
(d) Boxing or wrestling	10	0
(e) Live music	208	34
(f) Recorded music	235	36
(g) Performance of dance	143	12
(h) Entertainment similar to live music, recorded music or dance	134	13

(i) Facilities for making music	159	22
(j) Facilities for dancing	173	35
(k) Facilities for entertainment similar to making music or dancing	118	9
	ok	ok
	ok	ok

Note: Multiple activities can apply to a particular premises. If possible, please record all activities applicable to each licence or certificate.

Q3 Number of premises with 24-hour alcohol licences by premise type

Q3 HELP

	Premises with 24-hour licences
Total	3
<i>of which, premises in:</i>	ok
Pubs, Bars and Nightclubs	0
Supermarkets and Stores	3
<i>of which:</i>	
Large supermarkets	2
Other convenience stores	1
	ok
Hotel Bars	0
<i>of which:</i>	
Open 24 hours to guests and public	0
Open 24 hours to guests only	0
	ok
Other Premise Types	0
	ok

Q4 Number of Cumulative Impact Areas

Q4 HELP

Total	0
	ok

COMMENTS

Please **complete all white cells**, and as many **yellow** cells as possible. All values entered to the cells should be numerical, so please use 0 where the answer is 'none'. Any cells left blank will be assumed to be unknown.

PART 2 Questions 5-7 relate to the licence **application** activity over the 12 month period.

PART 2 HELP

Q5 Number of licences applied for, granted and refused by type of licence

Q5 HELP

	Applications made	Granted	Refused
New Premises Licence	21	21	0
Variation to Premises Licence	7	7	0
Variation of Designated Premises Supervisor	66	66	0
New Club Premises Certificate	0	0	0
Variation to Club Premises Certificate	0	0	0
New Personal Licence	164	164	0
Provisional Statement	1	1	0
Transfer of Premises Licence	7	7	0

Q6 Number of police objections to Personal Licence applications

Q6 HELP

Total

Q7 Number of applications that went to a committee hearing

Q7 HELP

Premise Licence/Club Premises Certificate applications

Personal Licence applications

Q8a Number of completed reviews by type of licence

(Note: also include any completed expedited reviews here)

Q8a HELP

Total completed reviews

of which reviews of:

Premises Licences (following application)

Premises Licences (following application by police for expedited review)

Premises Licences (following closure orders under S.161 of Act)

Club Premises Certificates (following application)

ok

Q8b Reason for completed review

(Note: more than one reason may apply to each review)

Q8b HELP

Crime & Disorder

Protection of Children

Public Nuisance

Public Safety

Q8c Number of completed reviews instigated by each of the following Responsible Authorities

Q8c HELP

Police

Trading Standards Officers

Environmental Health Officers

Other Responsible Authorities or Interested Parties
(Please state in comments box below)

Q9 Action taken following completed reviews
(Note: more than one action may apply to each completed review)

Q9 HELP

Total completed reviews (taken from Q8a above)	2
No action taken	0
	ok
Operating hours modified	0
Licensable activity partially restricted	0
Licensable activity completely excluded	0
Other conditions added or modified	2
Designated Premises Supervisor removed (Premises Licences only)	2
Licence or Certificate suspended	2
Licence revoked or Club Premises Certificate withdrawn	0

Q10 Number of Expedited review applications
(Note: more than one interim step may apply per review)

Q10 HELP

Total number of <u>applications</u> for expedited reviews	0
Number of expedited review applications withdrawn or rejected	0
Number of cases where no interim steps were taken	0
Number of cases where interim steps were taken	0
<i>of which:</i>	ok
Operating hours modified	0
Licensable activity partially restricted	0
Licensable activity completely excluded	0
Other conditions added or modified	0
Designated Premises Supervisor removed	0
Licence suspended	0

Q11 Number of licences surrendered, lapsed, revoked, forfeited, suspended or withdrawn

Q11 HELP

	Premises Licences	Club Premises Certificates	Personal Licences
Surrendered	2	0	0
Lapsed	0	0	
Revoked			0
Forfeited			0
Suspended by a court	0		0
Closure notice	0		
Withdrawn (section 90)		0	

Q12 Number of appeals completed

Q12 HELP

Appeal against application decision	0
Appeal against licence review decision	0

Q13 Number of judicial reviews completed

Q13 HELP

Total	0
	ok

Q14 Number of Temporary Event Notices

Q14 HELP

Valid Temporary Event Notices given to Licensing Authority	532
Temporary Event Notices withdrawn	2
Temporary Event Notices received following modification with police consent	0
Counter Notices given following police objection	0
Temporary Event Notices that resulted in a committee hearing	0
Counter Notices given where limits exceeded	0

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ALCOHOL DISORDER ZONES**(Report by Head of Administration)****1. Introduction**

- 1.1 The Cabinet has recently asked for further information on Alcohol Disorder Zones (ADZs), arising from a report submitted by the Overview and Scrutiny Panel (Service Delivery) on the introduction of an enhanced cleansing service on Sundays in the market towns in the District to counteract the after-effects of the night time economy in town centres. The Panel had recommended an investigation of the introduction of ADZs in the District in the long term.
- 1.2 The purpose of this report is to explain the circumstances in which ADZs can be introduced.

2. The Legislation

- 2.1 ADZs were introduced by the Violent Crime Reduction Act 2006 in response to problems in city and town centres as a result of excessive alcohol consumption. It was unrelated to but reflected growing concern about the implications of the Licensing Act 2003 on longer opening hours for licensed premises. The accompanying regulations only came into effect in June 2008 with guidance issued by the Home Office shortly beforehand.
- 2.2 The designation of an area as an ADZ is defined as a non-executive function. It is therefore a responsibility of Council as opposed to Cabinet. As ADZs are related exclusively to alcohol consumption, as will be explained later in this report, it seems appropriate for this to fall within the terms of reference of the Licensing Committee.

3. Implications of an ADZ

- 3.1 The designation of an area as an ADZ is a last resort. It is a course of action to be embarked upon by an authority, either of its own volition or at the request of the police, when all other measures possible under the various legislation to control the adverse effects of alcohol consumption has failed to resolve a problem.
- 3.2 Both authorities (and other agencies) have enforcement powers to deal with contravention of the legislation in individual premises, in public spaces and by members of the public. ADZs are appropriate where problems relating to alcohol consumption cannot easily be attributed to individual licensed premises and registered clubs. Where all other remedies have been attempted without success, an authority and the police can contemplate designating the area concerned as an ADZ.
- 3.3 It is important to note, especially in the context of the discussions at the Scrutiny Panel and Cabinet meetings, that ADZs are intended only to address high levels of alcohol related nuisance and annoyance to members of the public or disorder that is not attributable to a single premises. The decision to proceed has to be evidence based and demonstrate that the problems cannot be dealt with by other means. Evidence must include police incident, crime and custody data and CCTV incident logs but can be backed up by NHS Emergency Department data, licensing authority evidence, bus and taxi

incident forms and feedback from the public. The latter in themselves are not sufficient.

- 3.4 If the authority is considering proceeding with an ADZ, there is an extensive consultation process that involves public notice in the press and to various bodies and licence holders inviting representations on the proposals. The response to any representations also must be published. If the authority intends to proceed, it must compile an action plan setting out preventative measures with voluntary charges to licence holders within the area designated. If those measures do not work within 8 weeks, the authority can proceed to designate an ADZ. This involves another round of public consultation. If an ADZ is designated, it must be reviewed every 3 months with public notice of any decision to continue, amend or lift a designation.

4. Measures and Charges

- 4.1 The measures that can be taken to address any alcohol related nuisance and annoyance are restricted to activities by Trading Standards Officers relating to the sale of alcohol to children, by Environmental Health Officers relating to noise nuisance from licensed premises, by Licensing Officers of the licensing authority and by police constables and community safety officers. A baseline level of service has to be calculated for a period preceding designation and an enhanced level after designation.

- 4.2 Costs can be recovered from licensed premises and registered clubs selling alcohol within the designated area for the delivery of the enhanced services plus the administrative cost of the ADZ process. In calculating individual charges, these must be scored on rateable values and hours of opening of premises with a facility for discounts and exemptions to be granted. Failure to pay the charge demanded by the licensing authority for the enhanced services can lead to the suspension of licences and certificates.

5. Conclusion

- 5.1 The measures described are appropriate only when all other measures have failed to deal with nuisance and annoyance to members of the public relating to alcohol consumption. They cannot be applied to other problems associated with late night entertainment such as hot food outlets or litter. They are therefore inappropriate in the case of an enhanced cleansing regime in town centres which was the subject of the investigation by the Overview and Scrutiny Panel (Service Delivery).

- 5.2 The situation in the town centres in the District will continue to be monitored in association with partner organisations and if it is felt that an ADZ would be appropriate, this will be brought to the attention of the Licensing Committee.

6. Recommendation

It is therefore

Recommended

That the position with regard to the new powers to designate alcohol disorder zones be noted.

Background Papers:

Violent Crime Reduction Act 2006

The Local Authorities (Alcohol Disorder Zones) Regulations 2008

Home Office Guidance on the Designation of Alcohol Disorder Zones.

Report by the Overview and Scrutiny Panel (Service Delivery) on Enhanced
Cleansing Services Proposal for Market Towns.

Contact Person:

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