

Customers and Communities Overview and Scrutiny Panel

Monday 18 October 2010

PRESENT:

Councillor Ball, in the Chair.
Councillor Coker, Vice Chair.
Councillors Mrs Beer, Mrs Bragg, Delbridge, Mrs Nicholson, Smith and Vincent.

Apologies for absence: Councillor Martin Leaves and Dr A Jellings (Co-opted Representative) and Mr C Sing (Co-opted Representative).

Also in attendance: Peter Aley (Assistant Director for Safer Communities), Andy Netherton (Principal EHO) and Sgt Worthington.

The meeting started at 4pm and finished at 5.35 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

34. **APPOINTMENT OF VICE CHAIR**

Agreed that Councillor Coker is appointed as Vice Chair of the panel for the municipal year 2010/11.

35. **DECLARATIONS OF INTEREST**

The following declarations of interest were made in accordance with the Code of Conduct in relation to items under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Mrs Beer	Minute 37 – Three Year Review of Licensing Act 2003 Statement of Licensing Policy including Cumulative Impact Policy	Employed by Devon and Cornwall Police	Personal

Councillor Coker	Minute 37 – Three Year Review of Licensing Act 2003 Statement of Licensing Policy including Cumulative Impact Policy	Personal Licence Holder	Personal/ Prejudicial
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36. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

37. **THREE YEAR REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY INCLUDING CUMULATIVE IMPACT POLICY**

The Director for Community Services submitted a report on the three year review of the Licensing Act 2003 Statement of Licensing Policy including the Cumulative Impact Policy. The panel was advised that –

- (a) the local authority controls the operation of the premises and the individuals who wish to sell alcohol, or provide late night refreshments or provide certain entertainment;
- (b) the Licensing Act 2003 balanced these operations against protecting the local community by referring to the four licensing objectives, which were –
 - crime and disorder
 - public nuisance
 - public safety
 - protection of children from harm
- (c) businesses were required to operate in a way that minimised the affect on any of the licensing objectives;
- (d) the Licensing authority was required to operate a policy which guided applicants and established a framework for decision making; a review was required of the policy every three years;
- (e) a 12 week consultation period had been undertaken which had ended on 1 September 2010; approximately one thousand direct contacts had been made with only 11 responses received;
- (f) the main issues arising from the consultation period were –
 - the Cumulative Impact Policy
 - off licences
 - film classifications

(g) responses to the issues raised were –

Cumulative Impact Policy –

- the five existing areas of the city covered by the Cumulative Impact Policy had been agreed in June 2008, based on evidence relating to public nuisance and crime and disorder; evidence had also been submitted by the policy; the current situation was substantially similar to that of 2008;

statistical evidence relating to public nuisance was difficult to provide; although with the experience and evidence gained via the police and environmental health officers this indicated a problem due to the later closing hour;

Off Licences -

- the police had requested that off licenses were included as part of the Cumulative Impact Policy, although no evidence had been submitted;

national guidance indicated that off licences should not normally be included within the Cumulative Impact Policy (the existing policy did not include off licences);

Film Classification –

- the Stop Smoking service had requested that the local authority considered adopting its own film classification and classify films with smoking scenes as 18 years;

currently the majority of films were classified by the British Board of Film Classification (only local films were classified by the local authority); the British Board of Film Classification had reviewed their current guidelines in 2009 which included smoking as a relevant issue;

there would be major risks should the local authority change a national rating.

The following responses were provided to questions raised by panel members –

- (h) the effect of licensed premises extending their opening hours had led to people going out later in the evening having consumed excessive levels of alcohol at home;

- (i) venues like North Hill attracted a different client base once the students had left the city in May; the transitional period when students returned to the city was more difficult to police;
- (j) the level of policing the Barbican remained the same as in 2007; working hours had been altered to reflect the change in drinking patterns;
- (k) there had been an increase in the number of off licenses within the existing areas of the Cumulative Impact Policy; a proportion of crime and disorder in these areas could be attributed to off licenses and not licensed premises;
- (l) it was illegal to sell alcohol to anyone under the age of 18; both trading standards and the Devon and Cornwall Police Authority undertook 'test sells' within off licenses and licensed premises;
- (m) there were no specific police powers to deal with street drinkers; although if the street drinkers were within a Designated Public Places Order area then the police had the power to remove the alcohol (should this request be refused then the individual(s) could be prosecuted);
- (n) door staff were licensed by the Security Industry Authority (SIA); following an announcement by the Government, the SIA had been asked to work with its key partners to lead the phased transition to the new regulatory regime;
- (o) the recommended ratio of door staff for licensed premises was included in the licensing policy;
- (p) it was more difficult to identify the licensed premises that the individual(s) had come from when dealing with street based crime.

Recommended to the Overview and Scrutiny Management Board that –

- (1) the panel notes the results of the public consultation and officers' conclusions;
- (2) the panel requests Cabinet to recommend to the City Council -
 - (a) the adoption of the draft Licensing Statement of Policy 2011 – 2014 and in particular supports the proposals relating to the classification of films with tobacco imagery and the ratio of door supervisors required;

- (b) that the special policy on Cumulative Impact that applies to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke village remains in place;
- (3) the panel recommends to Cabinet that the police are encouraged to provide evidence relating to off licences with a view to assisting consideration of whether they should be included within the Cumulative Impact Policy.

(Councillor Coker having declared a personal and prejudicial interest left the room).

38. **EXEMPT BUSINESS**

There were no items of exempt business.

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