

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on MONDAY, 25 OCTOBER 2004

Present: Councillor R A Evans (Chairman) (In the Chair)

Councillors G J Coxon, P Holland, D Howe, P A Hyde, J T Male, A C Saffell, J B Webster, D H Wintle and R Woodward

In attendance:

Inspector Andy Lee, Leicestershire Constabulary  
Vicki Wilkes of Perpetuity Research and Consultancy International

Officers: R Eaton, Mrs H M Kilmister, Ms M Lister and Miss E Warhurst

Apologies: Councillors G Tacey and M B Wyatt

## **#. PRESENTATION**

Vicki Wilkes attended the meeting and gave a presentation on the statutory consultation exercise undertaken in connection with the preparation of the Council's Statement of Licensing Policy as required under the Licensing Act 2003. She explained that the method used in conducting the consultation was by means of face to face meetings with agencies such as the Police and the Fire Service, a questionnaire dispatched to existing licensees, prospective licensees, licensing solicitors and local businesses likely to be affected by the Licensing Act, focus groups involving members of the public and telephone interviews with specific licensees.

She explained that the questionnaire had been based around various measures that could be used to promote the four licensing objectives within the Act. She then proceeded to explain the results of the consultation exercise with regard to the specific measures.

The committee noted from the presentation that, whilst none of the measures were deemed to be unimportant, clearly their relevance was likely to be more significant to premises operating in a town centre environment and at other larger venues.

Members noted that given the liberalisation ethos of the Act it was clear from the consultation returns that consultees felt that licensees should be given a chance to prove themselves and that the Licensing Authority should not be draconian in setting its policy.

In addition to the above comments there were 3 specific conclusions from the exercise. The first was local concern over under age drinking and the importance of licensees using a proof of age mechanism. Such provision should therefore be included in the policy.

The second element concerned the provision of CCTV which had been highlighted by consultees as an effective measure in monitoring and controlling nuisance and criminal behaviour, particularly in town centre locations.

Chairman's initials

The third major conclusion concerned transport and the strongly expressed view that the issues of crime and disorder related to the ability of getting people away from town centres at close of business.

Following the presentation there were specific issues raised by the members that required further clarification:

Was there a statutory definition of a noxious smell.

The legitimacy of mobile take aways, particularly if parked on the highway.

The relevance of the suggested saturation policy in respect of the Station Road, Castle Donington area.

Statistics over the response rate to the consultation exercise.

Vicki was thanked for a most informative presentation.

Members' views were then sought on the following issues:

#### **Limitation of hours of operation**

Part of the consultation had revealed a desire to stagger closing hours, particularly for licensed premises in town centres. Members felt that, given the aims of the legislation and the operational requirements of the licensees, it is likely that premises would find their own "market place" and therefore the need to formalise a staggered closing regime should not be necessary. However, members did note consultees' support that licensees should have regard to their local environment, particularly where premises were situated in a predominantly residential area which may well lead to an earlier closing time.

#### **Drinking in the street byelaws**

It was noted that this provision in Ashby de la Zouch had been effective but members were conscious that, given the change in legislation, the byelaw would become defunct and therefore it would be important to pursue the order making provisions to ensure continuity of cover.

#### **Children attendance in licensed premises**

Members noted that through the consultation exercise there had been a suggestion that children should not be allowed in licensed premises, particularly those predominantly selling alcohol as their primary purpose, after a specific hour and 8.00pm had been suggested. Members noted that the Act itself had imposed certain restrictions on the attendance of children and that many premises offered facilities that were family friendly. This was something that it was suggested should be regulated by the licensee through the operating schedule which would then of course be imposed as a condition which could in due course be monitored.

### **Drinking-up time**

Given the advent of the Licensing Act 2003, members noted that the traditional drinking up time would not be provided for and through the consultation exercise it had been suggested that such provision should be made and a drinking up time of 30 minutes appeared to be the favoured duration. The Committee could not see the benefit in such a provision being provided for in the Council's policy and no doubt it is something that each licensee would want to provide for within their operating schedule.

### **Chill-out facilities**

It had been noted that in Government guidance the provision of chill-out facilities had been suggested, particularly in town centre and larger venues. Members felt that this type of provision would be burdensome on most licensed premises and should not therefore be imposed in the policy.

### **Saturation policy**

Members were reminded of the Committee's previous consideration of this subject and their decision that subject to the consultation findings that they would be mindful of imposing a saturation policy in respect of Ashby de la Zouch town centre in particular Market Street. Whilst the consultation exercise had not been totally conclusive in that aspect, members were mindful of the evidence produced by the Police and their strong desire for such a policy to be in place and therefore re-affirmed their desire to establish a saturation policy in respect of Ashby de la Zouch town centre.

The meeting terminated at 8.40pm.

Councillor P A Hyde entered the meeting at 6.45pm.

Councillor J B Webster left the meeting at 8.00pm.

Min791cp