

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 5 September 2019 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)
Councillor R White (Vice-Chairman)

Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor S Carlton, Councillor M Cope, Councillor P Harris, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor L Goff

APOLOGIES FOR ABSENCE: Councillor Mrs K Arnold (Committee Member)

11 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

12 DECLARATION OF ANY INTENTION TO RECORD MEETING

NOTED that an audio recording was to be made of the meeting by the Council.

13 MINUTES OF THE MEETING HELD ON 13 JUNE 2019

AGREED (unanimously) that, subject to the inclusion of Cllr. Mrs S Saddington as not being able to attend the Licensing Training (Minute No. 5) the Minutes of the meeting held on 13 June 2019 be approved as a correct record and signed by the Chairman.

14 PAVEMENT LICENCES - NEWARK TOWN CENTRE

The Committee considered the report presented by the Business Manager – Public Protection in relation to the review of pavement licences in Newark Town Centre.

It was reported that following the Committee's decision in March to review pavement licences in Newark the survey had now been completed with the results circulated at the meeting. It had been previously agreed that a small working group be established to review the findings and to look at establishing a consistent approach to the conditions that could be applied to any licences issued. Provisional discussions had been held with Newark Town Council to draft some possible conditions. It was noted that Nottinghamshire County Council (NCC) had an established Pavement Licence regime and it was proposed that the Working Group would consider the fee structure and the duration of the current NCC licences.

In considering the report a Member commented that, in relation to the proposed conditions, it should be made explicit that the referred to 'street café area' was for seating only and that there should be no standing areas.

In response to whether any café could have an outside seating area the Business Manager advised that they would need a licence from NCC to operate their business in that manner, however, NCC were not proactive in enforcing the requirement. Members agreed that in some cases the placing of chairs and tables etc. caused problems for both pedestrians and road users. The Business Manager advised that he was aware of the issues and that was why non-alcoholic premises had been included in the survey. It was noted that the Council had little enforcement power in this matter as it lay with NCC and Newark Town Council, if the area in question was on their land.

Members queried whether the survey could be extended to include areas other than those of Newark Town Centre. The Business Manager advised that should there be positive engagement with NCC then the area could be widened. He noted, however, that it was considered a low priority by NCC unless a premise became problematic.

Members suggested that the current review area be extended to include premises on Lombard Street, Castlegate and specifically the Water's Edge premise.

AGREED (unanimously) that:

- (a) the results of the survey be noted;
- (b) the draft conditions be noted and amended to include wording to explicitly stated that any outside area should ONLY be used for seating and not standing;
- (c) the role of the Working Group be supported; and
- (d) the current survey area be widened to include:
Lombard Street; Castlegate; and the Water's Edge.

15 SCHEMELINK FOR PUB WATCH

The Committee considered the report presented by the Business Manager – Public Protection in relation to the use of the Schemelink software for members of Pubwatch within the District.

The report detailed the number of Pubwatches in operation in the district and the number of members within each group. It set out the issues considered such as: problematic customers; previous incidents; how they were handled; and up-coming events and their potential impact. The report also set out the features of Schemelink and how this benefited the members of Pubwatch who used it.

AGREED (unanimously) that:

- (a) the Schemelink App be noted;

- (b) the proposal to roll the App out to the Ollerton Pubwatch be supported.

16 LICENSING ACT TRAINING - MANSFIELD

The Committee considered the report of the Business Manager – Public Protection in relation to the feedback received following the Licensing Act training held on 3 July 2019 which, on the whole, had been positive.

In considering the report the Members who had attended the training agreed that it had been useful and well delivered.

In asking for any topics for future years, two Members requested that consideration be given to amending the day of the week when the training was held as they had permanent weekly commitments which prevented them from attending.

In closing the debate the Chairman requested that the Committee's thanks to the Licensing Officers for organising the event be put on record.

AGREED (unanimously) that the report be noted.

17 REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

The Committee considered the report presented by the Business Manager – Public Protection which updated Members on the public consultation exercise carried out between July and August 2019 on the proposed revised scheme of Alcohol Control Public Space Protection Orders (PSPO) within the district.

The report set out the background to previous alcohol control measures; Designated Public Place Orders (DPPOs) and the requirement, under the Anti-Social Behaviour, Crime & Policing Act 2014, to review both the geographical area and nature of the controls with a view to adopting the revised PSPOs. Any PSPO would need to be reviewed at least every 3 years to ensure that restrictions imposed remained necessary and proportionate to the levels of ASB affecting the location to which they applied. Paragraph 2.2 of the report set out the purpose of the consultation with Parish Council's and the public and listed the 14 areas in the district covered by PSPOs with a note of the public consultation document being appended to the report at Appendix 2.

Paragraph 3.6 highlighted the concerns in relation to nuisance drinking in public places in Newark town centre and set out two options for consideration on how this may be resolved. A table summarising responses from all Parishes consulted was listed at Paragraph 3.7 with Paragraph 4.0 setting out the proposals based on the consultation responses received.

In considering the report Members expressed concern in relation to the proposal to revoke some of the PSPOs. Specific reference was made to the following areas:

Sutton-on-Trent

The Local Member, also a Member of the Committee, stated that she had spoken with Inspector Heather Sutton about the matter and she had said that she would wish to see the Orders remain in place as they acted as a deterrent. She advised that it was her understanding that the Parish Clerk had not been contacted and that there continued to be problems in the area that were being dealt with by the local PCSO. The Member queried as to the name of the Parish Clerk who had been contacted and that Sutton-on-Trent be included on the proposed further consultations.

In response, the Business Manager advised that, during discussions, Inspector Sutton had suggested that the Orders be removed as the Police no longer had sufficient resources to support them. The Assistant Business Manager reiterated the above comments, adding that if there were problems in Sutton-on-Trent no evidence had been submitted. She added that she would review the addressee of the consultation.

Edwinstowe

The Local Member, also a Member of the Committee, also queried as to the name of the Parish Clerk contacted as Edwinstowe PC had undergone a change in Clerk. He requested that the Parish be included on the proposed further consultations.

The Committee's representative on the Community Alcohol Partnership in Ollerton advised that they were receiving conflicting information at their meetings with that being discussed. The Assistant Business Manager advised that using Fixed Penalty Notices (FPNs) to enforce PSPOs did not include U18's. She added that Youth Offending Teams; the Police; and schools all agreed that other methods of enforcement, including restorative justice, were a better alternative method. The individual would still be approached if they were in a designated area but would not be subject to prosecution. The Business Manager advised that the overriding control was to remove the alcohol or to pour it away adding that the use of FPNs was for consistent breaches. Work was ongoing to use restorative justice with this type of enforcement recently being used successfully in Newark and Balderton.

In relation to the new signage referred to in Paragraph 6.1, a Member requested that this be amended from that previously used and that the wording be clear and concise in its purpose and erected at a level that it was easily read.

Councillor R. J. Jackson left the meeting at this point (7:34pm).

In order to clarify the matter the Business Manager advised that when DPPOs had originally been made evidence to support them was less stringent. The requirement was now to remove them unless evidence could be produced to support them. If problems arose then they could be re-issued if the necessary evidence was produced. He suggested that, subject to the removal of Sutton-on-Trent from the list of parishes to have their PSPO revoked, the proposals be actioned, following contact being made with each parish to ensure they were fully aware of the proposals.

In considering the comments of the Business Manager a Member commented that the suggested 12 month period for reconsideration was too long. The Business Manager commented that any issues would be reviewed as to whether it was an isolated incident but if found to be a sustained problem then consideration would be given to putting an Order in place.

In response as to whether all the parishes could be contacted to ascertain their understanding of the issues prior to proceeding the Assistant Business Manager advised that although the Orders remained in place, the Police did not have a mechanism to deal with them as it was now the responsibility of the Council. The proposals would give NSDC Officers the authority for the initial intervention thereby freeing up Police resources. She added that until the proposals were approved, the Police or the Council could not issue a FPN as a means of enforcement.

AGREED (unanimously) that:

(a) the terms of the PSPO are:

an authorised officer of the Council or Police may ask a person who:

- is consuming or appears to be consuming alcohol in an area covered by the PSPO; and
- that person is causing or is likely to cause anti-social behaviour

to

- cease drinking the alcohol and dispose of the alcohol;
- or surrender the alcohol to the Officer;
- or immediately leave the area covered by the PSPO;

(b) the fixed penalty level for all Public Space Protection Orders is set at £100.00 reduce to £75.00 if made within 14 days;

(c) the Parish Clerks of the previously declared DPPOs incorporated as PSPOs for:

- Blidworth
- Edwinstowe
- Farnsfield
- Sutton-on-Trent; and
- Rufford Country Park (NCC)

be contacted requesting completion of the consultation document and the supply of evidence to support any ongoing issues. The decision on future PSPOs will be brought back to 14 November 2019 Committee for consideration;

(d) a Public Space Protection Order covering Newark Town Centre as shown in Appendix 3 (Option 1) be approved (revised plan circulated at the meeting); and

(e) the previously declared PSPO's as shown below be revoked:

- Newark Castle Grounds
- Newark Town Centre
- Newark Winthorpe Road
- Newark Yorke Drive

18 LICENSING COMMITTEE FORWARD PLAN (OCTOBER 2019 TO SEPTEMBER 2020)

The Committee considered the Licensing Committee's Forward Plan for October 2019 to September 2020.

A Member raised concerns as to the number of variations for Designated Premises Supervisors (DPS's) and the closure of premises. He requested that an annual report be presented to Committee with statistics for the above. The Business Manager advised that the number of variations in relation to DPS's was included in the Update on Quarterly Performance and Enforcement Matters report, however, in relation to premise closures, unless a Premise Licence was surrendered the Licensing Team would not necessarily be made aware that a premise had closed.

AGREED (unanimously) that the Forward Plan for the Licensing Committee be noted.

19 COMMUNITY ALCOHOL PARTNERSHIP UPDATE

The Committee considered the verbal presentation of Councillor Lee Brazier, the Committee's representative on the Community Alcohol Partnership (CAP) for Ollerton. He advised that he had attended 2 meetings and that the ongoing theme was that of underage drinking. It was intended to hold some workshops on the issue with young people; parents; and grandparents being invited to attend to discuss the issues surrounding underage drinking.

The Partnership was also looking at ways in which to reduce antisocial behaviour with the Council's company for delivering leisure, Active4Today, also looking at ways in which to engage young people.

Awareness of the effects of consuming energy drinks was also been raised and that the CAP for Clipstone was currently being formed.

It was noted that the sale of alcohol to U18's and proxy sales was also an issue that was being discussed with possible test purchasing being considered.

AGREED (unanimously) that the verbal update be noted.

20 UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS (APRIL TO JUNE 2019)

The Committee considered the report of the Director – Communities & Environment in relation to the activity and performance of the Licensing Team between 1 April to 30 June 2020 inclusive together with details of current ongoing enforcement issues.

AGREED (unanimously) that the report be noted.

21 TEMPORARY EVENT NOTICES (APRIL TO JUNE 2019)

The Committee considered the report of the Director – Communities & Environment in relation to Temporary Event Notices (TEN) received and issued between 1 April to 30 June 2019 inclusive.

A Member raised concerns as to the logging of complaints by the Police which related to a TEN and whether their system was sufficiently robust to ensure that they would be able to raise an objection to any further application from a premise that they had a complaint logged against. The Business Manager advised that he was confident that all statutory consultees would respond accordingly.

The Member also made comment about a specific premise in his Ward and how their actions and the way in which they operated caused disruption to their neighbours. The Business Manager advised that the use of TENs was intended to be a light touch approach but that if the operation at the premise continued to be problematic, then affected parties could see to review the Premises Licence.

AGREED (unanimously) that the report be noted.

22 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

None

Meeting closed at 8.04 pm.

Chairman