
MEETING	LICENSING ACT 2003 COMMITTEE
DATE	2 FEBRUARY 2007
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), D'AGORNE, HALL, HORTON, MOORE, REID, B WATSON, I WAUDBY AND WILDE
APOLOGIES	COUNCILLORS SUE GALLOWAY, HYMAN, KING, RUNCIMAN AND EVANS
IN ATTENDANCE	CLLR MERRETT

13. DECLARATIONS OF INTEREST

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda. None were declared.

14. MINUTES

RESLOVED: That the minutes of the meeting held on 3rd November 2006 be approved and signed as a correct record.

15. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

Cllr Merrett spoke on behalf of residents in Micklegate ward on Agenda Items 4 (Licensing Act 2003 - One Year On) and 5 (Licensing Issues in the Violent Crime Reduction Act 2006).

Cllr Merrett circulated an e-mail at the meeting relating to a complaint from a resident in his ward. The resident had experienced several outbreaks of anti-social behaviour and various public nuisance problems allegedly from persons using the four fast food takeaways on Blossom Street.

In relation to Agenda Item 4 Cllr Merrett said that noise and disturbance issues were a major concern and, in terms of feedback from his ward residents since the new Act was introduced, there had been an extension of noise problems further into the early hours that were detrimental to people's lives. Cllr Merrett said that the Council were not looking after residents properly in terms of noise and the policy regarding noise related incidents needed to be tightened.

He also said that queuing outside premises, especially within the Cumulative Impact Zone (CIZ), was something that needed to be addressed by the Committee.

In relation to Agenda Item 5 Cllr Merrett said that the statistics needed to be looked at carefully and should not be taken at face value as there had been a change in policing at the time they were produced.

16. LICENSING ACT 2003, ONE YEAR ON

Members considered a report that analysed the first year's implementation of the Licensing Act 2003. Members were asked to consider if an interim review of the Licensing Policy was necessary to help promote the licensing objectives set out in the Act.

Officers stated that York had a good spread of opening hours and staggered closing times compared to other parts of the country. There had been a significant reduction in drink related violent disorder and criminal damage in the city which had not been reflected nationally. There had also been a reduction in litter within the Cumulative Impact Zone (CIZ) due to the litter picking conditions attached to premises licences.

Officers said that, unfortunately, there had been a significant increase in noise related incidents since the introduction of the Act. A questionnaire had been circulated to residents within the CIZ and other city centre streets asking for their feedback on the impact of the new licensing legislation.

Members raised concerns that there was a lack of awareness of the CIZ amongst members of the public and Officers admitted that there was a perception problem.

Members expressed views regarding how many people were being written to when a licensing application was submitted. The Officer said that they had cut back on the number of people they wrote to due to cost and the fact that it was not in the spirit of the Act. To combat this the Licensing Department had tried to go for 'high publicity'.

Members raised concerns that noise and disturbance issues were being treated too lightly and that residents' representations about these matters should be taken more seriously. Members queried whether the public were aware of their right to apply for a review of a premises licence and the Officer confirmed that when anyone made a complaint against a licensed premises then they were told of their right to apply for a review.

Members expressed concern about their lack of powers to deal with general noise in the street or noise that was not specifically related to a certain premises. The Licensing Manager volunteered to write to the police regarding issues of general noise and express the concerns that Members had raised during discussion.

Members also asked the Licensing Manager to provide them with an update on any applications that had gone to appeal and the outcome of those appeals.

Members agreed that the policy was tight enough at the moment although more emphasis needed to be placed on noise and disturbance issues.

RESOLVED:

- (i) That the Committee would make no proposals for change to the policy at this stage.

REASON: in all objectives but the prevention of public nuisance the policy is achieving its aims. There is no practical policy change which at this stage would make any impact on the objective.

- (ii) That the Committee have regard to the issues raised in the consultation about noise and antisocial behaviour when considering future licensing applications and that noise and public nuisance are dealt with as and when possible.

REASON: that conditions can be applied to individual applications to limit any nuisance that maybe caused.

- (iii) Refer this report to all Planning Committees for their information.

REASON: in accordance with the statutory guidance to the Act paragraph 3.51.

17. LICENSING ISSUES IN THE VIOLENT CRIME REDUCTION ACT 2006

Members considered a report that informed the Licensing Committee of the relevant licensing issues contained in the Violent Crime Reduction Act 2006. The notes were prepared by the Licensing Manager in order to brief the Committee and give an overview in relation to only the alcohol related issues contained in the Act.

Officers stated that this Act would come in to force in October 2007.

Members sought clarification of the details in Paragraph 15 of the report stating that 'Licensing Authorities notified by the police are required to hold an emergency meeting within 48 hours to consider temporary variations to the Premise Licence.' Members queried whether this should be 2 working days rather than 48 hours. The Officer said he would seek to clarify this with the Department for Culture, Media and Sport (DCMS).

RESOLVED:

- (i) That Members note the contents of the Violent Crime Reduction Act 2006 in relation to alcohol related issues.

REASON: To keep Members updated on new legislation.

- (ii) That the Officer clarify with DCMS the query raised in relation to Paragraph 15 of the report regarding the timescales for organising emergency meetings.

REASON: To clarify the requirements of the Act to Members.

G NIMMO
Chair

The meeting started at 2.00 pm and finished at 3.03 pm.