

# LICENSING COMMITTEE



**TUESDAY, 14 JANUARY 2020 - 10.00 AM**

**PRESENT:** Councillor M Humphrey (Chairman), Councillor I Benney, Councillor Miss S Hoy, Councillor A Lynn, Councillor A Maul, Councillor Mrs K Mayor, Councillor N Meekins, Councillor W Rackley, Councillor R Skoulding (Vice-Chairman) and Councillor D Topgood

**APOLOGIES:** Councillor D Connor and Councillor C Marks

**OFFICERS IN ATTENDANCE:** Linda Albon (Member Services & Governance Officer), Michelle Bishop (Licensing Manager), Dan Horn (Head of Housing & Neighbourhood Services) and Colin Miles (Legal Representative)

**OBSERVING:** Councillor S Clark, Councillor A Miscandlon and Councillor P Murphy

## **LIC10/19    PREVIOUS MINUTES**

The minutes of the meeting of 2 October 2019 were agreed and signed subject to the following comment:

Councillor Topgood said the last sentence of minute LIC8/19, where he queried the public consultation, should read: "He had been assured that the consultation would make it clear it was **not** about street drinking..."

## **LIC11/19    REVIEW OF THE CUMULATIVE IMPACT ASSESSMENT POLICY (CIA)**

Members considered the Review of the Cumulative Impact Assessment Policy (CIA) report presented by Michelle Bishop.

Councillor Humphrey said the policy had been discussed by Licensing Committee in October and was referred to full Council for approval. Unfortunately Council have now referred it back to Licensing Committee for further consideration because members of Wisbech Town Council felt their views had not been got across and they do not support it. Councillor Humphrey added that this was despite the town council having been well represented at the meeting of Licensing Committee when it was approved.

Michelle Bishop said the report has only been updated slightly since the last Licensing Committee meeting and highlighted the changes, namely:

- Appendix B contains updated figures from Public Health since publication of the report in October.
- A table has been added at p.9 of the report showing the applications received within the CIA area since 2013 which were taken forward to the Licensing Committee, and the outcome of each.

Members asked questions, made comments and received responses as follows:

1. Councillor Humphrey asked if Councillor Hoy, as leader of Wisbech Town Council, could

explain why the town council is not behind this policy. Councillor Hoy said it was fair to say that there had been a long debate at both the last meeting of Licensing Committee and at full Council, and it was agreed that this policy is not about street drinking but is an extra tool for the Licensing Committee. However the public see it as something that would have an impact on street drinking. It has not had any impact and street drinking has arguably got worse. Councillor Hoy added that this is not the fault of Fenland District Council; she agreed that the policy was introduced with the best of intentions and in response to calls for action to solve the problem, but the issue of street drinking is vast and complex. This policy has not solved the problems and the town council does not believe a rule should be brought in that is not helpful and if it is not going to solve anything. Councillor Hoy further added that we are also trying to grow the Fenland night time economy. Personally, she would have been happy to amend the policy to affect off sales only. Street drinking and alcoholism is a wider issue and Councillor Hoy would be happy to work with the portfolio holders for Licensing and Community Safety in looking at these issues, such as homelessness and community safety, with a means to finding potential ways forward, but this is not it. Councillor Humphrey thanked Councillor Hoy, adding that he did offer an amendment prior to the meeting, but that did not seek any approval. He stressed that the CIA Policy was not about street drinking but was about new premises applications.

2. Councillor Skoulding said it would be useful to hear the views of other Wisbech town councillors. In response, Councillor Maul said he had made it abundantly clear in previous meetings that his issue with street drinking is that it comes down to the ongoing monitoring of licensed premises. There are premises and shops in Wisbech, mainly off sales, that are selling alcohol to people who are quite heavily intoxicated and this is where the issue lies. Regarding the current CIA Policy and the procedures people have to follow to prove they are worthy of a licence, it is a good and strong indication that a premises will adhere to the ongoing licensing conditions. He believes the problem in Wisbech is caused by the older licensed premises and it is those premises that create the majority of problems of intoxicated persons continuing to buy drinks.
3. Councillor Lynn said that there are already 60 outlets in Wisbech selling alcohol. We should concentrate on working with those who are already operating and not doing what they should and take their licences away, rather than prevent new businesses from coming in. If there is no enforcement then nothing we do will make a difference. We should be pushing harder for other responsible authorities to do their bit to solve the problem. As a Licensing Committee that is where we need to be stamping our authority and taking to full Council what we need to enable more enforcement. Not having the enforcement is what is causing frustration for everybody.
4. Councillor Humphrey said he agreed with all that Councillor Lynn had said, but that is not the position we are discussing today. The CIA Policy is there as an additional tool. With regard to enforcement, compliance and visits be they to older or newer premises, and the conditions applied on new licences, Cabinet members and town councillors need to push FDC to finance the service better. There is just one Licensing officer.
5. Councillor Humphrey invited Michelle Bishop to explain the makeup of the Licensing Team to enforce his point. Michelle Bishop advised that compliance support is provided by colleagues in Environmental Health, mainly from one lead officer, but due to their own service pressures their assistance is not provided full time. Likewise, administration is undertaken by a generic team who also support many other areas. Therefore, although Michelle does receive support from a wider network that each has different strengths, she is in fact the Licensing Team. Dan Horn said that there are merits in having a generic team to help support with compliance, for example, if they undertake a food safety inspection at a premise they can also be looking at it from a licensing compliance angle, which is better in terms of efficiency and there can be a focussed discussion around a number of topic areas. He added that Michelle Bishop runs the proactive, multi-agency Responsible Authority Officer Group, which includes the fire and police services, Trading Standards, Environmental Health, CCTV, Planning and Community Safety teams. The group meets monthly and captures intelligence on all licensing issues. He would say to all members that if they hear of something within any form of licensed premise that is not quite right, raise it with Michelle and it can be discussed at that group to find the best power to tackle that issue. Councillor Humphrey said it is a real challenge, there are shops selling illicit

tobacco, for example, and those cases are often brought to us for review and they can lose their alcohol licence on the basis of being involved with criminal activities, but they all mostly rely upon joint action and for trading standards to bring them forward to us. It is fair to say therefore that enforcement and compliance does take a back seat and if you want to address the issues which members raise, then that service needs to be increased.

6. Dan Horn added that the issue of street drinking was recently assessed by the Community Safety Partnership. Although statistics showed a reduction, it is actually the perception of street drinking that is growing, so it is a dilemma in terms of how we deal with that. Councillor Hoy agreed that the statistics do show a reduction but reiterated that this is a complex issue. With the increase in the number of rough sleepers, for example, people assume they are drinking when they may not be. However, it is clear that we cannot rely upon Michelle Bishop to do everything and enforcement does need to be fairly funded to meet the challenges. Councillor Hoy said that as Environmental Health is her portfolio she would be happy to meet with Councillor Sam Clark to see what can be done on this issue.
7. Dan Horn emphasised that in terms of resources, there has been no reduction in resources to Licensing. There has just been a change of approach because historically there were single points of failure, the resources have therefore been transferred and many councils now have Environmental Health Officers undertaking licensing work.
8. Councillor Meekins agreed with both Councillors Maul and Lynn. He said at the last meeting that the CIA Policy is good in theory but does not currently have a lot of teeth. However, he would not like to see an end to it but perhaps we could work on getting more powers to police it.
9. In response to Councillor Meekins, Councillor Humphrey said the policy is what it is; it is a policy to control new applications coming forward. The fact is that there is a rebuttable presumption to refuse what comes forward. As previously stated – it is a tool for the Licensing Committee. If Wisbech Town Council does not want it, if they say it is not working and it is frustrating the night time economy then he does not have an issue other than the fact that when new license applications come before us, they will be treated the same as any other applications within the district.
10. Councillor Topgood said that is what we have to do; we have to agree to treat all applications the same. It is clear that it has not worked at all; public health's support of the policy is linked to crime prevention, public safety and crime reduction and safeguarding. Also their figures have been proved to be wrong; if you are in Kings Lynn and have an alcohol-blamed accident, that is put down to your home ward. Therefore, he does not believe the CIA Policy should stay in place and he agrees with the rest of Wisbech Town Council on this; they are the people on the local doorstep.
11. Councillor Lynn added that we should be doing as a committee whatever it takes to give the Licensing Manager what she needs to ensure we deal with the actual problem that is there; and that is what we should be pushing Fenland District Council to provide.
12. Councillor Humphrey said he agreed with that; it was in 2013 that the CIA Policy was introduced on the back of public outcry at the amount of licensing applications that came forward. We are here again today because Wisbech Town Council does not think that it improves or assists the town, however he believes it does help the Licensing Committee
13. Councillor Maul agreed that although this was the vote of Wisbech Town Council, he did not agree with it. Councillor Hoy said that it had been a unanimous decision but Councillor Maul stated that he did not vote on it. His problem is that if we do remove the CIA policy we could end up going back to pre-2013 and we will see an increase in the number of premises being opened which will lead to another public outcry about the number of premises selling alcohol, and this will put extra pressure on FDC. In his personal opinion he does not want the policy removed.
14. Councillor Topgood said he would like the policy to be removed but with more focus and resources spent on enforcement.
15. Councillor Meekins asked if the policy was removed, what would be the procedure if someone from Wisbech put in an application for an alcohol licence. Councillor Humphrey advised that the application would be looked at without the restraints of the CIA policy. Colin Miles said there would be a presumption to grant unless someone puts in a valid representation, or the

operating schedule would be so poor as not to grant. The reality is that if an application is put in there will be a presumption to grant, which will be more difficult to overturn than a presumption not to grant.

16. Councillor Hoy said that she proposed the recommendation to reject the CIA policy on the basis that if we are wrong it does not mean that we cannot ever reintroduce it. She suggested that the CIA policy be removed but that she meets with Councillor Clark and Dan Horn to look at the issues raised today with regard to compliance.

**Proposed by Councillor Hoy, seconded by Councillor Topgood, and AGREED to:**

- **Remove the CIA policy completely**
- **Recommend to Full Council of the decision taken by the Licensing Committee.**

10.30 am

Chairman