



Rutland County Council

Catmose Oakham Rutland LE15 6HP

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Minutes of a meeting of the **LICENSING ACT COMMITTEE** held in the Council Chamber, Catmose, Oakham, at 7.00 pm on Tuesday, 19 November 2013.

PRESENT: Mr A Walters (in the Chair)
Mr G Conde
Mrs J K Figgis
Mr G Plews
Mr D L Richardson
Miss G Waller

OFFICERS PRESENT:	Mr D Brown	Director for Places (Environment, Planning & Transport)
	Mr G Chase	Group Manager (Environment)
	Mr P Gell	Strategic Regulatory Services Manager (Peterborough City Council)
	Ms L Kingsley	Senior Economic Development Officer
	Mr K Quinn	Team Manager – Stronger Communities Team 2

Apologies: Mr Hollis, Mr Montgomery and Mr Parsons.

530. MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the Licensing Act Committee held on 23 November 2010 be confirmed and signed by the Chairman.

531. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they might have in respect of items on the Agenda and/or indicate if Section 106 of the Local Government Finance Act applied to them.

Cllr Figgis declared that she had previously made complaints regarding the Merry Monk in Oakham.

Cllr Plews declared that he had previously made complaints regarding Merry Monk and other pubs in Oakham.

532. PETITIONS, DEPUTATIONS AND QUESTIONS

In accordance with Procedure Rule 93(3) two deputations had been received from members of the public:

Deputation submitted by Mr D Perril on behalf of residents of Dean's Street, Oakham

According to Rutland County Council's website one of the objectives of the Licensing Act Committee is to "Direct officers to report to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder"

We therefore seek to bring to your attention the impact of alcohol on the residents of Dean's Street.

Also according to the website we note that this committee has not met since before July 2011. We therefore bring to your attention that we find this rather surprising considering the number of complaints that residents of Dean's Street - and other residential areas of the town centre - have made over the last few years about the alcohol related issues that we face.

In Oakham the night time economy seems to be simply an excuse for behavior consisting of consuming large quantities of alcohol, shouting and screaming, foul language, threatening behavior, urinating and vomiting in the streets - and sometimes on residents front doors and walls. Youths are regularly seen walking along Dean's Street drinking alcohol from bottles and cans and depositing the empties - and sometimes pint glasses - on residents' doorsteps. We have also had incidents of graffiti written on residents front doors and walls.

We have a very high concentration of licensed premises in the residential area of this part of Oakham which include The White Lion, Jinkies, XY bottles, Weatherspoons, The Hornblower, The Griffin, The Merry Monk, & The Wheatsheaf.

At the station end of Dean's Street The XY and Weatherspoons back directly onto residential properties and at the Church Street end The Wheatsheaf backs onto residential properties, and The smoking shelter of the Merry Monk faces residential properties - therefore intolerable noise, foul language and antisocial behavior has become a severe problem for the residents of Dean's Street.

In particular the beer garden/smoking shelter at the Merry Monk can be noisy beginning as early as 8:30 p.m. and it can continue on occasions until midnight when the licensee clears the garden. This is a voluntary arrangement since the license operates until 1a.m, then the noise transfers to Church Street.

Some evenings we can hear the noise inside our houses even with windows closed and televisions on. We are sometimes woken in the early hours by drunken behavior in the street, and we are sometimes worried by youths knocking on our doors or leering in our windows late at night. At best this is antisocial, at worst it is intimidating.

The smoking area of The Wheatsheaf backs onto the garden of No.17 Dean's Street and sometimes the passive smoke is so bad that we cannot sit in our own garden. This is also true for properties behind Weatherspoons, and we consider that there are public health issues to be addressed here, as indeed there are with the vomit, urine and broken glass in the streets.

I note that the Prime Minister, and the Police Commissioner for Leicester & Rutland have both recently spoken of everyones' right to enjoy peace and quiet in their own homes. We would like to know whether R.C.C agree with that?

There is increasing medical and sociological evidence that the stress caused to people by the type of behavior outlined here has a negative effect upon the health and well being of those affected.

We consider that R.C.C. has not taken account of the high number of residential properties in this part of Oakham when granting licenses, and has also failed to impose conditions to these licenses that will protect residents from unacceptable behavior emanating from licensed premises.

Neither do we consider that it should be left to residents to clear up the mess left by the patrons of licensed premises.

Dean's Street is situated in a conservation area and the section of Dean's Street which borders the Merry Monk is part of the Heritage Trail. R.C.C. are keen to promote tourism in this county. Is the promotion of heavy drinking considered to be the attraction of visiting Oakham?

Thank you for this opportunity to express our concerns. I have recorded incidents and submitted details to the Community Safety Team on behalf of neighbors.

We accept the need for commercial activity in the town centre, but we also believe that as residents we have a right to live in peace with due consideration for our wellbeing. We, as residents, should not have our home environment determined by those who are visiting the area in which we live.

We have serious concerns which we think are not being addressed, and we seek assurance that they will be looked at and dealt with promptly and appropriately.

Thank you.

Members then asked questions of Mr Perril pertaining to his deputation.

Deputation submitted by Mr M Smith on behalf of residents of Dean's Street, Oakham

- 1. The first meeting of the full Committee since 2010 is most welcome and further such active working meetings are requested of the Committee at least twice per calendar year.*
- 2. It is therefore assumed that no licensing decisions have been reviewed by the Committee since 2010. As a Sub Committee scheduled to review a local license was cancelled because of a failure of Councillors to attend; could the Committee let us know how many such Sub Committee meetings have in fact been held? Further, can they inform us of the means by which democratic oversight of the licensing process has been achieved in the last three years, and how it is to be achieved in the next year or two?*
- 3. The Committee is requested as a matter of no small importance to bring to the attention of the full Rutland County Council the concern of residents at the apparent neglect of, and lack of transparency and accountability in, the licensing process.*
- 4. Strategic planning and licensing approvals have created a strong concentration of licensed premises in the centre of Oakham. The Council has actively sought to increase the population of Oakham through new building development. Demand for*

such premises will no doubt be further strengthened by the full occupation of the Cottesmore base by the Army. We now experience a zone of night time economy. The Licensing Committee is asked to recognise this state of affairs and form a strategic response to the opportunities and challenges this present situation constitutes.

- 5. The residents of central Oakham have long experience of the nuisances caused by the presence of licensed premises. We have measured noise levels, only to be told that they are not at the level that would cause 'industrial' or 'occupational' damage. To our minds this has been a futile exercise since no benefit has accrued. Similarly the logging of anti-social behaviours [currently conducted by Mr David Perrill on our behalf] has yielded little sustained benefit. Clearly nuisance both persists and is unacceptable. But the criterion of nuisance is itself problematic. The kinds of noise and behaviours experienced are not mere nuisance, but often seriously distressing. There may be no criminal act, nor intent, but the behaviour can easily frighten and alarm residents. The Committee is urged to consider 'distress' rather than just 'nuisance' as a major factor in its deliberations and decisions. The Committee is reminded that these distressing experiences are frequent and often intense.*
- 6. Policing of Oakham is constrained by current resource limits and, according to recent remarks by a senior officer in the Leicestershire Constabulary, policing Oakham is a low operational priority. This will likely be a continuing fact of life. The work of this Committee is therefore ever more important in establishing some degree of control of the situation, and ensuring that the benefits of the night time economy are not paid for by the considerable distress of residents. Conditions of use of premises, hours in which gardens or open air facilities may be used, and the control of smoking, can all yield benefit to residents without undue difficulties for licensee businesses. The Committee is respectfully reminded that practically every licensed premise in Oakham adjoins private residences. The Committee is urged to restrict the use of all outdoor facilities completely after 11pm. The Committee is requested to ask the relevant authorities to curtail litter from eating and smoking by the active enforcement of Council bye-laws at night, and to encourage the enforcement of drink driving laws in Oakham. The Committee is urged to review the impact on parking needs and behaviour caused by licensing decisions with the relevant authorities.*

My thanks for your attention.

Members then asked questions of Mr Smith pertaining to his deputation.

The Chairman acknowledged that there were specific questions contained within the deputations presented, he advised that a written answer to these would be provided to both deputies and members of the Committee.

533. QUESTIONS WITH NOTICE FROM MEMBERS

No questions with notice from Members in accordance with the provisions of Procedure Rule No. 219 had been received.

534. NOTICES OF MOTION FROM MEMBERS

No Notices of Motion from Members in accordance with the provisions of Procedure Rule No. 220 had been submitted.

535. LICENSING ACT 2003 AND THE ECONOMY

Report No. 252/2013 from the Director for Places was received. The purpose of the report was to report on the needs of the local tourist economy, employment and investment in relation to the Licensing Act 2003.

During discussion of this item members noted that the data provided in the appendices to the report related to Oakham only. Officers advised that the report was produced at relatively short notice. Members were advised that county wide data could be produced with more time and notice. Members asked that the report be expanded to include all incidents relating to places licensed by the Council within the whole county, not limited to just police reports as it was felt that even if an incident was not classed as a crime it was still distressing and a nuisance to those involved.

Members expressed further concerns regarding the night time economy in and around Oakham, and the problems this had caused for residents in proximity to the public houses in the area. The Committee felt that they needed more information in regard to how they were able to enforce Licensing Law and what powers they had to review licences for premises where there are constant reports of problems with anti social behaviour, as highlighted in the deputation received earlier in the meeting. The Strategic Regulatory Services Manager advised that there were other bodies with which the committee could consult, such as the Night Time Economy Group and the Safer Rutland Partnership, it was agreed that there needed to be more input from these bodies and more co-operation to enable the needs of residents to be considered and met where it was within the remit of the committee to do so.

RESOLVED

That the contents of the report and the information provided in Appendix 1 and 2 be **NOTED**.

536. LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY

Report No. 251/2013 from the Director for Places was received. This provided members with information following amendments to Licensing Act 2003 which has prompted the need to review and update the Council's Statement of Licensing Policy (the Policy). Members were advised that the last review was carried out in December 2010, and that the timeframe for reviewing policy had increased from 3 years to 5 years, although Councils could choose their own review dates within this period.

Members asked if the policy for Temporary Event Notices (TEN's) applications could be simplified to aid the public in making these applications, and also how the public at large are made aware of any TEN's applications in their area. The Strategic Regulatory Services Officer explained that legislation in this area is quite complex and that what was contained in the policy reflected legislation, he conceded that the procedure could be hard to understand. Officers advised that the publicity for any event to be held under a TEN was the responsibility of the applicant, Members asked if we could include proof of this, or intent to publicise, be included with the applications before being considered. The Chairman undertook to investigate the application process for TEN's and report back to Committee.

Members felt that at the very least the appropriate Parish Councils should be made aware.

Concerns were again raised on the issue of anti social behaviour and noise problems emanating from town centre licensed premises. Members felt that they needed to use and be seen using the powers that they had, to act appropriately where premises were repeatedly reported as a source of noise pollution, anti social behaviour or any other incidents, whether this included revoking or amending licenses. It was noted that until this was happening they could not put resident's minds at rest, an addition to the policy to define the power of the Committee was suggested. It was noted that many of the problems reported were caused by a younger element of society, it was felt that an approach to make the younger residents using these premises more aware of the distress their behaviour, whilst intoxicated, was causing might aid in alleviating some of the issues raised in the residents deputations. As the Chairman of the Children's Scrutiny Panel, Councillor Waller advised that she would look into what involvement, if any, the Youth Council could have in this regard, she undertook to advise the Chairman of the Committee of the outcome to feed back.

The Strategic Regulatory Services Officer made a commitment that members of his team would have an increased presence in the town on the run up to Christmas. This would enable them to check on issues arising and take any evidence to report back, support for this would be needed from the Local Policing Unit. The Officer asked that members and other officers advised of any key dates they were aware of for planned events in this time frame.

RESOLVED

1. In accordance with the recommendations the committee requested the following changes to the policy:
 - i) paragraph 6.3 be amended to read "Zoning, the setting of fixed trading hours with a designated termination hour, **cannot** be adopted as a policy" to clarify that the authority is unable to do so.
 - ii) paragraph 6.6 - members requested the removal of the word "city" as it was not applicable in Rutland.
 - iii) that the requested changes be made before the policy is presented for formal consultation.
2. That the commencement of formal consultation with those listed at item 5.1 of the report be **NOTED**.

537. ANY OTHER URGENT BUSINESS

No urgent items of business had been previously notified to the person presiding.

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The Chairman closed the meeting at 9.40pm.