

AGENDA

Licensing Committee

Wednesday, 25 June 2014 AT 14:05
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meeting

To agree the minutes of the meeting held on 12 February 2014.
[Copy Minutes in Minute Book 40(6)].

PART A

To be considered when the Public and Press are present

- | | | |
|------------|---|----------------|
| A.1 | <u>LICENSING SUB COMMITTEE MINUTES</u> | 3 - 16 |
| | To note the minutes of the meetings of the Licensing Sub Committees held on 28 March 2014 and 1 April 2014. (Copy minutes herewith) | |
| A.2 | <u>LICENSING ACT 2003 - UPDATE</u> | 17 - 20 |
| | The Licensing Manager to provide an update on the Licensing Act 2003.
(Copy Report GD.22/14 herewith) | |
| A.3 | <u>GAMBLING ACT 2005 - UPDATE</u> | 21 - 24 |
| | The Licensing Manager to provide an update on the Gambling Act 2005.
(Copy Report GD.23/14 herewith) | |
| A.4 | <u>APPOINTMENT TO LICENSING SUB COMMITTEES</u> | 25 - 26 |
| | To appoint Members to serve on the four Licensing Sub-Committees as per the attached Schedule.
(Copy Schedule herewith) | |

PART B

To be considered when the Public and Press are excluded from the meeting

Members of the Licensing Committee

Conservative – Bowman S, Layden, Morton, Mrs Parsons, Collier (sub), Nedved (sub), Mrs Prest (sub)

Labour – Bell (Chairman), Cape, Ms Franklin (Vice Chairman), Scarborough, Mrs Stevenson, Mrs Warwick, Wilson, Boaden (sub), Dodd (sub), Stothard (sub)

Independent - Betton, Graham (sub)

**Enquiries, requests for reports, background papers, etc to
Lead Committee Clerk: Rachel Rooney – 817039**

LICENSING SUB-COMMITTEE 3**FRIDAY 28 MARCH 2014 AT 2.00PM**

PRESENT: Councillors Cape, Mrs Parsons and Mrs Stevenson.

ALSO PRESENT: Councillor S Bowman was present at the meeting as the substitute Member.
 Mr R M Wood, Applicant
 Mrs D Wood, Applicant
 Mr D M Ward, Person making Representations
 Sergeant Higgin, Cumbria Constabulary

OFFICERS: Director of Governance
 Licensing Manager
 Licensing Officer (Observer)

There were no objections to the three Members of the Licensing Sub Committee so Councillor S Bowman left the meeting before the consideration of the agenda items.

LSC3.01/14 APPOINTMENT OF CHAIRMAN FOR THE MEETING

RESOLVED – That Councillor Mrs Parsons be appointed as Chairman of Licensing Sub-Committee 3 for this meeting. Councillor Mrs Parsons thereupon took the Chair.

LSC3.02/14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LSC3.03/14 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

LSC3.04/14 APPLICATION FOR A PREMISES LICENCE 18-22 DEVONSHIRE STREET, CARLISLE.

The Licensing Manager submitted report GD.15/14 regarding an application for a new Premises Licence to allow the sale and supply of alcohol, Regulated Entertainment and Late Night Refreshment for 18-22 Devonshire Street, Carlisle.

In addition to the Council's Licensing Manager, Director of Governance and Lead Committee Clerk, the following people attended the meeting to take part in proceedings:

Premises Licence Holder/Designated Premises Supervisor:

Mr Ronald Wood, Home and Dry Total Services
 Accompanied by Mrs Denise Wood, Home and Dry Total Services

Other Person making Relevant Representations:

Mr David Ward

The Director of Governance outlined the procedure for the meeting. All parties confirmed that they had received and read the Licensing Manager's report and that they were happy to represent themselves.

The Licensing Manager reported that an application had been received for a Premises Licence under Section 17 of the Licensing Act 2003 for 18-22 Devonshire Street, Carlisle. The premises had previously been a bank and was being converted and refurbished to provide a venue that would operate as a cafe/wine bar. The Licensing Manager outlined the details of the operating schedule and the hours of licensable activities.

The application had been advertised as per regulations in the newspaper and on the Council's website. He clarified that the advertisement title stated that it was an application for Premises Licence/Club Premises Certificate and that the words Club Premises Certificate should have been deleted. He confirmed that it had been clear in the body of the text that it was a premises licence being applied for and not a Club Certificate.

No representations had been received from Responsible Authorities. Two representations had been received from Other Persons. Both representations came from owners of premises in Devonshire Street. One of the representations had been withdrawn following mediation between the objector, licensing office and the applicant who had agreed to reduce the terminal hour for licensing activities from 0300hrs to 0200hrs with the premises closing at 0230hrs.

A resolution could not be reached with Mr Ward, the remaining person making representations.

Mr Ward was the owner of commercial properties in Devonshire Street and had concerns regarding a premises licence being granted in that area and contended that there was reasonable evidence of factors which could adversely affect the prevention of crime and disorder, public safety and public nuisance. His letters of representation and the responses from the Licensing Manager and the applicant had been included in the report.

The Licensing Manager drew Members' attention to appendices 5 and 6 of the report which showed ten licensed premises in the vicinity of the application and a comparison chart of licensable activities and closing times for those premises.

Mr Wood, the applicant, addressed the Sub-Committee, highlighting the following:

- He had been in the licensing trade for a number of years purchasing or leasing properties within the Carlisle area, refurbishing them to a high standard and making them successful;
- As good practice he contacted relevant departments within the City Council as well as other Responsible Authorities informing them of his plans before submitting a Premises Licence application;
- He had a number of pubs as well as cafe/bars and none were classed as nightclubs, the application for 18-22 Devonshire Street was not a nightclub;
- The plans for the Premises was to create a cafe/bar style property on the ground and lower ground floors and to convert the upper floors into high quality letting accommodation;
- He would be defeating the aim of high quality letting accommodation if the Premises underneath was a nightclub;
- He was an experienced licensee who would not allow any adverse impact on the area. The age and type of customers would be tightly controlled by the managers as well as door security unlike some nearby competitors;

- He questioned Mr Ward's motive in making objections to the application and asked if his representations were because his family possibly owned properties in the area which were leased out and being run as cafe/bars and did not want the competition, he felt Mr Ward was using the right to object under the Licensing Act as a tool in order to be malicious;
- He questioned why Mr Ward had not objected to other premises licence applications that had been issued recently within the Devonshire Street area, he believed Mr Ward's representations were vexatious and his intention was to inconvenience the plans for the Premises as well as attempt to cause him further expense;
- He did not feel that Mr Ward had offered any reasonable representation that related to the objectives of the Licensing Act 2003;
- He highlighted Mr Ward's representations which suggested that Devonshire Street was located in a quality area of Carlisle and that premises in Botchergate were of a lower standing. Mr Ward also suggested that all licensed premises should therefore be located in Botchergate. Mr Wood disagreed as licensed premises had always been located in all parts of the City, he objected to the way Mr Ward attempted to diminish the character of Botchergate;
- He did not agree that the premises would prompt the movement of clubbers from and to Botchergate/Devonshire Street;
- Cumbria Police had not made any representations;
- The application clearly showed that it was for a premises licence a for cafe/bar;
- The terminal hour of the premises had been changed from 3am to 2am as a result of the consultation.

In response to questions Mr Wood stated:

- Mr Ward was the freeholder of the Gilded Lily and Eaten by Monsters and Mr Walton owned Concrete nightclub.

Mr Ward, the representative, then addressed the Sub-Committee, highlighting the following:

- He owned two properties opposite 18-22 Devonshire Street and he was converting 6 apartments;
- He had considered the application in isolation;
- The advert stated that it was application for a Premises Licence/Club Premises Certificate, he emphasised the word Club. It also stated that the opening hours were 1000 to 0300am and it invited representations;
- The application was for a late night venue with music, dancing and an off licence;
- He understood there had been mediation and asked the Sub Committee to note that his letter and the letter from the Licensing Manager had crossed in the post;
- He asked if it was legal for an application to be varied or if a new application should be submitted with the change to the time included.

The Director of Governance confirmed that it was acceptable to vary an application during application process providing the amendment was clear and transparent.

Mr Ward continued to address the Sub-Committee:

- Page 31 - the application included permission for dance within the building until 2.00am, he was concerned that this would cause people to be lively and noisy when exiting the premises;
- Page 32 – it was unclear what was being applied for and he questioned how this could be approved;
- The application had no mention of a smoking solution

- He was concerned for the City that there would be more late night drinking until 2am;
- Page 34 – he objected to the application for a premises off licence as this would result in extra noise and drinking. He was most concerned about this part of the application and its relevance to the four licensing objectives;
- He felt strongly that, should the application be granted, a condition be included on the licence that door supervisors to be employed after 9pm. He suggested that there should be two door supervisors, one inside and one at the door and one should be male and one female. He understood from the Council's Policy that this condition could be added;
- There was no mention of capacity in the application and he was concerned how the flow of people between two floors would be controlled;
- The application stated that a fire risk assessment would be completed, he felt that this was not satisfactory and a fire risk assessment should be carried out before any licences were granted;
- He felt that a usage assessment should be carried out before the licence was granted;
- He asked that noise monitoring be put in place and a condition to prevent the movement of bottles etc before 8am and after 8pm;
- He was developing 6 apartments and the noise needed to be controlled. The Council had the option of controlling urban regeneration or having vacant properties;
- The Challenge 21 policy was not acceptable and should be Challenge 25;
- New premises should have double access to allow for an entrance and exit;
- The premises would affect the flow of people in the area and he questioned how this would affect the Police;
- He did not think that the Premises needed an additional 30mins to empty before closing;
- He felt that there was a lot of work to be undertaken before a licence could be given.

In response to questions Mr Ward stated:

- He felt that there needed to be improvement in the offer in the area;
- If the Police and Fire Service did not consider licences more carefully then it would lead to urban decay;
- It was not clear how many people would be using the premises and how it would affect the area;
- He challenged the Licensing Authority to be more proactive and asked that Environment Services sign applications off;
- He stated that he took a step back from premises that were in his buildings;
- He felt Carlisle was becoming increasingly desolate and tired. Devonshire Street was managing in a backdrop of urban decay and the City needed everyone to improve the offer otherwise there would be more vacant properties. Carlisle needed to create an atmosphere to encourage people to live here.
- He wanted all businesses in Carlisle to succeed and he encouraged anyone to complain to Environmental Services about excessive noise in his premises;
- He had not made any representations against Eaten by Monsters as he felt he could control the premises to some extent as he was the landlord;
- The licence needed a condition attached to it to ensure door supervisors were employed and it also needed a noise assessment before it was granted;
- A fire assessment must be carried out before the licence was granted;
- He accepted that there was a number of similar premises in the locality and that there was an option for a review if the premises were not being run properly;
- He clarified that he was the landlord only and not involved in the two premises he owned.

The Licensing Manager explained that the Licensing Act Guidance from the Home Office stated that where there was other primary legislation, it took precedent over the Licensing Act. The Regulatory Reform (Fire Safety) Order 2005 was clear that a fire safety risk assessment must be carried out before the premises could open. The fire risk assessment would also set the capacity for the premises. He added that conditions could only be placed on licences as a result of representations and any conditions would be at the discretion of the Sub-Committee.

Although there were no representations from Responsible Authorities the Sub-Committee asked questions of Sergeant Higgin who then clarified the following points:

- Some licensed premises in the area had door supervisors as a condition on their licence but each licence was considered individually and there was not a blanket policy for all premises.
- Some premises who had not employed door supervisors initially employed door supervisors following discussions between the Designated Premises Supervisor and the Police but it was not a condition of the licence

In summing up Mr Wood highlighted the following:

- He had no intention of using the premises off licence and highlighted that Hell Below sold take away cocktails
- There were no female door supervisors, decibel monitors or smoking solutions at Mr Ward's premises
- His premises would not allow the entry of underage people and definitely would not sell them alcohol
- Mr Ward had not shown any similar concerns for any other premises in the area including the two he owned
- He clarified that there would not be dancing but the licence would allow for spontaneous dance
- The premises would be a modern laid back cafe/bar
- He had a robust anti drugs policy in place

The Licensing Manager outlined the relevant Legislation and the options open to the Panel.

Mr Ward was happy that he had been given the opportunity to say everything that he wished to and concluded by asking the Sub-Committee to consider the offer in Carlisle for the future.

At 3.08pm, all parties, with the exception of the Sub-Committee Members, Director of Governance and the Lead Committee Clerk withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 3.20 pm to hear the Sub-Committee's decision.

The Sub-Committee's decision was:

APPLICATION FOR A PREMISES LICENCE
Section 17, Licensing Act 2003
18-22 Devonshire Street, Carlisle

This matter concerned an application for a Premises Licence 18-22 Devonshire Street by Home and Dry Total Services. Representations had been made by Mr D Ward, owner of nearby property.

The Sub-Committee had considered the application and the representations and had taken into account the evidence before it. In particular, it had listened to the submissions made by:

1. Mr R Wood, Home and Dry Total Services
2. Mr D Ward, Other Person making Relevant Representations:
3. Sergeant Higgin, Cumbria Constabulary

The Sub-Committee has also considered written evidence in the form of letters from the Council's Licensing Section to Mr Ward, letters from Mr Ward and the application and letter from Mr Wood.

After careful consideration, the Sub-Committee has unanimously decided to:

- Accept the notice in the newspaper was a valid notice;
- Accept the variation to the application for 2.00am and the Sub-Committee had considered the application as such;
- To grant the application for a premises licence for 18-22 Devonshire Street with the variation of the 2.00am termination of licensable activities for a 2.30am closure.

The Sub-Committee gave the following reasons for this decision:

1. The Sub-Committee found that there was insufficient evidence to support the concerns of Mr Ward and were satisfied that no further steps were necessary for the promotion of the licensing objectives in accordance with Section 18(4) of the Licensing Act 2003.

The decision would be confirmed in writing.

(The meeting ended at 3.21pm)

LICENSING SUB-COMMITTEE 1

TUESDAY 1 APRIL 2014 AT 10.00AM

PRESENT: Councillors Allison, Cape and Morton.

ALSO PRESENT: Councillor Mrs Warwick was present at the meeting as the substitute Member.

Mr I Graham, on behalf of the Premises User
Mr M Cunningham, Environmental Health
Canon Manley, Carlisle Cathedral
Sergeant Higgin, Cumbria Constabulary

OFFICERS: Legal Services Manager
Licensing Manager
Licensing Officer (Observer)

There were no objections to the three Members of the Licensing Sub Committee.
Councillor Mrs Warwick remained as an observer.

LSC1.01/14 APPOINTMENT OF CHAIRMAN FOR THE MEETING

RESOLVED – That Councillor Morton be appointed as Chairman of Licensing Sub-Committee 1 for this meeting. Councillor Morton thereupon took the Chair.

LSC1.02/14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LSC1.03/14 DECLARATIONS OF INTEREST

There were no declarations of interest.

LSC1.04/14 CONSIDERATION OF TEMPORARY EVENT NOTICES – MERIENDA, 12 TREASURY COURT, CARLISLE

The Licensing Manager submitted report GD.16/14 regarding the submission of two notices under the Licensing Act 2003 for Temporary Events to take place at Merienda, 12 Treasury Court, Carlisle on 9 and 25 August 2014.

In addition to the Council's Licensing Manager, Legal Services Manager and Lead Committee Clerk, the following people attended the meeting to take part in proceedings:

Premises Licence Holder:

Mr Ian Graham on behalf of Mr John Graham, Premises User

Responsible Authority Representation:

Mr Michael Cunningham, Environmental Heath, Carlisle City Council
Canon Manley, Carlisle Cathedral, in support of Environmental Health
Sergeant Richard Higgin, Cumbria Constabulary

The Chairman outlined the procedure for the meeting. He added that additional evidence had been submitted to the Sub-Committee in the form of a letter from Mr Vose, King's Head pub in support of Cumbria Constabulary. The Sub-Committee agreed to take the letter into account when considering the Notices.

The Licensing Manager reported that the Licensing Office had received two applications for Temporary Events (TEN) to take place at Merienda, 12 Treasury Court, Carlisle on 9th and 25th August 2014. The premises were a cafe/restaurant/bar located in a walled courtyard within Carlisle City Centre. The premises had a valid premises licence which permitted the sale of alcohol and regulated entertainment within the building. The TENs, however, included live music within the external courtyard until midnight on both days. On 25 August the event would continue within Merienda until 3.00am.

He added that Paragraph 4 of the application asked if the premises user was a personal licence holder. This had been answered in the affirmative stating that Helen Brown held a personal licence. Ms Brown was not the 'premises user' who submitted the TEN therefore the question should have been answered 'No' as Mr Graham did not, to the Licensing Office's knowledge, hold a personal licence.

Copies of the TENs were sent to Environment Health and the Chief Officer of Police who may object to the event under any of the licensing objectives by way of an objection notice. The licensing objectives were:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm.

Notice of objections to the TENs were received from two Responsible Authorities. Environmental Health made representations against the applications on the basis that they would undermine the licensing objective 'the prevention of public nuisance'. Complaints had been received from residents in the area following an event at the premises in May 2013. Environmental Health felt that an outdoor event of this type with loud dance music could not avoid causing a statutory nuisance. Cumbria Constabulary also made representations against the applications on the basis that it would undermine licensing objectives 'the prevention of crime and disorder' and 'the prevention of public nuisance'. They reported that the previous event held at Merienda resulted in excessive noise and patrons urinating in the street.

Copies of the objection notices had been forwarded to Mr Graham. No modifications to the TENs had been agreed between the parties. The Licensing Manager informed the Sub-Committee that conditions could only be placed on the TENs if they were existing conditions on the premises licence.

In response to questions the Licensing Manager clarified the following:

- The maximum capacity for the Temporary Event was 499, the application stated 400 would be in attendance. The capacity for the inside of the premises was not known to the Licensing Office as it was set out in the Fire Risk Assessment which the Licensing Office did not receive a copy of;
- The applications were for two dates 9 August 2014 4.00pm until midnight and 25 August 12noon until 3.00am;
- He was not aware of any other similar events taking place within the City Centre

Mr Ian Graham, on behalf of the Premises User, informed the Sub-Committee that the Premises User wanted to withdraw the notice for 9 August 2014 and asked the Sub-Committee to consider the 25 August 2014 notice only.

He then addressed the Sub-Committee, highlighting the following:

- The event was promoted by Matthew Tyson, son of local businessman Peter Tyson, who would not want to do anything that would be to the detriment of his father's business;
- The event attracted famous DJs from across the Country and had appeared in a national newspaper's top 10 of events of a similar nature;
- The numbers would be limited to 350 and the event would be a ticket only event;
- Anyone leaving the event would not be permitted to return unless there were mitigating circumstances;
- There had been a need for more toilet facilities and the number of portaloos would be increased if the notice was agreed;
- A different sound system would be used which was specifically designed for events of this nature to reduce the bass and travelling sound. Sound reduction curtains would be used at the entrances and over the courtyard;
- Loud and Bright Sound and Lighting would be used for the event and they had a vast amount of experience in this type of event;
- The Premises User was happy to limit the outdoor part of the application to 4.00pm to 10.00pm;
- The event was only once a year and attracted a lot of people to the City who might not ordinarily visit Carlisle;
- The Carlisle Story stated that Carlisle was a vibrant City, events such as this one helped to make it vibrant in a time when there was a lot of empty premises;
- There would be door security in place to manage the event;
- There was no evidence of drugs use at previous events, one of which he had attended;
- Mr Vose only stayed at the Kings Head on occasion and actually lived elsewhere in the City;
- John Graham took his licensing responsibilities seriously and was anxious to put measures in place to reduce disturbance to those in the vicinity;
- The event was an example of the event the landlord of Merienda wanted John Graham to promote in the courtyard.

In response to questions Mr Graham stated:

- The door security would restrict access to the building and control access to the courtyard;
- The event would be recorded/DJ music only;
- The tickets would be clear that attendees would not be allowed back into the event if they left it. He agreed that this could potentially cause disorder through confrontation;
- Door supervisors would be inside the building and in the courtyard;
- There was a different pedestrian route available if the courtyard was closed;
- The Designated Premises Supervisor had been involved in the arrangements for the event and would be in attendance;
- John Graham was in the process of applying for a Personal Licence

The Licensing Manager confirmed the residential properties in the area and the location of the premises in relation to those properties.

The Legal Services Manager advised Mr Graham that any restrictions to the public right of way through the courtyard would require a Stopping Up Order and advised him to contact Cumbria County Council.

Mr Cunningham, Environment Health, addressed the Sub-Committee, highlighting the following:

- Environmental Health's concerns had been based on the previous year's event, three complaints about noise and urinating in Rosemary Lane had been received;
- The complaints had come from The Abbey, the Kings Head and Hodgson Court, this demonstrated how far the noise from the event's entrances travelled;
- The structure of Treasury Court meant it acted as an amplifier;
- Pictures of the Uber Disco showed a full DJ stage and the nature of the event meant it had to be loud;
- This type of event was common in nightclubs or rural areas but not in a central location;
- The amplification of sound would cause noise problems even with restrictions;
- 12noon to 3.00am was unacceptable;
- There were concerns with regard to the control of people outside of the event especially those who congregated to listen to the music without going into the event;
- The premises was allowed 12 TENs per year and if this notice was granted it would set a precedent allowing licensees to play amplified music outdoor.

Canon Manley supported Environmental Health's representation explaining that he had complained in person and via telephone several times during the previous event. Although the door staff were polite he had suffered abuse from an attendee. The music was extremely loud and he could hear shouting. He added that a number of the residential properties in the historic quarter did not have double glazed windows. The music could be heard until 2/3.00am. He did not understand how 400 people from the courtyard could move inside the premises.

Mr Graham clarified that the music would move indoors but not all of the people; they would remain out in the courtyard.

The Sub-Committee had serious concerns with regard to the occupancy level for the inside of the premises and as Mr Graham did not have the information the Chairman asked the Licensing Manager to contact the Fire Service for further information.

The Sub-Committee adjourned at 10.40am to allow the Licensing Manager to contact Cumbria Fire Service.

The Sub-Committee reconvened at 11.00am.

The Licensing Manager reported that he had spoken to the relevant Fire Officer who was unable to confirm the occupancy levels for Merienda. The Fire Service did not keep copies of the Fire Risk Assessment and it was the responsibility of the Premises User to hold the Assessment and produce it at inspection times. The Fire Officer explained that the Risk Assessments varied as the dynamic of the building changed and therefore the capacity also altered. A previous application in 2009 showed the indoor capacity at 150 including the terrace but this was not up to date.

In response to questions Mr Cunningham stated:

- The sound curtains would have an effect on the noise but it would not be possible to confirm the effect until the event;

- If there was an issue during the event Environmental Health could serve a notice under the Environmental Protection Act and this would cause additional problems due to the number of people in attendance.

The Legal Services Manager clarified that approval of the Notice would not set a precedent as each TEN was considered on its own merits.

Sergeant Higgin, Cumbria Constabulary, addressed the Sub-Committee, highlighting the following:

- Cumbria Constabulary had no problems with Merienda or how it was being run;
- The objection fell within the Prevention of Crime and Disorder and Public Safety Licensing Objectives;
- This would be the third year for the event and each year Cumbria Police had received a number of complaints via telephone or by contacting Sergeant Higgin;
- Three complaints had been received in 2013 regarding noise; the Police had attended the event and arrested a person for being drunk and disorderly;
- One local business owner/resident Mr Vose had been unable to attend the meeting but had submitted his objections in support of the Police representation which the Sub-Committee had previously agreed to consider;
- Amplified dance music in an enclosed courtyard was not acceptable to the local residents and businesses and would result in more complaints and disruption.

Mr Vose's letter had been submitted to the Sub-Committee, the main issues were:

- Noise levels throughout the day were excessive and intruded on local residents ability to relax within their own homes;
- He had struggled to hear his television in his home and had heard the same from people living within the Lanes;
- The 2013 event had been an improvement regarding late night noise but it was unbearable for residents from the start of the event;
- The events in the past had made it very difficult to run his business as well as he usually did;
- People were constantly trying to use the toilets in his premises without becoming a customer, they informed him that the toilet facilities were 'non existent' in Treasury Court despite having portaloos;
- By challenging individuals who wanted to use the toilets he had on several occasions been involved in situations of confrontation;
- People were too intoxicated to be served on his premises and took exception at being told so causing more confrontation;
- He took his responsibilities under the Licensing Act very seriously and did not think the same could be said of his neighbours after seeing the condition of some of the people they allowed in and the condition of those that left;
- People did not expect to see events like this in the most historic part of the city centre or in the middle of the afternoon.

In response to questions Sergeant Higgin stated:

- The complaints had come from Corporation Road, Hodgson Court, Mr Vose from the Kings Head and Canon Manley at Carlisle Cathedral;
- The residential properties he was aware of in the area were at the Cathedral, Spinners Yard and Hodgson Court;
- There had been no arrests made relating to drug use;
- There had been no complaints from Spinners Yard regarding the Brickyard.

In summing up Mr Graham reiterated that the event was only once a year.

At 11.15am, all parties, with the exception of the Sub-Committee Members, Legal Services Manager and the Lead Committee Clerk, withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 11.23am to hear the Sub-Committee's decision.

The Sub-Committee's decision was:

CONSIDERATION OF TEMPORARY EVENT NOTICES
Section 105 (2)(b), Licensing Act 2003
Merienda, 12 Treasury Court, Carlisle

This matter concerned the submission by Mr John Graham of two Temporary Event Notices for Premises at Merienda Treasury Court, Carlisle. The first Temporary Event was to take place on 9th August 2014 and the second on 25th August 2014. During the course of the meeting, the Temporary Event Notice for 9 August 2014 was withdrawn. The Sub-Committee, therefore, only considered the Temporary Event Notice for 25 August 2014.

The Sub-Committee had considered the application and had taken into account the evidence before it. In particular, it had listened to the submissions made by:

1. Mr Ian Graham
2. Mr Michael Cunningham
3. Sergeant Higgin
4. Canon Manley

The Sub-Committee had also considered written evidence in the form of a letter from Mr Vose who lived and worked in the vicinity.

After careful consideration, the Sub-Committee had unanimously decided to issue a counter notice to prevent the event taking place.

The Sub-Committee gave the following reasons for this decision:

1. The Sub-Committee had regard to the provisions of the Licensing Act, the National Guidance and the Local Licensing Policy. In particular it had regard to paragraphs 4.3.1 and 4.5.10 of the Licensing Policy.
2. The Sub-Committee noted that the Event was to take place in the open courtyard. When a similar event was held last year complaints were received both by Environmental Health and by the Police. Those complaints related to noise, disorderly behaviour and to persons urinating in the street. The Sub-Committee was satisfied that those incidents were connected to the Temporary Event and that, were the proposed event to take place, similar nuisance and crime and disorder would occur.
3. Policy 4.3.1 stated that this Authority may grant a licence if the Premises User could show that a positive reduction in crime and disorder would result, or that it would not increase, as a result. The Sub-Committee did not consider that the Premises User has demonstrated this and it was in fact likely that disorder would increase as a result of the Temporary Event.

4. Policy 4.5.10 stated that this Authority would not normally grant a licence if it were likely to result in increased noise nuisance to people living or working in the vicinity. The Sub-Committee was satisfied that this was likely to be the case bearing in mind the numbers attending, the location and the type of entertainment ie DJ music.
5. The Sub-Committee was therefore of the opinion that, were the Temporary Event to take place as proposed, two of the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance, would be undermined. It also considered that public safety may be at risk due to the number of people in a confined space.
6. The Sub-Committee had considered whether to impose any conditions; however, in view of the nature of the events and the location of Treasury Court, with the surrounding lanes, it did not consider that any of the existing conditions on the Premises Licence could make the Temporary Event acceptable. Although measures had been proposed by the Premises User, it was not open to the Sub-Committee to impose those by way of conditions today, as they were not specified on the existing Premises Licence.

The decision would be confirmed in writing.

(The meeting ended at 11.37am)

Report to Licensing Committee

Agenda
Item:

A.2

Meeting Date: 25 June 2014
 Portfolio: Finance, Governance and Resources
 Key Decision: Not Applicable:
 Within Policy and
 Budget Framework NO
 Public / Private Public

Title: LICENSING ACT 2003 - UPDATE
 Report of: Director of Governance
 Report Number: GD 22/14

Purpose / Summary:

This report gives an update on the Council's current position regarding applications under the Licensing Act 2003.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Licensing Act 2003.

1 Background

- 1.1 The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.
- 1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

2 Licence figures – as at 5 June 2014

2.1 Personal Licences

Previous Report - 1394

Current Licences – 1434

Total licences surrendered/revoked - 11

2.2 Premises Licences

With alcohol

Previous Report - 391

Current Licences – 391

Total licences surrendered - 113

Without alcohol

Previous Report - 86

Current Licences – 85

Total licences cancelled - 28

2.3 Club Premises Certificate

With alcohol

Previous Report - 22

Current Licences – 22

Total licences surrendered – 5

Without alcohol

Previous Report - 0

Current Licences – 0

2.4 Temporary Event Notices

Year	No. Received	No. Refused
2006	199	5
2007	261	3
2008	267	2
2009	203	12
2010	243	5
2011	276	6
2012	247	4
2013	200	3
2014 to date	57	2

2.5 Current applications – Includes new, change of DPS, variation of hours, transfers etc.

Pending applications – 11

3 Current Issues

3.1 Football - World Cup 2014

The Local Government Association, ACPO and the British Beer and Pub Association have produced a booklet entitled 'Managing World Cup Success' with advice for licensees prior to the football World Cup. Most of the games will be broadcast live and some finish in the early hours of the morning (UK time). It is expected that liquor licensed premises will wish to take advantage of these hours and extend their opening hours as appropriate.

The document has been circulated to licensed premises that are known to show live football and will also be available on our website. A press release will also be made at the appropriate time.

The Government have published a Statutory Instrument which relaxes the liquor licensing hours at all 'on' licensed premises during all England games. This has the effect of extending licensing hours up to 1am subject to certain criteria being met.

4 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Jim Messenger

Ext: 7025

**Appendices None
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources – None

Report to Licensing Committee

Agenda
Item:

A.3

Meeting Date: 25 June 2014
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: GAMBLING ACT 2005 - UPDATE
Report of: Director of Governance
Report Number: GD 23/14

Purpose / Summary:

Local Authorities assumed responsibility for issuing premises licences under the Gambling Act 2005 on 1st September 2007. This report gives an update on the current position regarding applications made under this legislation.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Gambling Act 2005.

1.0 **BACKGROUND**

- 1.1 The Gambling Act 2005 took effect on 1st September 2007, from which date this Council assumed responsibility for administering premises licences.
- 1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

2.0 **LICENCE FIGURES - as at 5 June 2014**

2.1 **Adult Gaming Centres**

Previous Report	0
Current Licences	0
Surrendered	5

2.2 **Betting Premises (other than track)**

Previous Report	20
Current Licences	20
Surrendered	2

2.3 **Betting Premises (Track)**

Previous Report	2
Current Licences	2

2.4 **Bingo Premises**

Previous Report	3
Current Licences	3

2.5 **Unlicensed Family Entertainment Centre**

Previous Report	2
Current Licences	2

3.0 **OTHER LICENCES**

3.1 **Club Gaming Permit**

Granted to member's clubs to permit specifically the playing of chemin de fer and pontoon (not blackjack) and to charge higher participation fees. The permit also allows the use of a variety of gaming machines including category B3.

Previous Report	8
Current Report	8

3.2 **Club Machine Permit**

Granted to Member's clubs to permit the use of gaming machines (as above) only.

Previous Report	6
Current Report	6
Cancelled	5

3.3 **Alcohol Premises - Gaming Machine Permits/Notifications**

These are granted to alcohol licensed premises. Under the Gambling Act premises must give a notification of 2 machines or less, or a Licensed Premises Gaming Machine Permit for 3 or more machines, both of which last indefinitely (with certain conditions).

Notifications	83
LPGMP	17

3.5 **Small Society Lottery Registration**

Small Society Lottery Registrations are issued to charities or sports clubs who wish to raise money for their organisation where there is no private gain.

Previous Report	195
Current Registrations	191

4.0 CURRENT ISSUES

- 4.1 As ongoing enforcement, officers are visiting local gambling premises to meet managers and answer any queries under the legislation. We are also carrying out inspections, with the Compliance Manager from the Gambling Commission.
- 4.2 National increase in stake and prizes for category 'C' gaming machines.

5 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Jim Messenger **Ext:** 7025
Appendices None
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources – None

COMMITTEES / GROUPS NOT APPOINTED BY COUNCIL

The following Sub-Committees are appointed by the Licensing Committee:

It is suggested that each Member of the Licensing Committee is appointed as a Member and a substitute on one of the Licensing Sub-Committees. These groupings will enable all Members of the Licensing Committee to have a role as both a Member and a substitute on one of the Licensing Sub-Committees.

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 1 (3)	1 Morton	1 Bell 2 Wilson		
	Sub: Layden	Sub: Cape Sub: Warwick		
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 2 (3)	1 Layden	1 Franklin		1 Betton
	Sub: Morton	Sub: Scarborough Sub: Wilson		
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 3 (3)	1 Parsons	1 Cape 2 Stevenson		
	Sub: Bowman S	Sub: Bell		Sub: Betton
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 4 (3)	1 Bowman S	1 Scarborough 2 Warwick		
	Sub: Parsons	Sub: Franklin Sub: Stevenson		

