

**MINUTES
OF THE MEETING OF THE
LICENSING COMMITTEE
TUESDAY, 17 OCTOBER 2023**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,
Rugby Road, West Bridgford
and live streamed on Rushcliffe Borough Council's YouTube channel

PRESENT:

Councillors P Matthews (Chair), A Brown, R Butler, J Chaplain, K Chewings, G Fletcher, C Grocock, R Mallender, H Om, N Regan, D Soloman, T Wells and G Williams

OFFICERS IN ATTENDANCE:

G Carpenter
M Hickey

Service Manager - Public Protection
Principal Officer – Community Safety
and Licensing
Senior Licencing Officer
Democratic Services Manager

APOLOGIES:

Councillors J Billin, H Parekh and G Wheeler

1 Declarations of Interest

Councillor Regan made a late declaration in respect of Item 4 that his principle income came from a property that he owned, which his wife held the licence for, and having reviewed the documents before the meeting, he could not see anything that would put him in a position of conflict; however, he questioned if he was allowed to vote on the item.

The Chair advised that as this report was looking at amendments to an existing Policy, most of which were regulatory in nature, and having made a declaration, he was happy that Councillor Regan could take part in the discussion of the item and vote.

2 Minutes of the Meeting held on 2 November 2022

The minutes of the meeting held on 2 November 2022 were approved as true record, subject to the inclusion of Councillor Butler in the list of those present at the meeting and signed by the Chair.

3 Statement of Licensing Policy 2024-2029

The Service Manager – Public Protection introduced the Principal Officer – Community Safety and Licensing and the Senior Licensing Officer to the Committee.

The Senior Licensing Officer introduced the report and advised that it was a statutory requirement of the Licensing Act 2003 for the Council, as Licensing

Authority to have a Statement of Licensing Policy, which had to be updated every five years, and the new Policy had to be adopted by 7 January 2024. Whilst reviewing the Policy, the Committee was advised that a group exercise had been undertaken with all licensing authorities in the county (NALG), with a general policy being agreed, which was then tailored to each individual Licensing Authority. The Policy set out how Rushcliffe Borough Council intended to manage the requirements of the Licensing Act 2003.

The Committee was advised that there were a number of proposed changes to the Policy, to reflect changes in legislation and to local communities, with some of the suggested changes proposed by other authorities. The Policy had been put out to public consultation for six weeks, with only one representation made by the Public Health team at Nottinghamshire County Council.

The Senior Licensing Officer referred to the revisions to the previous Policy, which were detailed in Paragraph 4.5 of the report and Appendix B. Following on from that overview, Councillors asked questions and made comments and officers responded.

Councillor Mallender questioned what a substantial change to a premises would be in respect of requiring a change to a licence, and the Senior Licensing Officer advised that a major variation would involve increasing the size of a premises, for example to cater for 150 people rather than 100, whereas a minor variation would involve for example a change in the layout of a room. He went on to advise that a variation would only be required if the area in question being changed was not covered by an existing licence.

Councillor Mallender praised the 'Ask for Angela' initiative referred to in Section 7.13 of the Policy, and the Senior Licensing Officer confirmed that checks were made to ensure staff in premises were aware of this and what to do if approached by a person who was feeling unsafe or threatened. Councillor Matthews stated that the revisions were calling for additional, mandatory training for this initiative, and that was confirmed by the Senior Licensing Officer.

Councillor Chewings questioned how the membership of any Licensing Sub-Committee was selected from the main Licensing Committee, and the Service Manager – Public Protection advised that a Councillor would have to be appropriately trained, available to attend at relatively short notice and not conflicted in terms of any declarations of interest.

Councillor Williams referred to pavement licences and asked if applying for such a licence would have an impact on a premises licence and the Senior Licensing Officer advised that the sale of rather than the consumption of alcohol was a licensable activity.

Councillor Matthews asked how the procedures around ensuring the safety of staff particularly females getting home safely after working late was checked to ensure that this Policy was being adhered to. The Senior Licensing Officer advised that checks were mainly undertaken as part of licensing visits by Council officers and also Nottinghamshire Police, which also had a licensing section.

Councillor Soloman went on to question how female staff, especially teenage girls in their first jobs, were made aware of their entitlements, if their employers failed to tell them, and if they had a problem would they know where to go and what to do. She asked what protection and support was in place, to ensure that they could report problems. The Senior Licensing Officer advised that the Police regularly circulated information from the Police and Crime Commissioner (PCC), and checks were made during late night enforcement visits. Councillor Soloman asked if the PCC could be asked to produce some follow up literature, to expand the programme already introduced to support those vulnerable girls. The Service Manager – Public Protection reminded the Committee that the Policy was there to ensure that all licensed businesses with the Borough operated within that Policy, with the Policy demonstrating that businesses should have regard to safeguarding, with the onus on those businesses to comply with that Policy. In conclusion, Councillor Matthews sought assurance from officers that they would follow up and speak with premises management and staff during their visits, and officers advised that they already did this.

Councillor Grocock questioned the objective around public health and the correlation or causality between alcohol related harm and the licensing of pubs, bars and community venues, and stated that there was significant evidence to suggest that drinking at home, together with the price of alcohol in supermarkets were far greater causes of alcohol related harm. He reminded the Committee that pubs had large overheads, with many closing each week and it was noted that the Policy stated that pubs not only contributed to the attraction of an area, but they also created other benefits, including employment, economic development, together with a role in community development and local services. Councillor Grocock considered that moderate drinking in a pub environment actually contributed to public health in a wider sense and was not a direct contributor to alcohol related harm and sought assurance that with the proposed changes to the Policy, pubs, particularly in rural areas would continue to be granted licences.

Councillor Matthews referred to Paragraph 4.8 in the Policy and stated that he had previously asked how those eight areas had been identified and been advised that the information had been provided from the Public Health team at Nottinghamshire County Council and he understood that the change to the Policy was only to encourage applicants to consider what they were doing to mitigate risks. He went on to question if there was any additional burden on applicants located in those areas.

In answer to those questions, the Service Manager – Public Protection advised that public health was not currently a licensing objective and therefore neither the Council nor the Public Health team could require any stringent conditions on premises licences on public health grounds. The Public Health team was trying to identify areas where there appeared to be a correlation between public health harm and alcohol, and to engage and raise awareness with licensed premises in those areas. The Senior Licensing Officer referred to the data supplied by the Public Health team and stated that he had noticed that in some areas where there were high instances of alcohol related illness, there was only one outlet in that location, which indicated that it was more likely to be

linked to consumption at home rather than in the one pub. The Principal Officer – Community Safety and Licensing also reminded the Committee that the previous Policy contained references to public health, but in less detail, this information had been amended due to information from the Public Health team.

Councillor Grocock stated that in respect of serious cases of alcohol abuse and harm, it was difficult to map out the correlation between drinking at home and in establishments; however, he felt that often those suffering acute harm could find support in a pub environment and it was also not up to a licensee to address public health concerns.

Councillor Fletcher questioned how the data related to his ward in Ruddington as there were a number of pubs in the southern part of the ward and the Senior Licensing Officer advised that the data supplied was from the Public Health team and was not identifiable to a particular person or establishment.

Councillor Butler referred to alcohol delivery services and asked if the regulations applied to home deliveries and the Senior Licensing Officer advised they would do if those conditions were in their licence.

Councillor Matthews followed on from that and asked about online retailers outside of the Borough and questioned if they would require a licence from the area that they distributed from, and the Senior Licensing Officer stated that retailers only required a licence at the premises where money was exchanged.

Councillor Williams referred to the areas identified by the Public Health team in Paragraph 4.8 in the Policy, together with the references to cumulative impact in Paragraphs 7.27 and 7.28 and given that those two issues appeared to cross over, he questioned why the narrative on cumulative impact had been removed, whilst Paragraph 4.8 remained in the Policy, and asked if the Public Health team had asked for it to be included. He felt that as the document was not live, those areas could become outdated and asked if that list would change each time the Policy was reviewed. The Senior Licensing Officer confirmed that the Public Health team was a responsible authority and it had requested the inclusion of the data in the Policy, which was also included in all other policies across the county. He went on to confirm that minor changes to the Policy could be made in the meantime, should new information be provided or requested

Councillor Regan asked if the inclusion of the areas was a national or local policy, had any consideration been given to the costs that premises would incur and would the list of areas in Paragraph 4.8 prejudice premises within those areas. The Service Manager – Public Protection confirmed that the Public Health team had requested the inclusion of the list and advised that it had little or no bearing in terms of enforcement, or to the determination of applications, it was included to raise awareness for new applications for premises licences in those areas, regard should be taken to the fact that there was elevated alcohol related harm and plans should be in place, which would be checked through the application process. The Principal Officer – Community Safety and Licensing Officer also reminded the Committee that in the previous Policy, Paragraph 4.7 included a list, which was smaller, and given the increased data set from the Public Health team, the new list had been expanded, and he

confirmed that officers had not seen or recognised any harm to premises in the last five years.

Councillor Grocock stated that if a causality between licensing and a public health issue in those areas had not been established, why were those areas specifically referred to in the Policy. He was pleased to note that so far there had been no impact on businesses; however, he considered that potentially there could be an impact and he proposed that the list of areas should be removed from the Policy.

In seconding the proposal, Councillor Soloman questioned what was in the data provided by the Public Health team.

Councillor Chewings sought clarification regarding the proposal, and Councillor Matthews confirmed that Paragraph 4.8 in the Policy was proposed to be removed, which would have a bearing on Paragraph 4.9 and he suggested that this section should be generalised to state that licensees should have consideration for alcohol related harm throughout the Borough.

It was RESOLVED that :

- a) Paragraph 4.8 of the Policy be removed, and Paragraph 4.9 of the Policy be amended to refer to the Borough rather than specific areas; and
- b) subject to resolution a) above, the Statement of Licensing Policy be endorsed and recommended to Council for approval.

The meeting closed at 8.15 pm.

CHAIR