

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 2 JUNE 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Sue Evans, Cllr Jose Green, Cllr George Jeans, Cllr Bill Moss (Substitute), Cllr Jeff Osborn (Substitute), Cllr Leo Randall, Cllr Pip Ridout (Chairman) and Cllr Nick Watts

Also Present:

Wiltshire Council

Naji Darwish (Head of Service – Public Protection), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

Public

Cllr Matthew Dean
Mr Dominic Imms
Ms Amanda Newbery
Cllr John Walsh

24 Apologies/Substitution/Changes to Committee Membership

Apologies were received from Councillors Bucknell, Drewett, Hewitt and Jacobs. Councillor Moss was substituting for Councillor Bucknell and Councillor J Osborn was substituting for Councillor Drewett. The Chairman welcomed Councillor Nick Watts to the Committee.

25 Minutes

The minutes of the meeting held on 28 April 2014 were presented to the Committee.

Resolved:

That the minutes of the meeting of the Licensing Committee held on 28 April 2014 be approved and signed as a correct record.

26 **Chairman's Announcements**

The Chairman reported that training for new Committee members would be taking place in the next couple of weeks.

As there were members of the public present for item 8 (Cumulative Impact Area – Salisbury) this item would be moved forward on the Agenda and considered after the public participation.

27 **Declarations of Interest**

There were no declarations of interest.

28 **Public Participation**

No questions had been submitted prior to the meeting. There were four members of the public present who wished to make statements in relation to item no 8 on the Agenda – Cumulative Impact Area – Salisbury.

Cllr Matthew Dean – Salisbury City Council

Summary of points raised:

- Salisbury City Council had discussed the results of the consultation and do not feel a CIZ is appropriate for Salisbury and request that the licensing Committee does not agree to implement it;
- Salisbury has the highest shop occupancy in the South West, but lots of work is being done to find alternative uses for empty shops to create a vibrant leisure and tourism economy;
- If a CIZ was to be implemented this would mean a moratorium on new businesses who may wish to invest in the city;
- Salisbury already has “Purple Flag” status and the Council as Licensing Authority does a good job with issuing and monitoring licenses under the current arrangements; and
- The imposition of a CIZ would represent an administrative burden to the Council and to business at a time when resources and capital are scarce.

A Petition containing 17 signatures with the following statement was handed to the Chairman.

“1. We the undersigned believe that the Wiltshire Council proposal to introduce a Cumulative Impact Zone (CIZ) would be very damaging to the economy and environment of Salisbury and would harm the economic viability of our City Centre.

2. Further, it would place an additional administrative and financial burden on businesses and Wiltshire Council, reduce transparency and democratic accountability for no tangible advantages.

3. We therefore call upon the Licensing Committee of Wiltshire Council to reject these proposals”.

Mr Dominic Imms – Cambridge Wine Merchants

Summary of points raised:

- There has been good investment in the city recently and if there was a CIZ in Salisbury this may mean that retailers move to out of town areas;
- The number of contributors to the consultation was small (82) in comparison to the size of the population (42,000) and we do not feel it represents the wants and needs of the city; and
- If the implications of having a CIZ in Salisbury were fully explained in the consultation then there may have been different responses received.

Ms Amanda Newbery – Chairman of Business Improvement District

Summary of points raised:

- Salisbury is working to pull together as a city to balance out its evening and night time economy;
- The Business Improvement District Group considered the consultation and were not in support of the proposal of a CIZ. This is made up of a number of different people, but we query if this was only counted as one response to the consultation; and
- Please act with caution and don't do anything to damage Salisbury at this sensitive time.

Cllr John Walsh – Salisbury City Council/Wiltshire Council.

Summary of points raised:

- I wish to ensure a balanced approach to the problems and wish to respect the residents of the city but also enjoy an evening out;
- As a Councillor the residents are not rushing to me with concerns about the licensed premises with the city;
- The crime figures don't reflect the numbers of people that are going into Salisbury to enjoy a night out compared to Chippenham and Trowbridge;

- There was a poor response to consultation – what does the silent majority think of the proposals?; and
- Do we want to be seen as doing something when maybe this isn't the right thing? We as councillors will get public comeback if the wrong decision is made today.

29 **Scrap Metal Update**

Peter White (Enforcement Manager, Environment Services) presented an update on the current situation with regard to the Scrap Metal Dealers Act (2013).

Members raised some queries which included:

- The appeal process – This is an internal appeal heard by Senior Council officers. After that any appeal would be heard by the Magistrates Court.
- “Silent partners” within a business – All applicants are assessed as to their suitability. It may be that silent partners may not be as suitable and the Council are wary of those but can only consider those on the application but would be vigilant on visits to the site, etc.
- What is your proactive approach? – The Council works closing with the Police, carries out site visits and relies on intelligence from Council Officers who are about in the district and identify potential problems/breaches of a licence.

Resolved:

That this Scrap Metal Update be noted and that future half yearly updates be received by the Committee.

30 **Cosmetic Piercing and Skin Colouring - Adoption of Legislation and Byelaws**

Linda Holland (Public Protection Team Leader) presented a report which requested that the Committee re-ratify a decision made at the Licensing Committee meeting on 6 February 2012 in relation to the adoption of Cosmetic Piercing and Skin Colouring legislation and byelaws.

Linda apologised that due to an omission the decision was never referred to Full Council to be formally adopted. She felt that it was important for the Council to have one set of unified byelaws.

Members suggested a couple of minor inclusions/amendments to the byelaws relating to tongue piercing, the definition of sterilisation and including reference to his and her hands.

Resolved:

That the Committee re-ratify the decisions of the Licensing Committee of 6 February 2012 – namely to recommend to Council that:

- i) The provisions of Section 14, 15, 16 and 17 of the Local Government (Miscellaneous) Provisions Act 1982 be adopted and should come into effect on 1 August 2014.**
- ii) Byelaws in the form of the model set out in pages 16 to 21 of the agenda (with amendments as discussed at the meeting) be adopted and submitted for confirmation.**
- iii) The current byelaws which had previously been adopted by the ex-district Councils be revoked on the confirmation of the new model byelaws.**

31 Cumulative Impact Area - Salisbury

Linda Holland (Public Protection Team Leader) presented a report which provided information following the recent cumulative impact area survey which was carried out for the Salisbury area. The report asked the Committee to consider the adoption of a special licensing policy.

The Committee had heard from 4 members of the public (as detailed under minute number 28 above) and copies of letters/emails from the following were circulated at the meeting and these are appended to these Minutes:

- Letter from Cllr John Lindley, Salisbury City Council, 28 May 2014
- Email from Dominic Imms, Cambridge Wine Merchants, 29 May 2014
- Email from Cllr Matthew Dean, Salisbury City Council, 28 May 2014
- Email from David Andrews, VisitWiltshire, 30 May 2014.

In response to the statements made during the public participation, Naji Darwish (Head of Service – Public Protection) stated that:

- The CIZ is a tool for the Licensing Committee to be able to manage licences in a better, more efficient way;;
- At present, if no objections are received to an application then the licence has to be granted. If there was a CIZ in place this would still be the case. A CIZ allows the Committee to consider the impact of multiple licensed premises on the community at large;

- The imposition of a CIZ to Salisbury would not mean that all applications within that area are declined, it would ask for a greater quality of application to be submitted, e.g. CCTV, the use of plastic glasses and better staff training, etc; there is no intention to restrict – just to stop a less effective business from setting up in the area;
- There would be no impact on the Police and Council time if a CIZ were to be implemented;
- The CIZ would support the Purple Flag objective and the Council also wishes to create a diverse night time economy; and
- I agree that a response of 82 is not an indicative view of all those in Salisbury, but the opportunity was given for responses.

Cllr Hutton (Portfolio Holder) commented that a CIZ would be another layer of scrutiny and that Council was not wishing to stop business coming to Salisbury but to protect existing ones. He supported the views of the Officers and agreed that the response to the consultation was disappointing.

Members discussed the issues and made the following points:

- The Purple Flag status means a lot to Salisbury and is bigger than Chippenham or Trowbridge. If we have trouble with premises we can suspend or revoke their licences;
- It is a long and costly process to get to the suspension or revocation of a licence stage – support the reduced area for the proposed CIZ. See it as a necessary tool and we can give it due regard but do not have to use it as it not compulsory;
- As a Committee we requested Officers to look at this for us and see it as a step in the right direction. Question if Salisbury Hospital were included in the consultation process? We need to consider the impact of the military re-basing to the area. Is there a possibility of a pilot scheme for a CIZ;
- The consultation and explanation of this policy required additional work to allay concerns and address some misconceptions of the implementation and impact of the CIZ; and
- Are we creating a problem that doesn't exist? Could we delay the implementation of a CIZ and perhaps consider further consultation?

Paul Taylor (Senior Solicitor) confirmed that if the Committee were to adopt a special policy for a CIZ this would form part of the Council's Statement of Licensing Policy which is currently being revised and would be further

considered by the Committee in September. It would then be recommended for approval by Council in October 2014. Applicants would not be automatically refused a licence if within the CIZ, but would have to demonstrate that they are not adding to the cumulative impact of the area.

Linda Holland that if a CIZ were to be implemented it could be reviewed or withdrawn at any time (subject to Committee approval).

A suggestion was made that this meeting and any future meetings should be held in the relevant areas that are being discussed, but this was not supported by all Members.

Resolved:

That the decision to implement a special policy for a Cumulative Impact area in part of Salisbury City Centre be deferred for 6 months to enable further consideration and consultation, in particular with the following – Salisbury Purple Flag Group, Salisbury City Council, Salisbury District Hospital, Military Re-basing Group and the residents of Salisbury via the Area Boards.

32 Dates of Future Committee Meetings

Members noted the dates of future meetings of the Licensing Committee as detailed below, all to start at 10.30am:

Monday 8 September 2014

Monday 8 December 2014.

The possibility of holding an extraordinary meeting in Salisbury would be investigated although members did not wish for a precedent to be set on moving meeting locations.

33 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30am – 12.05pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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Cllr Pip Ridout
Chairman of the Licensing Committee
Wiltshire Council
Bythesea Road
Trowbridge
BA14 8JN

28 May 2014

Our ref: Dem/46164/CT

Dear Cllr Ridout

Re: Cumulative Impact Area - Salisbury

At a meeting of Salisbury City Council's Planning and Transportation Committee held on 27 May 2014 the above matter was raised. The committee looked at the results of the consultation and the options being considered by the panel and wish to make the following statement.

This committee urges the Licensing Committee to consider option 3 of the recommendations to not adopt the CIA for Salisbury city centre at this time for the following reasons:

1. Salisbury does not currently have a problem with either the management of or the absolute number of licensed premises.

We are seen as a safe city, have won the coveted "Purple Flag" status and in line with the national position, we have seen the number of public houses and night clubs decline as demographic and social changes have meant people visit pubs less.

2. The Leisure and Night time economy is of huge and growing importance to our city.

We have seen massive investment in Salisbury as Restaurant operators have taken over empty shops, turning them into places to eat, improving the viability of our city centre and creating jobs. The last thing we want to do is put an artificial break on this, leading to developers to go elsewhere.

3. Existing Planning & Licensing arrangements are perfectly adequate to ensure poor quality & inappropriate licenses are not permitted.

All new license applications are considered on their merits by the Licensing Committee of Wiltshire Council while changes of use also require planning permission, all of which can be commented on by SCC.

4. Problem drinking when it does occur is often the result of so called "pre-loading" or street drinking which won't be affected by a CIZ (in fact, it might make it worse).

5. Wiltshire Council & the Police have very limited resources.

They should deploy these resources wisely and to best effect. CIZ are expensive to administer and bureaucratic. They increase costs on potential developers and



operators and create another administrative burden on authorities. They also reduce transparency and the democratic accountability of Councillors.

Yours sincerely

Cllr John Lindley
Chair of Planning and Transportation Committee

Ridout, Pip

From: Cambridge Wine Merchants - Salisbury Branch [salisbury@cambridgewines.co.uk]
Sent: 29 May 2014 18:58
To: Ridout, Pip
Subject: Cumulative Impact Area - Salisbury

Cumulative Impact Area - Salisbury

Dear Cllr Ridout,

I am writing to you to voice my concerns over the impact of a Cumulative Impact Zone implementation in Salisbury.

I believe the policy, if adopted, would have a negative impact on the evening economy in Salisbury. The leisure and night time economy is of growing importance in the city, and I believe is the key in moving forward given the inevitable decline of the traditional high street. I believe that imposing an extra layer of administrative burden on potential operators would not send a business friendly message at a time where the city is (and hopefully will continue to) attracting new investment in this respect.

The assertion that any anti-social behaviour in and around the city centre is the necessary result of too many licenced premises seems contrary. I would have thought if anything the more competition in terms of licenced venues the better, as revellers would be more evenly spread across the spectrum of venues. This would allow licensees to keep and even greater eye on potential trouble. Salisbury has also been awarded purple flag status and is nationally recognised as a safe place to go out, and as such I hope you would agree a generally well managed leisure and late night economy.

As an aside I would also like to comment on the consultation and methodology for this proposal. The number of contributors to the consultation is so small (82) in comparison to the size of the population (42,000) that I cannot see how it can be used as representative of the wants and needs of the city. With 67.6% of respondents aged 45-65+, the main conclusion one could draw from the consultation is that people aged 45-65+ are more likely to view public consultations. It seems a poor platform to base licencing policy on given the importance of the licencing function.

Thank you very much for your time.

Best wishes

Dominic Imms

Dominic Imms

Director

Cambridge Wine Merchants

5 Winchester Street, Salisbury

SP1 1HB

Tel: 01722 324486

Email: dominic@cambridgewine.com

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From: Matthew Dean [
Sent: 28 May 2014 14:48
To: Ridout, Pip
Cc: John Lindley; Clewer, Richard; mdean
Subject: Salisbury Proposal for a Cumulative Impact Zone

Dear Pip,

I'm emailing you as my group are very concerned indeed at the proposals to introduce a Cumulative Impact Zone (CIZ) for Licensed Premises in the City of Salisbury. My Conservative colleague Cllr John Lindley has laid out some of the salient points in his letter to you below as Chairman of the relevant all-party Salisbury City Council sub-committee.

We all feel most strongly that we have a vibrant and generally well run leisure and tourism based economy and that as the nature of retail changes, we would like to see more restaurants and bars based in our city replacing vacant shops, creating jobs and improving the viability of our city centre.

The imposition of the CIZ would represent an administrative burden to both Wiltshire Council and to business at a time when resources and capital are scarce and we feel could be hugely detrimental to our city. I do hope after considering all the evidence, you will be able to support this view.

If you would wish to discuss this further, please don't hesitate to email me or telephone me on 07742 830650. I look forward to meeting you on the committee meeting of the 2nd June.

I enclose a copy of John's letter to you for your perusal.

Best wishes,

Matt

Matthew Dean

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Hi Lisa,

As per my voicemail, I've just been told that the Cumulative Impact Area – Salisbury is being discussed by the Licensing Committee next Monday, 2 June.

VisitWiltshire sit on the Wiltshire Council led Salisbury Purple Flag Steering Group and I'm concerned that proposals haven't gone through this group.

As you'll be aware, Salisbury Purple Flag aims to raise standards and improve the quality of our towns and cities between the hours of 5.00pm and 5.00am. The group is led by Wiltshire Council and supported by a wide range of organisations, including SCC, BID, pub watch, police, the military, venues etc, and there'd be significant criticism if a Salisbury CIA was introduced without proposals having gone through this group.

Unfortunately I can't make the meeting on Monday but happy to discuss anytime before then if it's helpful. Direct tel numbers below.

Thanks

David

David Andrews
Chief Executive
VisitWiltshire

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