

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 7 SEPTEMBER 2016 FROM 7.00 PM TO 8.00 PM**

Committee Members Present

Councillors: Barrie Patman (Chairman), Malcolm Richards, Chris Bowring, Richard Dolinski, Michael Firmager, Emma Hobbs, John Jarvis, Abdul Loyes, Ken Miall, Beth Rowland, Chris Smith, Wayne Smith and Bill Soane

Officers Present

Luciane Bowker, Senior Democratic Services Officer
Paul Anstey, Joint Service Manager, West Berkshire and Wokingham Environmental Health and Licensing
Julia O'Brien, Acting Team Manager, Licensing

7. APPOINTMENT OF VICE-CHAIRMAN

Councillor Michael Firmager was appointed Vice-chairman of the Licensing and Appeals Committee for the remainder of the 2016/17 municipal year.

8. APOLOGIES

An apology for absence was submitted from Councillor Chris Singleton.

9. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 8 June 2016 were confirmed as a correct record and signed by the Chairman.

10. DECLARATION OF INTEREST

A declaration of interest was submitted by Councillor Bill Soane on the basis that he hired out refrigerator equipment for events in the Henley area.

11. PUBLIC QUESTION TIME

There were no public questions.

12. MEMBER QUESTION TIME

There were no Member questions.

13. LICENSING ACT 2003 - POLICY REVIEW

The Committee considered a report which was set out on agenda pages 7-33. The report was seeking Members' views in relation to a possible review of the Council's Licensing Policy in respect to the addition of a Cumulative Impact Policy for the specific area of Remenham.

Paul Anstey, Joint Service Delivery Manager, West Berkshire and Wokingham, explained that the cumulative impact of the high number of events held in the Henley area had been a reoccurring issue over the years. The residents had requested the consideration of a Cumulative Impact Policy (CIP) relating to future premises licence applications on the river land in the Parish of Remenham from Henley Bridge to Temple Island.

Officers were seeking the Committees' approval to commission an external review of evidence, to be carried out by legal experts, to support or not the adoption of the CIP. Paul felt it was necessary to address this issue through the correct mechanism and this

report was the first step towards a formal review of the possible adoption of a CIP. The results of this independent review would be brought back to the Committee for discussion.

Paul informed Members that this was not the first time that this issue had been considered by the Licensing and Appeals Committee; however it remained a concern to local residents. Paul stated that the geography of the area meant this would be an unusual CIP if compared to other areas in the country. The circumstances were very specific to the Remenham area, it related to a number of licences issued alongside each other throughout the year, and not to specific permanent premises.

During the discussion of the item the following points were made:

- Councillor Smith asked if this policy would encompass the whole Borough or if it would be applied just to Remenham. Paul's view was that the policy would be attached to the whole borough but it would be applied to Remenham specifically. Should another area request its implementation, this would be reviewed individually;
- The Chairman stated that from his research, he was uncertain that the policy would encompass the whole Borough. Paul stated that this was something the experts involved in the review would be able to clarify;
- The Chairman asked for clarity from a legal perspective on the scope of the policy;
- Some Members suggested that the policy could include appendixes for different areas in the Borough;
- Paul explained that the way in which licences were issued at the moment meant that Officers could not take into account the number of existing licences in the area. The CIP would provide a mechanism to take that into account when issuing new licences;
- In response to a question, Julia O'Brien, Acting Team Manager Licensing stated that there were altogether around 13-14 days in the year when events were held in the Henley area;
- Some Members were of the view that the Council should not spend money carrying out this review as it only affected one area of the Borough and for a short period of time per year;
- Some Members were concerned that if the Council introduced this policy, there was the potential for costly legal challenges as the events generated a considerable amount of money;
- In response to a question, Paul confirmed that this report was the result of many discussions around this issue with local residents. Paul emphasised that this was a substantial, technical piece of work that should be carried out by legal experts;
- Paul clarified that licences were issued without a time limit, a review of any licences would only occur as a result of a complaint. Complaints would trigger a Licensing and Appeals Hearing Sub-Committee where the licence would be reviewed;
- Paul stated that the CIP would only apply to new licences, it did not have the power to look at licences retrospectively;
- The Chairman reminded the Committee that only issues contravening the four licensing objectives could be reviewed, these were:
 - 1) *The prevention of crime and disorder*
 - 2) *Public safety*
 - 3) *The prevention of public nuisance*
 - 4) *The protection of children from harm*

- In response to a question Paul informed members that there were other local authorities in the country which had adopted the CIP, however they were normally located in city areas, it would be unusual for Wokingham to adopt a CIP;
- Paul stated that should the Committee decide not to adopt a CIP after the review, nothing would change and licences would carry on being issued as they were at the moment;
- Councillor Dolinski asked if there were any financial benefits to adopting this policy. Paul stated that there was no financial gain, the motive for potentially adopting a CIP was not economical;
- The Chairman pointed out that limiting the licences would potentially have an impact on the local economy;
- Members asked what would happen if a festival wanted to expand its licence. Paul explained that the normal procedures would be put in place. A consultation period would follow and if no representations were received and the Officers deemed it appropriate, the licence would be extended;
- In response to a query, Paul explained that the Licensing regimen had been deliberately de-regulated as the Government wanted to make it more flexible for people to be entertained. The power was delegated to communities to trigger reviews when necessary.

In relation to the cost of the review, Paul stated that the £5,000 figure detailed in the report covered only the legal costs of carrying out the review; it did not cover the consultation aspect. This figure was based on an enquiry which was made previously with a barrister, but the cost could vary and was subject to the relevant Executive Member's approval.

Paul pointed out that differently from many other departments in the Council, Licensing was a cost recovering unit.

After a robust discussion the Chairman asked the Committee to vote to approve or not the recommendation contained in the report. Upon being put to the vote it was:

RESOLVED That: the recommendation contained in the report to commission an external review of evidence to support the adoption of a Cumulative Impact Policy for the parish of Remenham, subject to the agreement from the Executive Member for Resident Services due to the financial implications, be approved.

14. MEETINGS OF APPEALS HEARINGS

This item was not discussed.

This page is intentionally left blank