

Licensing Committee

Thursday, 4th November, 2010
at 9.30 am

PLEASE NOTE TIME OF MEETING

Committee Rooms 1 and 2 -
Civic Centre

This meeting is open to the public

Members

Councillor Parnell (Chair)
Councillor Drake
Councillor Fitzgerald
Councillor Harris
Councillor Letts
Councillor McEwing
Councillor Norris
Councillor Odgers
Councillor Osmond
Councillor Rayment
Councillor Thomas
Councillor Walker
Councillor Willacy

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PUBLIC INFORMATION

Terms of Reference

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2010/11

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the “rationality” or “taking leave of your senses” principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, ‘live now, pay later’ and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website at
www.southampton.gov.uk/council/meeting-papers

1 **APOLOGIES**

To receive any apologies.

2 **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Committee Administrator prior to the commencement of this meeting.

3 **STATEMENT FROM THE CHAIR**

4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 2nd June 2010 and to deal with any matters arising, attached.

5 **LICENSING ACT 2003 - TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY**

Report of the Solicitor to the Council setting out, in accordance with Section 5 of the Licensing Act 2003, requiring the Council, as Licensing Authority, to adopt a Statement of Licensing Policy every three years a proposed revised Licensing Policy, attached.

6 **TRADE REQUEST FOR PROPOSED VARIATION OF HACKNEY CARRIAGE FARES**

Report of the Solicitor to the Council concerning a request for the variation of the table of fares for the hire of hackney carriages and to determine whether to proceed to public consultation, attached

7 **LICENSING OF PLEASURE BOATS AND BOATMAN**

Report of the Solicitor to the Council concerning the process and review of the fees associated with licensing of pleasure boats and boatmen, attached.

8 MEMBERSHIP OF THE LICENSING (GENERAL) SUB-COMMITTEE

Report of the Solicitor to the Council recommending that the membership and administration of the General Sub-Committee be brought into line with the membership and operation of the Licensing and Gambling Acts Sub-Committee, attached.

Wednesday, 27 October 2010

SOLICITOR TO THE COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 2 JUNE 2010

Present: Councillors Parnell (Chair), Baillie, Drake, Harris, Norris, Osmond, Rayment, Thomas and Willacy (Vice-Chair)

Apologies: Councillors Fitzgerald, Letts, McEwing and Odgers

1. **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Willacy be elected Vice-Chair of the Committee for the 2010/2011 Municipal Year.

2. **STATEMENT FROM THE CHAIR**

3. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 11 March 2010 be signed as a correct record. (Copy of the minutes circulated with the Agenda and appended to the signed minutes).

4. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Rules, the press and public be excluded from the meeting at a predetermined point in respect of any consideration of the following matters whilst the Committee reached its decision.

5. **PROPOSED VARIATION OF HACKNEY CARRIAGE FARES**

The Committee considered the report of the Solicitor to the Council regarding the result of the public consultation regarding an application from the Southampton Hackney Association for a variation of the table of fares as authorised for advertisement and public consultation at the last meeting held on 11 March 2010. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hall, Southampton Hackney Carriage Association (Proposer) and Mr Johnson, Southampton Trade Association (Objector) together with Mr May, Driver were present and with the consent of the Chair addressed the meeting.

RESOLVED that the application for the variation of Hackney Carriage fares proposed by the Southampton Hackney Carriage be refused.

REASON FOR DECISION

That owing to the clear difference of opinion regarding an increase in fares within the Taxi Trade there was insufficient evidence to warrant an increase in fares at this time.

6. **LICENSING FEES (HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES)**

The Committee considered a report of the Solicitor to the Council proposing an increase in fees for the grant and renewal of hackney carriage and private hire vehicle licences as authorised for advertisement for public consultation at the last meeting held on 11 March 2010. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr C Johnson, Chair of the Southampton Trade Association (STA), objector was present and with the consent of the Chair addressed the Committee.

RESOLVED that revised fees as advertised and set out in the appendices of the original report be approved.

REASON FOR DECISION

The application for an increase in fees reflected increased costs of providing the service since the previous revision in November 2007.

7. **BTEC QUALIFICATIONS**

The Committee considered the report of the Solicitor to the Council seeking approval for a further training provider offering a similar qualification to the Edexcel Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED

- (i) that the EDI (Educational Development International) Certificate In Road Passenger Transport (taxi) be approved as a training Provider;
- (ii) that authority be delegated to the Solicitor to the Council to approve further similar qualifications; and
- (iii) that authority to amend the policy in respect of driver criteria in order that suitably qualified licensed drivers can apply for an alternative drivers licence without the need to undertake an approved qualification be delegated to the Solicitor to the Council in consultation with the Chair to authorise the wording of such an amendment.

REASON FOR DECISION

The Committee accepted that the market was a changing one with more providers likely to become available that meet the relevant criteria. Accordingly it was appropriate that the authority be delegated to approve additional providers. Likewise the Committee accepted that in the circumstances as set out in the report the requirement for the qualification was not necessary in every case (i.e. previous experience) and that the policy be amended by wording to be agreed by the Solicitor to the Council.

Agenda Item 5

DECISION-MAKER:	LICENSING COMMITTEE COUNCIL
SUBJECT:	LICENSING ACT 2003 – TRIENNIEL REVIEW OF STATEMENT OF LICENSING POLICY
DATE OF DECISION:	4 TH NOVEMBER 2010 (LICENSING COMMITTEE) AND 17 TH NOVEMBER 2010 (COUNCIL)
REPORT OF:	SOLICITOR TO THE COUNCIL
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

In accordance with Section 5 Licensing Act 2003, the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy by January every three years. The Council's current Statement of Licensing Policy was adopted in November 2008 and requires fresh adoption prior to 7th January 2011. The Licensing Committee is one of the consultees

RECOMMENDATIONS:

Licensing Committee

- (i) That the Committee considers the current Statement of Licensing Policy and the revisions made to it and recommend its adoption to Full Council.

Council

- (ii) That Council adopts the revised Statement of Licensing Policy as attached at Appendix 1.

REASONS FOR REPORT RECOMMENDATIONS

1. The core of the current Statement of Licensing Policy has been in place for nearly three years and has remained broadly unchanged during this period. The only significant addition was that of a Cumulative Impact Policy (CIP) as an addendum to the main policy in May 2009.
2. The Policy is a broad outline of the policy that the Council must adopt in consideration of any application or review. In the view of officers and the Responsible Authorities, the Policy has worked well. Accordingly, there is no cogent reason why significant changes should be made to the Policy at this point in time.

DETAIL (Including consultation carried out)

3. The Council has undertaken a wide consultation exercise in excess of the minimum required by the Act or Government guidance. The Council has consulted with the statutory consultees comprising the Chief Officer of Police for the area, the Fire Authority, persons or bodies representative of local holders of premises licences, premises certificates, personal licences and business and residents in its area. In addition, the consultation exercise has been advertised on the Council's website.

4. No alternative options have been considered as the Council has, by law, to adopt a Statement of Licensing Policy every three years.
5. As previously indicated, the Statement of Licensing Policy has been in place since January 2005. The Authority had regard to the Licensing Policy during this period of time and it is officers and Responsible Authorities' views that the Policy is robust, reasonable and appropriate for the city at the current time. Should the situation change, the Authority has the ability to revisit the Policy and bring it to Full Council for reconsideration, as it did when considering the city centre CIP areas in May 2009.
6. The only significant addition to the policy is the inclusion of the emerging Cultural Quarter in the city centre which deserves special mention as it sits firmly inside the current CIP area and would therefore be ordinarily bound by that sub policy. Due to the nature of the uses and event space that it is envisaged will be utilised in this area some of the provisions of the CIP would be contradictory to this and accordingly an exception is sought to the ordinary CIP criteria.
7. By way of background, it is the duty of the Council as licensing authority to carry out their functions under the Act with a view to promoting four licensing objectives which are:-
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
8. In addition, in determining this Policy, the licensing authority must have regard to the Guidance provided by the Government.
9. Whilst the Policy must set out a general approach to the making of licensing decisions, it cannot be ignorant or inconsistent with the provisions of the Act. For example, the Policy must not undermine or exclude the right of an individual to apply under the terms of the Act for a variety of permissions and to any have such application considered on its individual merit.
10. The Policy should also make it clear that licensing is about regulating the carrying on of licensable activities on licensed premises by qualifying clubs and temporary events and that conditions attached to various authorisations can only be focussed on matters which are within the control of individual licensees and others granted relevant authorisations. Accordingly, these matters will focus on the premises and places being used for licensable activities and the vicinity of those premises and places. Anti-social behaviour in the vicinity of licensed premises is a broad issue that can be, and is, referred to in the Policy. However, whether or not incidents can be regarded as "in the vicinity" of licensed premises or places is a question of fact and will depend on the particular circumstances of each case under consideration. However, the Council will encourage, as far as it is possible, that licence holders have regard to the impact of their business or activity on the neighbourhood and wider community. In cases of dispute, the question will ultimately be decided by the Courts. The current Policy makes it clear in

addressing this matter the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working and engaging in normal activity in the area concerned. The Policy also makes it clear that the licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual club or business holding the licence certificate for the organisation concerned.

11. Officers, the Police and other partnership organisations are concerned with regard to the proliferation of licensed premises concentrated in particular areas and the impact they may have in any given neighbourhood. The north/south spine area is one such example. It is possible to agree to a special policy relating to such “cumulative impact” where it is justified based on evidential grounds. Reference is made to this in paragraph 8 of the Policy and in due course, it is possible that the Council may need to consider adoption of such a policy. However, this will only apply to applications for new licensed premises and not those that currently have the benefit of appropriate licences.

RESOURCE IMPLICATIONS

Capital/Revenue

12. There are no resource implications from the changes to or re-adoption of the current Licensing Policy.

Property/Other

13. There are no specific property implications arising from this report.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

14. As has been previously stated in Section 5 of the Licensing Act 2003, the Council as Licensing Authority is duty bound to adopt such Statement of Licensing Policy. As with all policies produced by the Council, it is necessary for it to be reasonable and workable in order to avoid any legal challenge by third parties.

Other Legal Implications:

15. None.

POLICY FRAMEWORK IMPLICATIONS

16. It is a statutory obligation to produce a Statement of Licensing Policy by references specifically made in the Policy at paragraph 8 to the need to integrate other strategies such as the local tourist economy, Council Strategy for the City, Night-time Economy, Crime and Disorder Strategy, Anti-Social Behaviour Strategy and other relevant corporate policies.

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Statement of Licensing Policy (with proposed amendments)
2.	Map of the Cultural Quarter

Documents In Members' Rooms

1.	None.
2.	

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s) DCMS Guidance to Local Authorities April 2006	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.		
2.		

Integrated Impact Assessment and Other Background documents available for inspection at: Not applicable

WARDS/COMMUNITIES AFFECTED:	All wards
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Report Tracking

VERSION NUMBER:	2
DATE LAST AMENDED:	26/10/2010
AMENDED BY:	RI

LICENSING ACT 2003



STATEMENT OF LICENSING POLICY

A licensing policy, as determined by the Council in respect of its licensing functions for the three-year period commencing on 7th January 2011, is set out in this licensing statement. During the three-year period the policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every three years thereafter, or as necessary.

1. INTRODUCTION

- 1.1 Southampton City Council (SCC) is the licensing authority under the Licensing Act 2003 (the Act) and is responsible for granting the range of premises licences, club premises certificates, temporary event notices and personal licences within the City in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 The licensing authority has adopted this policy, which sets out the general approach the licensing authority will take when it considers applications for premises licences. In adopting this policy the licensing authority recognises and will ensure that each application will be considered on its merits.
- 1.3 The licensing authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 1.4 The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:
- Retail sale of alcohol;
 - Supply of alcohol to club members;
 - The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.;
 - Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as:
 - A performance of a play;
 - An exhibition of a film;
 - An indoor sporting event;
 - Boxing or wrestling entertainment;
 - A performance of live music;
 - Any playing of recorded music;
 - A performance of dance;
 - Provision of facilities for making music;
 - Provision of facilities for dancing.

- 1.5 This "Statement of Licensing Policy" has been prepared in accordance with the provisions of the Act and the guidance issued under Section 182 of the Act by the Government originally through the Secretary of State for Culture Media and Sport (Govt Guidance). This policy should be read as a whole and in conjunction with the Licensing Act 2003 and the DCMS guidance which is obtainable online at www.culture.gov.uk or from 2-4 Cockspur Street London, SW1Y 5DH.
- 1.6 Guidance notes on applications under the legislation, prepared by Southampton City Council are available either online at www.southampton.gov.uk/licensing or by contacting the Licensing Team, PO Box 1344, Southampton SO15 1WQ.
- 1.7 It should be understood that this policy and the DCMS Guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or the DCMS Guidance may be departed from in the interests of the promotion of the licensing objectives. If circumstances require such a departure the licensing authority will give full reasons for their actions.

2. FUNDAMENTAL PRINCIPLES

- 2.1 The licensing authority recognises that the entertainment industry in Southampton is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer. Commercial occupiers of premises have legitimate expectations for an environment that is attractive and sustainable for their businesses.
- 2.2 The City also has a substantial residential population, whose amenity the licensing authority has a duty to protect. In some areas local residents are affected by an increase in the concentration of entertainment uses and longer hours of operation.
- 2.3 Southampton is the south coast's regional capital with a population of over 236,600 in an area of 50 square km. The dynamic and vibrant city is forward-looking, balancing steady growth as a prosperous commercial centre with a high quality of life for its citizens. Southampton has been voted one of the most pleasant places to work in the UK, and is the gateway to a wide range of world-class features from the Solent with its maritime opportunities to the new national park in the New Forest.
- 2.4 Southampton boasts the south's largest concentration of major companies and is home to some of the UK's biggest brands, from Ordnance Survey, Carnival, Skandia Life and HSBC, to Ford Transit. Commercially, Southampton's success is also notable. The West Quay shopping centre opened in 2000 and in the years since, Southampton is 15th nationally in the table of shopping destinations. IKEA opened its first UK city centre store in 2009. Additionally, it is home to two universities, the University of Southampton and Southampton Solent University and has a student population exceeding 35,000
- 2.5 Southampton is the largest city in southeast England outside London, and is seeing expansion in important emerging sectors, including media and creative industries, business and financial services, marine engineering, tourism and defence applications. Southampton has a rich heritage, with a famous seafaring history as an important Roman and then Saxon port. The Old Town is surrounded by some of the best-preserved medieval walls in the country. Monuments commemorating links with Henry V, the Pilgrim Fathers and RMS Titanic can be found around the city.
- 2.6 Four-and-a-half million people live within an hour's drive, with over half a million within the "travel-to-work" area. Southampton's position in the centre of the south coast offers a wealth of advantages. Southampton is the region's cultural heart with a nationally renowned art gallery and first class venues for opera, theatre, music and cinema. Southampton is the south's principal media centre: the BBC and radio and regional newspapers are all based in the city region. There are plans for significant new performance, exhibition and studio space in the

city's "Cultural Quarter" which has been awarded an Arts Council grant of £7.5 million. The Council's plans for this area are reflected in this statement. The Council is also moving forward with long-standing plans for a multi-use entertainment, conference and leisure venue in the city and significant improvements to the waterfront adjacent to Royal Pier and Mayflower Park

- 2.7 The city and Port of Southampton is at the heart of the country's international cruise industry and enjoys a growing market with over 1 million cruise ship passengers coming to the city and passing through the port in 2010 on more than 300 ships. Within 5 years it is anticipated that these numbers will grow to 2 million and 500 respectively
- 2.8 Southampton lies at the very centre of the south coast's communications network, providing excellent links to national and international destinations through Southampton International Airport and the Port of Southampton. The city maintains a strong international profile and has forged close commercial and cultural ties with European and Far Eastern centres.
- 2.9 The aim of the licensing process is to allow the carrying on of retail sales of alcohol, late night refreshment and the provision of regulated entertainment in a way which ensures the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety and which is therefore neither to the detriment of residents, nor gives rise to loss of amenity. It is the licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.10 To assist this aim, the licensing authority, together with the police and other partner agencies undertake numerous initiatives including sponsoring and supporting a Best Bar None scheme in Southampton in 2006, 2007 and 2008, which is one of the largest in the country and intends to do so on a regular basis in the future. The number of premises accredited to the scheme reached 100 in 2008.
- 2.11 The licensing authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and capacity of the City's infrastructure, resources and police resources to cope with an influx of visitors, particularly at night. The licensing authority will endeavour to maintain close contact with the police, youth offender teams and trading standards about the extent of unlawful sales and consumption of alcohol by minors and other criminal activity. The licensing authority will also be involved in the development of any strategies to control or prevent these unlawful activities and where practicable to pursue prosecutions.
- 2.12 The purpose of the policy document is to assist officers and members in reaching a decision on a particular application by setting out those matters that will normally be taken into account. Equally importantly the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the City with some measure of certainty.
- 2.13 The licensing function is not, however, a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing authority strongly encourages licence holders to have regard to the actual and potential impact of their business both on their neighbours and neighbourhoods and to do all that is reasonably possible to limit such impact.
- 2.14 The licensing authority recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, taxi ranks, and other sources of transport that can lead to disorder and disturbance.
- 2.15 Appropriate protocols may be agreed between the local police and the licensing authority to report to the relevant local transport authority. The local transport authority may have regard to

the need to disperse people from town and City centres swiftly and to avoid concentrations which produce disorder and disturbance. The licensing authority will have regard to the existing policies and strategies of the local transport authority as set out in the Local Transport Plan.

- 2.16 In exercising its functions the licensing authority will consider the need for attaching conditions where it is necessary for the promotion of one or more of the four licensing objectives.
- 2.17 Fixed trading hours within designated areas will not generally be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 2.18 The licensing authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, when considering applications for premises licences, the licensing authority will take into account:
 - Environmental quality
 - Any cumulative impact policy
 - Residential amenity
 - Character or function of a particular area; and
 - Nature of the proposed activities to be provided at the premises
- 2.19 Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.
- 2.20 The licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a panacea for solving all problems within the community. The licensing authority will therefore continue to work in partnership with other agencies, its neighbouring authorities, the police, local businesses and local people towards the promotion of the objectives as outlined.

3. LICENSING CONSIDERATIONS/INTEGRATING STRATEGIES

- 3.1 In undertaking its licensing function, the licensing authority is also bound by other legislation, in particular those set out below:
 - Section 17 of the Crime and Disorder Act 1998.
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances.
 - Health and Safety at Work etc Act 1974.
 - Environmental Protection Act 1990.
 - The Anti-Social Behaviour Act 2003
 - Disability Discrimination Act 1995.
- 3.2 In addition, the licensing authority will consider applications with reference to other adopted policies as set out in the Council's Policy Framework, including but not limited to the Medium Term Plan and Community Strategy.
- 3.3 The licensing authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:
 - Action plan for tackling alcohol related crime, disorder and nuisance for example the Alcohol Harm Reduction Strategy 2004

- Safer clubbing;
 - Local Authorities Coordinators of Regulatory Services (LACORS) / Trading Standards Institute code of best practice on test purchasing.
- 3.4 In addition, the licensing authority will consider applications with reference to other relevant policies, whether adopted by the Council, or recommended by the Government or other agencies as good practice and relevant to the issues raised in any application.
- 3.5 The licensing authority will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and in the vicinity of the premises, and these may include conditions drawn from the model pool of conditions relating to crime and disorder. There will also be close co-operation with Hampshire Constabulary to establish protocols on enforcement issues and local crime prevention strategies (see paragraph 13.2).
- 3.6 The licensing authority and the police are concerned of the effect that the sale of cheap or low price alcohol has upon levels of crime, disorder and anti social behaviour.
- 3.7 It is expected that all premises will take into account the mandatory conditions imposed upon premises licences and the promotion of the licensing objectives when promoting cheap or low priced alcohol and risk assess accordingly in order to minimise the likelihood of disorder.
- 3.8 Any instances where the mandatory conditions are breached or the licensing objectives have not been met should be dealt with robustly.

4. CONSULTATION

- 4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function. The licensing authority will make all reasonable efforts to identify the persons or bodies concerned and will consult as far as is reasonably practicable. These will include:
- The Chief Constable, Hampshire Constabulary
 - The Chief Officer, Hampshire Fire and Rescue Service
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the licensing authority's area. "Individuals involved in business" will be given the widest interpretation possible, including partnerships and need not be confined to those engaged in trade and commerce. This should include current licensees but may also include other organisations such as charities, churches and medical practices.
- 4.2 Proper weight will be given to the views of all those who contributed during the consultation period prior to this policy statement taking effect on the commencement date referred to on page 1 of this policy.
- 4.3 The policy statement will remain in existence for a period of 3 years and will be subject to review and further consultation before the expiration of this policy.
- 4.4 In addition, open meetings may be held amongst the local community at which the community can express how well it feels the licensing objectives are being met.

5. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 5.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved directly or indirectly, in the promotion of the licensing objectives, particularly

those relating to the prevention of crime and disorder and public nuisance. The licensing authority will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention strategies, planning, transport, tourism, cultural strategies and any race equality schemes

5.2 The licensing authority will take into consideration:

- The needs of the Local Tourist Economy, Cultural Strategy for the City, Night Time Economy Strategy, Crime and Disorder Strategy, Anti-Social Behaviour Strategy, Old Town Development Strategy and other relevant policies;
- Proper account will also be taken of the need to encourage and promote live music, dancing, theatre and the arts for the wider cultural benefits of communities generally;
- The employment situation in the City, and the need for investment and employment where appropriate;
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.

5.3 The licensing authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application, and to this end a close liaison will be maintained between licensing and planning committees.

5.4 Whilst the licensing authority recognises the need to avoid so far as possible duplication with other regulatory regimes, (such as the Gambling Act 2005) some regulations do not cover the unique circumstances of some entertainment. The licensing authority will therefore consider attaching conditions to premises licences and club premises certificates where they are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

6. THE LICENSING PROCESS AND APPLICATIONS

6.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises (which includes a vessel i.e. ship or boat), the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.

6.2 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted.

6.3 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate. Please see the set of Practical Guidance Notes referred to in 1.6 for further details.

6.4 It is strongly recommended that organisers whether for large events (particularly festivals and carnivals) or temporary events discuss with Council officers and representatives of responsible authorities (such as the police and fire authority) the licensing and other issues which may arise before submitting an application. Applicants are advised to give as much advance notice as is reasonably practicable. If any potential applicant is in doubt over whether a licence is required for any particular activity they should refer to the set of Practical Guidance Notes and make contact with the responsible Authority or Authorities as appropriate.

6.5 When determining applications the licensing authority will have regard to any guidance issued by the DCMS. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If

representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration of those representations will be balanced against the wider benefits to the community. As and when appropriate the licensing authority will consider establishing a policy of seeking to licence public spaces within the community in the name of Southampton City Council.

- 6.6 When determining applications the only conditions which should be imposed on a premises licence or club premises licence are those that are necessary and proportionate for the promotion of the licensing objectives. In particular regard will be had to any Crime Prevention Strategies i.e. the Local Crime and Disorder Reduction Partnership and any Cultural Strategies such as those that are aimed at monitoring the impact of licensing on the provision of regulated entertainment.
- 6.7 The licensing authority acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

7. OPERATING SCHEDULES

- 7.1 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or interested party to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.
- 7.2 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives.
- 7.3 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities (i.e. the police and fire authority) the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise for concern.

8. CUMULATIVE IMPACT

- 8.1 The licensing authority will not take "need" into account when considering an application, as this is a matter for planning control and the market. The licensing authority however recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises and therefore have an actual or potential adverse impact on the promotion of the licensing objectives.
- 8.2 Representations may be received from a responsible authority/interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises; creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 8.3 The licensing authority will take the following steps when considering whether to adopt a special saturation policy:
- the identification of serious and chronic concern from a responsible authority or representatives of residents about nuisance and disorder;
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - assessing the causes;
 - adopting a policy about future licence applications from that area.

- 8.4 The cumulative impact will also be judged on any representations made on how it affects the promotion of the licensing objectives.
- 8.5 In these or similar circumstances, the licensing authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of normally refusing new premises licences or club premises certificates, because the area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives. In relation to every application the licensing authority will consider whether a departure from the special saturation policy can be justified, with or without the imposition of conditions, but will not do so if that would undermine one or more of the licensing objectives.
- 8.6 The onus would be on the applicant to provide evidence to substantiate any assertion that the operation of the premises in question would not add to the existing cumulative impact, taking into account that the impact will be different for premises with different styles and characteristics.
- 8.7 The licensing authority will review any special saturation policies whenever necessary and no later than every three years to see whether they have had the effect intended, and whether they are still needed.
- 8.8 The licensing authority will not use such policies solely:
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or;
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.
- 8.9 The licensing authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community. It should be the norm for shops, stores and supermarkets to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours, in particular the prevention of crime and disorder and public nuisance.
- 8.10 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

9. CRIME AND DISORDER

- 9.1 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the City.
- 9.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. Where applications are submitted to operate licensed premises between hours that include any part of the hours between 2300 and 0800 applicants will be expected to demonstrate that operating during these hours will not have an adverse effect on the licensing objectives and set out the steps which they propose to take to secure these objectives.
- 9.3 The licensing authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business (e.g. any dispersal plans).

- 9.4 The licensing authority will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises, and these may include conditions drawn from the model pool of conditions relating to Crime and Disorder.
- 9.5 In addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises concerned. In taking its decisions the licensing authority will take into account the fact that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 9.6 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed by the Security Industry Authority (SIA). The licensing authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the licensing authority may impose a condition that SIA licensed door supervisors must be employed at the premises either at all appropriate times or at such times as certain licensable activities are being carried out.
- 9.7 The licensing authority draws to the attention of applicants/licensees the offences contained under part 7 of the Licensing Act 2003 and the duty on behalf of the applicants/licensees to comply with these and not to allow any breach or breaches to occur.
- 9.8 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions to prevent crime and disorder where appropriate and necessary, which may be based on the pool of conditions contained within annex D of the DCMS Guidance.

10. PUBLIC SAFETY

- 10.1 The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 10.2 It is essential that operating schedules satisfactorily address these issues and it will be expected that the operating schedule will detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 10.3 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions to promote public safety (including fire safety) where appropriate and necessary which may be based on the Pool of conditions contained within annexes E & F of the DCMS Guidance.

11. NUISANCE

- 11.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisance impacting on people living, working or sleeping in the vicinity of the premises.
- 11.2 The concerns mainly relate to noise, vibration, light pollution and noxious smells and due regard will be taken on the impact these may have and the licensing authority will expect operating schedules to satisfactorily address these issues.
- 11.3 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions to prevent public nuisance where appropriate and necessary which may be based on the Pool of conditions contained within the DCMS Guidance.

- 11.4 The licensing authority will consider attaching conditions to licences and permissions to prevent public nuisance, these may include conditions to:
- keep doors and windows at the premises closed, and/or to use noise limiters on amplification equipment used at the premises;
 - ensure that prominent, clear and legible notices are displayed at all exits requesting that patrons respect the needs of local residents and to enforce an appropriate dispersal plan for patrons to leave the premises and the area quietly;
 - restrict the use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas;
 - place refuse – such as bottles – into receptacles which are outside the premises at times that will minimise the disturbance to nearby properties;
 - ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and that the premises are properly vented;
 - ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

12. CHILDREN

- 12.1 A child is anyone under the age of 18 years unless otherwise stated.
- 12.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.
- 12.3 The licensing authority will have regard to any representations made by the Southampton Local Safeguarding Children Board or through the Southampton City Council appropriate Directorate acting on its behalf, or any other appropriate body when considering applications for premises licences.
- 12.4 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where the supply of alcohol is the exclusive or primary purpose of the service at the premises.
- 12.5 In these circumstances, conditions may be attached to any licence to:
- limit the hours when children may be present;
 - restrict the age of persons on premises;
 - exclude children from all or part of the premises when certain activities may take place;
 - require an adult to accompany a child;
 - set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment (see 12.7 below);

- exclude people under 18 from the premises when any licensable activities are taking place.

Where no licensing restriction is considered necessary, however, it is at the discretion of the licensee or club to decide whether or not to admit children;

Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification;

- 12.6 The authority will not impose conditions requiring the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The licensing authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to in paragraph 12.4 and 12.5 above.
- 12.7 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access and egress and consideration may be given to include conditions concerning child/adult ratios.
- 12.8 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.
- 12.9 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the licensing authority itself.
- 12.10 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 12.11 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 12.12 The licensing authority will consult with the Southampton Local Safeguarding Children Board acting on the City Council's behalf, or any successor body performing the same or a similar function and any other appropriate body, on any application that indicates there may be concerns over access for children.
- 12.13 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 12.14 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions for protection of children from harm where appropriate and necessary which may be based on the Pool of conditions contained within the DCMS Guidance

13. ENFORCEMENT

- 13.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule and the specific requirements of the 2003 Act and any licence conditions imposed, and the

licensing authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

- 13.2 The licensing authority will work closely with the police and Trading Standards to establish enforcement protocols and concordats to ensure an efficient deployment of police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.

14. OTHER MATTERS

- 14.1 The licensing authority strongly recommends that where appropriate licence holders become active members of any relevant organisations such as “Licensing Link” or a “Good Licence Holder” scheme, which is aimed at promoting best practices and the licensing objectives.

15. DELEGATION

- 15.1 In accordance with DCMS Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for person licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases

Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority consider the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

16. CUMULATIVE IMPACT

- 16.1 In some areas concentrated “pockets” of licensed premises / activities can exist which lead to serious problems of nuisance and disorder arising in the area, and even some distance away from the premises / activity. In such circumstances the impact of those premises / activities when taken as a whole can be far greater than that arising from individual premises / activities. It may not be possible to distinguish individual premises / activities as being the sole cause, or even a major contributing factor, of a particular problem. It is the cumulative combined impact of all of the premises / activities, which causes problems for a wider area and potentially undermines the Licensing Objectives.
- 16.2 The potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is often referred to as “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications. In addressing cumulative impact the Authority cannot impose quotas of premises or licenses, nor can it adopt the principle of fixing predetermined hours of operation for a particular area (“zoning”).
- 16.3 For several years the Authority has been aware of views being expressed that some parts of the city may be suffering from Cumulative Impact. On the basis of this information the Authority made further inquiries and received further comments and evidence, particularly from

the police, suggesting that it is both necessary and proportionate to adopt the approach to this issue set out in this Policy Statement. This was originally adopted in 2009. The most up to date evidence is summarised in the attached Appendices and forms the basis for the policy outlined below. The original draft policy was also subject to a consultation exercise with the trade, the public and other bodies likely to be impacted.

Stress Area

- 16.4 In some circumstances an area may have such numbers of licensed premises / activities that it becomes a focal point for large groups of people to congregate and eventually leave. This can create exceptional problems of disorder, noise and other nuisance.
- 16.5 Stricter controls will generally be expected and may be imposed, if necessary and proportionate, with regard to noise controls in areas which have denser residential accommodation.

Policy: CIP1

16.6 The Licensing Authority believes that three areas identified in Appendix B are suffering from Cumulative Impact and are designated as the “Bedford Place Stress Area”, the “Above Bar Street Stress Area”, and the “Bevois Valley Stress Area”.

- ◆ **Reason:** Evidence indicates that these areas already suffer from cumulative impact and that it is appropriate, proportionate and necessary for special policies to address that issue.

Policy: CIP2

16.7 Where representations are received in respect of applications for either new premises or variations to existing premises in the three Stress Areas a rebuttable presumption will apply that such applications shall be refused. However, this policy only applies to applications of the types listed below namely:

- New premises licences
- New club premises certificates
- Provisional statements, including those for material variations to existing premises licences or club premises certificates (i.e. where the modifications are directly relevant to the issue of cumulative impact (e.g. those which significantly increase the capacity of the premises)
- Substantial variations to existing premises or club premises licences (e.g. length of opening hours or increase in period licensable activities may take place). Whether a variation is “substantial” for the purposes of this policy shall be determined by the Licensing Authority in any instance of doubt

The Council and its arts partners have aspirations to create a “Cultural Quarter” with a wide variety of activities both within new buildings such as the Sea City Museum and new Arts Complex on the former Tyrrell and Green’s site, existing buildings, and the improved and expanded Guildhall Square all of which fall within the area of Above Bar partly covered by the above Stress Area as shown hatched... on the attached plan marked.....

The policy is to encourage venues within the Cultural Quarter which promote well run family friendly sit down eating and drinking, complement the City’s cultural offer and may include al fresco dining, subject to appropriate licensing restrictions. These may include theatres, other performing arts venues, galleries and restaurants.

The Licensing Authority will ordinarily treat applications in relation to any licensing use in the Guildhall Square, or within or directly related to any building primarily used for an arts or cultural purpose as an exception to the CIP but each matter will be judged on its merits

Reason: To ensure that those applications which will add to the cumulative impact already being experienced are refused.

- 16.8 This policy creates a rebuttable presumption that certain types of applications will normally be refused. Because of the short life of activities covered by a Temporary Event Notice these will not be taken into account when considering cumulative impact other than in relation to the crime and disorder objective. However, that does not prevent the reverse – i.e. the consideration of cumulative impact or the fact that a proposed premises for a Temporary Event Notice is within a designated Stress Area when applying the relevant statutory test.
- 16.9 The onus shall be upon applicants to demonstrate through their Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not add to the cumulative impact already being experienced. The standard of proof for the consideration by the Licensing Committee of any application or matter relating to cumulative impact shall be on the balance of probabilities. This policy, however, does not relieve Responsible Authorities or Interested Parties of the need to make representations raising cumulative impact as an issue before such applications are considered in light of the policy. If no representations are received then the application must be granted in terms consistent with the submitted Operating Schedule.
- 16.10 Applications for Provisional Statements may be made where new premises are proposed but have not yet been built or where a substantial variation is proposed to existing premises. Potential licensees may make such an application in order to have a degree of assurance that a licence would be granted before committing themselves to the necessary investment. Where a Provisional Statement has been issued by the Authority to the effect that an application would be granted and the schedule of works accompanying the application for the Provisional Statement is completed satisfactorily then any subsequent application for a premises licence must be granted and any objection raised at that stage which could have been raised at the Provisional Statement stage must be disregarded (unless there has been a material change in circumstances). It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process and that Responsible Authorities recognise the continuing requirement to make representations based on cumulative impact if appropriate. For this reason the Provisional Statement procedure is included in the policy.
- 16.11 The Authority may choose to review this Statement of Policy in the future with a view to designating other Stress Areas to which policy CIP2 or a similar policy may be applied. In such circumstances the Authority will consult widely to ensure that such a designation and the application of such a policy would be justified. The application of policy CIP2 and any similar policy will be the subject of regular review to assess its impact.
- 16.12 Responsible Authorities and Interested Parties may make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated Stress Areas (and therefore not covered by this policy). In such circumstances the application may be refused (though there will be no presumption that this will be the case) and the Authority may then choose to review this policy statement and consult as to whether the particular area should be formally designated as a Stress Area to which policy CIP2 (or one similar) should apply. To be clear, nothing within this policy shall prevent the consideration of cumulative impact issues simply because a premises (or proposed premises) is not situated within a designated Stress Area.

Policy: CIP3

- 16.13 Should a relevant representation in turn lead to a hearing to determine an application for a premises located within a designated Stress Area applicants should note that the onus is on

the applicant to establish that the proposed licensable activities will not, on the balance of probabilities, lead to an increase in or add to the cumulative impact already experienced within the designated area. It should be stressed that when considering the application the Licensing Committee will consider the effect of the proposals upon the licensing objectives in light of the underlying reasons for the designation of the area as being one for which the special Stress Area policies should apply.

- 16.14 Whilst making any decision the Committee shall not ordinarily consider the following as an exception to the policies applying to Stress Areas or as justification for departure from those policies:
- The quality of management of the premises
 - The character or experience of the applicant
 - That the capacity, size, hours or any increase therein applied for, is not substantial
 - That the applicant has a good understanding of how to reduce the potential for crime on the premises including crime of a racist or homophobic nature

Policy: CIP4

- 16.15 In cases where Responsible Authorities or Interested Parties seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact which would undermine one or more of the Licensing Objectives they shall be expected to:
- i. Identify the boundaries of the area from which it is alleged problems are arising (or identify the relevant Stress Area in which case paragraphs 16.16 – 16.18 below shall apply) ;
 - ii. Identify the Licensing Objective(s) which it is alleged will be undermined;
 - iii. Provide full details and evidence with specific regard to the matters listed in Policy CIP1 to 4 to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;
 - iv. Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.
- ◆ **Reason:** To ensure that representations are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

Representations in Respect of Applications in Stress Areas

- 16.16 Where a representation seeks to establish that the grant or variation of a premises licence within an existing designated Stress Areas would undermine one or more of the Licensing Objectives and add to the Cumulative Impact paragraphs 6.17 to 6.18 below will apply.
- 16.17 In cases where those making representations seek to establish that an application should be refused on the grounds that it would result in (or further contribute to) a Cumulative Impact, which would undermine one or more of the Licensing Objectives, the person or body making the representation shall be expected to:
- Identify the Licensing Objective(s) which it is alleged will be undermined with specific regard to:
- the nature of the licensed activity to be carried on at the premises; and
 - its patrons.

Policy: CIP5

16.18 In considering applications and representations relating to cumulative impact the Authority will, in addition to the matters listed in policy CIP3 above, have regard to matters that appear to be relevant including (but not limited to):

- The proximity of the proposed premises to others in the area concerned which are licensed or subject to a Provisional Statement for similar activities;
- The occupancy figures of existing licensed premises and those subject to a Provisional Statement, in the area concerned and the timings of those activities;
- The operational hours of existing licensed premises and those subject to a Provisional Statement, in the area;
- The nature of licensed activities in the area and those to be carried on at the proposed premises;
- Whether, if the grant of the application would result in or further contribute to a cumulative impact, conditions would be effective in addressing the issue;
- the proposed hours of operation of the licensed activities;
- transport provision for the area.

◆ **Reason:** To ensure that regard is had to all relevant considerations relating to the area.

16.19 The Council will seek to identify mechanisms outside of the licensing regime that are available for addressing the impact of anti-social behaviour and nuisance once patrons leave the vicinity of licensed premises or in respect of the management or operation of licensed premises, and that may lead to the declaration / removal of an area. Regard will be had to the Secretary of State's Guidance in this respect and the following mechanisms which may be, or have been already, employed:

- Planning controls - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- Any other local initiatives that similarly address these problems.

16.20 The fact that particular premises are in a Stress Area cannot be used as a justification for removing an existing licence. If a representation is received that an existing licensed premises / activity is having an impact that undermines the Licensing Objectives, then Responsible Authorities and Interested Parties may request a review of that specific licence. Action may be considered by the Council under other parts of the policy.

Cumulative Impact Policy – Above Bar Stress Area - List of Streets

Street	Cumulative Impact Area	All or part?
Above Bar Street	Above Bar	All save for premises categorised within the Cultural Quarter
Above Bar Pedestrian Precinct	Above Bar	
Bargate Street	Above Bar	part
Civic Centre Road	Above Bar	part
Commercial Road	Above Bar	part
Gibbs Road	Above Bar	
Hanover Buildings	Above Bar	part
Manchester Street	Above Bar	
New Road	Above Bar	part
Ogle Road	Above Bar	
Park Walk	Above Bar	part
Portland Street	Above Bar	
Portland Terrace	Above Bar	part
Pound Tree Road	Above Bar	part
Regent Street	Above Bar	
Scullards Lane	Above Bar	
Service Road off Civic Centre Road, rear of Marlands Shopping Centre	Above Bar	
Service Roads off Vincent's Walk	Above Bar	
Sussex Road	Above Bar	part
Vincent's Walk	Above Bar	part
West Marlands Road	Above Bar	part

Cumulative Impact Policy – Bedford Place Stress Area - List of Streets

Street	Cumulative Impact Area	All or part?
Amoy Street	Bedford Place	part
Asylum Road	Bedford Place	part
Bedford Place	Bedford Place	
Bellevue Road	Bedford Place	part
Brunswick Place	Bedford Place	part
Canton Street	Bedford Place	part
Carlton Crescent	Bedford Place	part
Carlton Place	Bedford Place	
College Place	Bedford Place	
Cumberland Place	Bedford Place	part
Dorset Street	Bedford Place	part
Grosvenor Square	Bedford Place	part
Hanford Place	Bedford Place	
Henstead Road	Bedford Place	part
London Road	Bedford Place	part
Lower Banister Street	Bedford Place	
Ordnance Road	Bedford Place	part
Salisbury Street	Bedford Place	
Service Road off Winchester Street	Bedford Place	
Southampton Street	Bedford Place	
Upper Banister Street	Bedford Place	
Vernon Walk	Bedford Place	
Waterloo Terrace	Bedford Place	
Wilton Avenue	Bedford Place	part
Winchester Street	Bedford Place	

Cumulative Impact Policy – Bevois Valley Stress Area - List of Streets

Street	Cumulative Impact Area	All or part?
Ancasta Road	Bevois Valley	part
Bevois Hill	Bevois Valley	
Bevois Valley Road	Bevois Valley	part
Blackberry Terrace	Bevois Valley	part
Brinton's Terrace	Bevois Valley	part
Charlotte Place	Bevois Valley	part
Clovelly Road	Bevois Valley	part
Cranbury Avenue	Bevois Valley	part
Cranbury Terrace	Bevois Valley	part
Denzil Avenue	Bevois Valley	part
Dorset Street	Bevois Valley	part
Earls Road	Bevois Valley	part
Fanshawe Street	Bevois Valley	
Forster Road	Bevois Valley	part
Graham Road	Bevois Valley	part
Kingsbury Road	Bevois Valley	part
Lodge Road	Bevois Valley	part
Lyon Street	Bevois Valley	part
Mount Pleasant road	Bevois Valley	part
Onslow Road	Bevois Valley	part
Portswood Road	Bevois Valley	part
Rockstone Lane	Bevois Valley	part
St. Mary's Road	Bevois Valley	part
Thomas Lewis Way	Bevois Valley	part

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Agenda Item 6

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	TRADE REQUEST FOR PROPOSED VARIATION OF HACKNEY CARRIAGE FARES
DATE OF DECISION:	4 NOVEMBER 2010
REPORT OF:	SOLICITOR TO THE COUNCIL
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

The Licensing Committee is asked to consider a request for the variation of the table of fares for the hire of hackney carriages and to determine whether to proceed to public consultation

RECOMMENDATIONS:

- (i) To consider and determine a request on behalf of the Southampton taxi trade for the variation of the table of fares for the hire of hackney carriages in Southampton
- (ii) If the committee is minded to vary the table of fares to authorise the Solicitor to the Council to advertise any proposed variation in the table of fares.
- (iii) If the committee is minded to vary the table of fares, that, subject to consideration of any objections to the advertisement, the variation shall come into effect on 9 December 2010.

REASONS FOR REPORT RECOMMENDATIONS

1. The table of fares for the hire of hackney carriages in Southampton was last revised with effect from 14th July 2008.
2. Three bodies representing parts of the Southampton taxi trade, Southampton UNITE Cab Branch, Southampton Taxi Association and Southampton Hackney Association, have jointly submitted the request for variation of the table of fares as "Combined Taxi Trade".
3. The hackney carriage trade in the city, or any element of it, can submit a proposal at any time and the committee is bound by law to consider it.

DETAIL (Including consultation carried out)

4. The table of fares for hackney carriages, last varied by the City Council with effect from 14th July 2008, is set out in appendix 1.
5. The Combined Taxi Trade's proposals and justification for the proposed variation of the table of fares is set out in appendix 2.
6. A draft table of fares showing the effect of the proposals is set out in appendix 3.
7. It is important to note that the table of fares only relates to the hire of hackney

carriages licensed by the city council for the part of any journey within the city, and charges may only be made in accordance with the table of fares. The basis for the charge for the part of the journey outside the city boundaries must be agreed with the passenger before the commencement of the journey.

8. As a matter of law, the level of fares for the hire of private hire vehicles cannot be controlled by the city council; the basis for the fare for the hire of such vehicles must be agreed with the passenger before the commencement of every journey. The proprietors and drivers of many private hire vehicles choose to follow the hackney carriage table of fares in charging their customers, but a significant proportion do not..
9. The existing and proposed tariffs represent the maximum fares that may be lawfully charged for the hire of hackney carriage within the Southampton.
10. If the committee is minded to vary the tariffs as shown above, it should be noted that any proprietor or driver of a licensed hackney carriage might lawfully charge lower fares if they so wish, but may not exceed the tariffs set by the council or charge for items not appearing on the table of fares. A copy of the table of fares must be exhibited in every licensed hackney carriage, and drivers and proprietors are provided with a copy of table of fares for that purpose by the Licensing Team.
11. The effect of the Combined Taxi Trade's proposals is to vary the initial fares as follows:
 - for a day-time hiring from £2.20 to £2.40
 - for a night-time hiring from £2.95 to £3.20
 - for a day-time hiring on Sundays, Bank Holidays and 1st January from £3.20 to £3.40
 - for a hiring at Christmas from £4.40 to £3.50
 - for an evening/early morning hiring at New Year from £4.40 to £4.80
12. It is proposed for all hirings that the basis of calculation for distance travelled will be 110 metres (120 yards) for the first 440 metres (481 yards) and 212 metres (232 yards) thereafter.

The current increments are 110 metres (120 yards) for the first 440 metres (481 yards) and 225 metres (246 yards) thereafter.
13. There are no proposals to change the £0.20 increment in the existing fare structure, which adds £0.20 to the initial fare of £2.20 for every 110 metres (120 yards) travelled, up to 440 metres (481 yards) (a total fare of £3.00), thereafter £0.20 is added to the fare for every 225 metres (246 yards) travelled, save that this subsequent distance is proposed to be 212 metres (232 yards).
14. The Combined Taxi Trade proposes that the basis for the calculation Christmas tariff should be reduced from the current twice the daytime rate to 1 ½ times the daytime rate. It is proposed that the basis for calculation of the New year tariff should remain at twice the daytime rate
15. The Combined Taxi Trade also proposes that the soiling charge should increase from £50.00 to £70.00.

16. These proposals would result in the following variations in fares for example distances travelled:

Miles (Kilometres)	Daytime tariff	Night- time tariff	Current fares		Proposed fares	
			Day	Night	Day	Night
1 (1.61)	4.76%	4.59%	£4.00	£5.20	£4.20	£5.45
3 (4.83)	5.56%	5.56%	£6.80	£8.70	£7.20	£9.20
5 (8.05)	5.88%	5.88%	£9.60	£12.20	£10.20	£12.95
10 (16.09)	5.62%	5.62%	£16.80	£21.20	£17.80	£22.45

17. There is no proposal to alter the basis of the fares charged for Sunday and Public Holiday journeys (commencing between 06:00 am and 11:00 pm), save that the underlying daytime rate (Tariff 1) is proposed to increase.
18. Additionally, it is proposed that the basis for fare charges by time (“waiting time”) in tariffs 1 and 3 will remain at £16.00 per hour and tariff 2 will remain at £20.00 per hour, but that the basis for charges by time in tariff 4 will reduce from £32.00 to £24.00 per hour, and that 45 second unit for calculation of charges will remain as at present and the basis for charges for time in the new tariff 5 will remain as at present at £32.00 per hour.
19. Members will be aware that many taxi drivers and proprietors make a boundary charge for vehicles making journeys outside the city boundaries. Such charges cannot be controlled by the table of fares, as they relate to the portion of the journey outside the city boundaries but must be the subject of a contract between the vehicle proprietor or their agent and the hirer, agreed before the commencement of the journey.
20. This report represents the first step in a process of determining the proposals. Members have discretion in varying the table of fares, and need not be bound by the request submitted on behalf of the trade. In addition, Members cannot fetter their discretion by agreeing future fare structures now.
21. The legislation prescribes a procedure which consists of a determination by the committee of the variation of the table of fares and the advertisement of the proposal in a newspaper circulating in the area.
22. A minimum period of 14 days must be allowed from the date of the advertisement for the receipt of written representations and objections. It is recommended that a period of 14 days be given for objections
23. The committee must then consider any objections made and determine whether to confirm the varied table of fares, with or without modifications.
24. If the committee is minded to vary the table of fares, any objections will be brought to a meeting of the committee on 15 December 2010.
25. If the committee is minded to vary the table of fares, the Solicitor to the Council recommends that, if no objections are received, any variation should come into force on the 9 December 2010. Members will be aware that, following their decision, arrangements will need to be made by the Licensing Team and the suppliers of taximeters and their agents for the variation to be effected, fare charts printed and arrangements also need to be confirmed for

checks on meters installed in licensed vehicles.

26. Representatives of the recognised trade representative organisations have been invited to attend the committee's meeting but whilst it considered appropriate for the proposer to address the committee at this stage it is recommended that all representations from the trade and public be considered after advertisement, should the committee be minded to proceed to that stage.
27. The committee has discretion in law to determine the fares for the hire of hackney carriages in Southampton, subject to a duty to act reasonably.
28. Subject to the committee's views today, the timetable for the implementation of the proposals could be as follows: -

4 November 2010	committee's consideration and decision
11 November 2010	newspaper advertisement
25 November 2010	close of objection period (14 days)
9 December 2010	new table of fares in force if no objections made
15 December 2010	committee – consideration of any objections
29 December 2010	if agreed, new table of fares in force

RESOURCE IMPLICATIONS

Capital/Revenue

29. Not applicable

Property/Other

30. The work involved for the Licensing Team in bringing a variation of the table of fares into effect and in testing taxi meters is contained within existing resources and budgets.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

31. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Licensing Committee power to determine hackney carriage fares. The power is not delegated to officers.
32. Section 17 Crime and Disorder Act 1998 places the council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
33. The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's rights must be no more onerous than is necessary in a democratic society.

The matter set out in this report must be considered in light of the above obligations.

Other Legal Implications:

34. The city council would be acting beyond its powers if it were to seek to fetter its discretion by fixing the period of review for fares or by fixing a particular formula for any future variations of fares
35. However, this does not preclude individuals or a trade association from making requests for variation, or from producing whatever evidence they think fit in support of any proposal.
36. If no objections are made to the proposals following the advertisement, the varied table of fares could come into force at the end of the period specified in the Notice mentioned above, or if objections were made, on such other date fixed by the committee. This must be no later than two months after the last date for making objections.

POLICY FRAMEWORK IMPLICATIONS

37. The decision to determine the application in the manner set out in this report is not contrary to the council's policy framework

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Current table of fares
2.	Combined Taxi Trade's proposals and justification
3.	Draft table of fares showing the effect of the proposals

Documents In Members' Rooms

1.	None
2.	

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents None

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

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Integrated Impact Assessment and Other Background documents available for inspection at: Not Applicable.

WARDS/COMMUNITIES AFFECTED:	All wards
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Report Tracking

VERSION NUMBER:	1
DATE LAST AMENDED:	25/10/2010
AMENDED BY:	JB

MAXIMUM TABLE OF FARES

APPENDIX 1
Appendix 1

inclusive of VAT (where applicable)

Passengers are only obliged to pay the fare shown on the meter except where a surcharge for journeys ending outside the city has been agreed before the hiring commences

1. TARIFF 1 – Daytime – Except as in Tariffs 3 and 4 below, for any hiring begun after 6.00 a.m. and before 11.00 p.m. on any day

Fare for Distance

- | | |
|--|-------|
| (a) For the first 110 metres or part thereof | £2.20 |
| (b) For the next 110 metres or part thereof | £0.20 |
| (c) For the next 110 metres or part thereof | £0.20 |
| (d) For the next 110 metres or part thereof | £0.20 |
| (e) For each subsequent 225 metres or part thereof | £0.20 |

Waiting Time – For each period of forty-five seconds or part thereof £0.20

2. TARIFF 2 – Night-Time – Except as in Tariff 4 below, for any hiring begun after 11.00 p.m. and before 6.00 a.m. on any day

Fare for Distance

- | | |
|--|-------|
| (a) For the first 110 metres or part thereof | £2.95 |
| (b) For the next 110 metres or part thereof | £0.25 |
| (c) For the next 110 metres or part thereof | £0.25 |
| (d) For the next 110 metres or part thereof | £0.25 |
| (e) For each subsequent 225 metres or part thereof | £0.25 |

Waiting Time – For each period of forty-five seconds or part thereof £0.25

3. TARIFF 3 – Sundays, Bank Holidays and New Year – Except as in Tariff 4 below, for any hiring begun after 6.00 a.m. and before 11.00 p.m. on a Sunday, Good Friday, a Bank or Public Holiday, or 1st January, Tariff 1 above plus a surcharge, per hiring, of £1.00

4. TARIFF 4 – Christmas and New Year – For any hiring begun after 11.00 p.m. on the 24th December and before 6.00 a.m. on the 27th December or after 11.00 p.m. on the 31st December and before 6.00 a.m. on the 1st January Double the rate of Tariff 1

5. ITCHEN BRIDGE TOLLS

If any hiring involves crossing the Itchen Bridge, and a toll is payable, there shall be added to the fare a sum equivalent to the toll paid

6. SOILING CHARGE

If the hackney carriage is soiled by a passenger or an animal £50.00

Licensing
PO Box 1344
Southampton SO15 1WQ

MARK R. HEATH
Solicitor to the Council
14th July 2008

Any complaints about the hiring of this vehicle or the conduct of the driver should be sent in writing to the Licensing Team at the address above

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Combined Taxi Trade's Proposed Variation of Hackney Carriage Table of Fares

APPENDIX 2

Tariff 1 – Daytime – Except as in Tariffs 3, 4 and 5 below, for any hiring begun after 6.00a.m. and before 11.00p.m. on any day.

(a) For the first 110 metres or part thereof	£2.40
(b) For the next 110 metres or part thereof	£0.20
(c) For the next 110 metres or part thereof	£0.20
(d) For the next 110 metres or part thereof	£0.20
(e) For each subsequent 212 metres or part thereof	£0.20
Waiting Time – For each period of forty-five seconds or part thereof	£0.20

Tariff 2 – Night-time – Except as in Tariffs 4 and 5 below, for any hiring begun after 11.00p.m. and before 6.00a.m. on any day.

(a) For the first 110 metres or part thereof	£3.20
(b) For the next 110 metres or part thereof	£0.25
(c) For the next 110 metres or part thereof	£0.25
(d) For the next 110 metres or part thereof	£0.25
(e) For each subsequent 212 metres or part thereof	£0.25
Waiting Time – For each period of forty-five seconds or part thereof	£0.25

Tariff 3 – Sundays, Bank Holidays and New Year – except as in Tariffs 4 and 5 below, for any hiring begun after 6.00a.m. and before 11.00p.m. on a Sunday, Good Friday, a Bank or Public Holiday, or 1st January, **Tariff 1** above plus a surcharge of **£1.00**

Tariff 4 – Christmas – For any hiring begun after 11.00p.m. on the 24th December and before 6.00a.m. on the 27th December **One and a Half times the rate of Tariff 1**

Tariff 5 – New Year – For any hiring begun after 11.00p.m. on the 31st December and before 6.00a.m. on the 1st January **Double the rate of Tariff 1**

Itchen Bridge Tolls

If any hiring involves crossing the Itchen Bridge, and a toll is payable, there shall be added to the fare a sum equivalent to the toll paid

Soiling Charge

If any Hackney Carriage is soiled by a passenger or animal **£70.00**

Reasons and explanations for the trade's request for a variation in Hackney Carriage fares.

Flag: A small adjustment to the 'flag' was so as to enable a reasonable percentage increase to be obtained without drastic alterations to the monetary and distance increments.

Retention of existing 110 metre drops: To remove any of the initial 110 metre drops requires an exaggerated increase to the flag or initial monetary increments, which leads to a high percentage increase at the beginning of any journey. Also by keeping these 110 metre drops it allows for a consistency of the percentage increase throughout a journey.

Reduction of distance between subsequent drops: To enable a percentage increase of approximately 6.3% at the 2.5mile mark (the criteria set out in the letter requesting a fare variation) of a journey a reduction from 225 metres to 212 metres satisfied that criteria (6.39% actual increase at 2.5mile).

Xmas & New Year: There were strong arguments for both 'Double' and 'Time and a Half'. It was agreed to request a reduction to 'time and a half' for the Xmas period, but keep the New Year period at 'double time' for this year. There will be a monitoring of both periods to see what effect our proposal has.

Sundays, Bank/Public Holidays and New Year's Day: To remain the same.

Waiting Time: To remain the same.

Soiling Charge: To request an increase from £50 to £70.

It was also considered reasonable to request Southampton City Council to review a fare variation annually at the first licensing Committee Meeting after the May Local Elections.

Other contributing factors:

As already stated RPI to year ending May 2010: 5.3%

Breakdown of some key RPI statistics year end May 2010:

Vehicle Tax and Insurance up: 24.8%

Petrol and Oil up: 25.3%

Motoring Expenditure: 17.6%

(Source National Statistics Office)

Increases in Expenditure due to Changes in Hackney Carriage conditions:

Cameras in new vehicles made compulsory.

Twice yearly vehicle MOT's.

**Increase in Fees for 3 yrs from £150 to £165: 10% (Annually £50 to £55: 10%)
(Council resolutions 2009/10)**

Proposed **MAXIMUM TABLE OF FARES** Appendix 3 **APPENDIX 3**

inclusive of VAT (where applicable)

Passengers are only obliged to pay the fare shown on the meter except where a surcharge for journeys ending outside the city has been agreed before the hiring commences

1. **TARIFF 1 – Daytime** – Except as in Tariffs 3, 4 and 5 below, for any hiring begun after 6.00 a.m. and before 11.00 p.m. on any day
Fare for Distance
 - (a) For the first 110 metres or part thereof £2.40
 - (b) For the each subsequent 110 metres or part thereof to a maximum total distance travelled of 440 metres £0.20
 - (c) For each subsequent 212 metres or part thereof thereafter £0.20**Waiting Time** – For each period of forty-five seconds or part thereof £0.20
2. **TARIFF 2 – Night-Time** – Except as in Tariffs 4 and 5 below, for any hiring begun after 11.00 p.m. and before 6.00 a.m. on any day
Fare for Distance
 - (a) For the first 110 metres or part thereof £3.20
 - (b) For the each subsequent 110 metres or part thereof to a maximum total distance travelled of 440 metres £0.25
 - (c) For each subsequent 212 metres or part thereof thereafter £0.25**Waiting Time** – For each period of forty-five seconds or part thereof £0.25
3. **TARIFF 3 – Sundays, Bank Holidays and New Year** – Except as in Tariff 4 below, for any hiring begun after 6.00 a.m. and before 11.00 p.m. on a Sunday, Good Friday, a Bank or Public Holiday, or 1st January, Tariff 1 above plus a surcharge, per hiring, of £1.00
4. **TARIFF 4 – Christmas** – For any hiring begun after 11.00 p.m. on the 24th December and before 6.00 a.m. on the 27th December 1.5 times the rate of Tariff 1
5. **TARIFF 5 – New Year** – For any hiring begun after 11.00 p.m. on the 31st December and before 6.00 a.m. on the 1st January Twice the rate of Tariff 1
6. **ITCHEN BRIDGE TOLLS**

If any hiring involves crossing the Itchen Bridge, and a toll is payable, there shall be added to the fare a sum equivalent to the toll paid
7. **SOILING CHARGE**

If the hackney carriage is soiled by a passenger or an animal £70.00

Licensing Team

PO Box 1344

Southampton SO15 1WQ

Email: licensing@southampton.gov.uk

Internet: www.southampton.gov.uk/licensing

MARK R. HEATH

Solicitor to the Council

[implementation date - to be determined]

Any complaints about the hiring of this vehicle or the conduct of the driver should be sent in writing to the Licensing Team at the address above, where possible quoting the licence number of the vehicle and driver

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Agenda Item 7

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	LICENSING OF PLEASURE BOATS AND BOATMEN
DATE OF DECISION:	4 th NOVEMBER 2010
REPORT OF:	SOLICITOR TO THE COUNCIL
STATEMENT OF CONFIDENTIALITY	
None.	

BRIEF SUMMARY

Section 94 of the Public Health Acts Amendment Act 1907 makes the city council the licensing authority for pleasure boats and boatmen.

The committee is asked to note the processes involved in licensing pleasure boats and boatmen and review the fees associated with the process

RECOMMENDATIONS:

- (i) To note the processes in licensing pleasure boats and boatmen
- (ii) To set application fees at a level commensurate with the costs associated with the provision of the service.

REASONS FOR REPORT RECOMMENDATIONS

1. To ensure that, as far as possible, the fees for applications are set at a level which allows for full cost recovery.

DETAIL (Including consultation carried out)

2. At its meeting on 11th June 2003, the Licensing and Public Safety Panel considered a report from the Solicitor to the Council concerning the licensing of pleasure boats and boatmen which had previously been carried out by Associated British Ports (Southampton) ("ABP") under their Docks Byelaws.
3. The panel agreed to the appointment of ABP as the council's consultant in relation to the examination of pleasure boats and boatmen to ascertain their suitability. The city council and ABP subsequently concluded an agreement appointing ABP as the council's agents for this purpose.
4. The panel also set fees for applications and delegated the function to the Solicitor to the Council, save for the power to revoke or refuse licences.
5. Currently, twenty-eight boatmen and ten pleasure boats are licensed by the city council.
6. A review of the service, in liaison with ABP, indicates that the fees should be reviewed so as to ensure that they properly reflect the costs of providing the service, both in terms of the work undertaken by ABP in inspecting pleasure boats and examining boatmen and the Licensing Team in all other aspects of the function.
7. The city council does not have the technical expertise to carry out the inspections of boats and the examination of boatmen, hence the arrangements with ABP where these matters are dealt with by the Southampton Harbourmaster's Office.

8. Licences for pleasure boats are renewable annually and boatmen are renewable at five, three and one year intervals, for those aged 18-63, 64-74 and over 75 years, respectively..

9. The fees were last set in 2003 and it is proposed that they should be increased to provide full cost recovery, as follows:

10. Licence type and duration	Current	Proposed
Pleasure boat licence application, (grant or renewal)(annual)	£135.00	£210.00
Boatman's licence application, (grant or renewal)(five yearly)	£60.00	£135.00

RESOURCE IMPLICATIONS

Capital/Revenue

11. The proposal is intended to produce, so far as is possible, full recovery of the costs involved in licensing pleasure boats and boatmen.

Property/Other

12. The resources to carry out the function are already present within the Licensing Team. There are no other significant resource implications

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

13. Section 94 of the Public Health Acts Amendment Act 1907 provides the power to license pleasure boats and boatmen and section 180 and paragraph 23 of schedule 14 to the Local Government (Miscellaneous Provisions) Act 1972 make it compulsory for a licensing system to be in place.

Other Legal Implications:

14. Schedule 1, paragraph B18 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) states that this licensing function is non-executive and should be with the Licensing Committee.

POLICY FRAMEWORK IMPLICATIONS

15. The decision required by this report is not contrary to the council's policy framework

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	None
2.	

Documents In Members' Rooms

1.	none
2.	

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s) None.

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
2.		

Integrated Impact Assessment and Other Background documents available for inspection at: Not Applicable.

WARDS/COMMUNITIES AFFECTED:	None
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Report Tracking

VERSION NUMBER:	2
DATE LAST AMENDED:	25/10/2010
AMENDED BY:	JB

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Agenda Item 8

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	MEMBERSHIP OF THE LICENSING (GENERAL) SUB-COMMITTEE COMMITTEE
DATE OF DECISION:	4 TH NOVEMBER 2010
REPORT OF:	SOLICITOR TO THE COUNCIL
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

The report sets out recommendations that the membership and administration of the Licensing (General) Sub-Committee be brought into line with the membership and operation of the Licensing and Gambling Acts Sub-Committee.

RECOMMENDATIONS:

- (i) That the membership of the Licensing (General) Sub-Committee be reduced from seven to three members, with a quorum of 2;
- (ii) That the membership continue to be drawn from the membership of the Licensing Committee with the Chair to be elected at the commencement of each meeting for the purposes of that meeting only;
- (iii) That the General Sub-Committee be administered on the same lines as the Licensing and Gambling Acts Sub-Committee utilising the meeting dates currently scheduled as required;
- (iv) That the arrangements take effect from the start of the 2011 municipal year.

REASONS FOR REPORT RECOMMENDATIONS

1. To bring the membership the General Sub-Committee in line with the membership of the Licensing and Gambling Acts Sub-Committee.
2. To promote administrative efficiency and minimise inconvenience to members by enabling the Solicitor to the Council to utilise and share the dates on the schedule in place for the Licensing and Gambling Acts Sub-Committee. Convening meetings of the General Sub-Committee on the same days where possible would facilitate an efficient, cost effective and quicker discharge of business that needs to come before members.

DETAIL (Including consultation carried out)

3. If the membership of the General Sub-Committee be reduced from seven (ratio 4:2:1) to three (ratio 1:1:1) while the two Sub-Committees could not be combined, they could share the same schedule. With the members listed sitting as either the Licensing and Gambling Acts Sub-Committee or as the General Sub-Committee as business demands
4. Owing to the allocation of seats among the political groups it would be most practical, should members approve the officers' recommendations, to instigate the changes at the commencement of the 2011/12 Municipal Year.

5. There has been consultation between Political Group spokespersons by email and discussion with officers.
6. The option of leaving the membership of the General Sub-Committee at the current level of seven with meetings scheduled for Wednesdays remains but in the light of the need to deal with matters both efficiently and expeditiously the option does not appear to have much merit. The opportunity to streamline and rationalise the City's licensing hearing process with a view to facilitating quicker response times is the recommended option.
7. The membership of the Licensing (General) Sub-Committee was agreed by the political Groups as being seven members to be drawn from the membership of the Licensing Committee (ratio 4:2:1 to comply with the political balance) consisting of a permanent Chair and Vice-Chair together with four other members of the parent Committee nominated on a meeting by meeting basis.
8. The membership of the Licensing and Gambling Acts Sub-Committee consists of three members drawn from the fifteen members of the Licensing Committee as prescribed by the 2003 Act and to date has worked well, hence the proposal to extend this to the General Sub Committee. Although there is no requirement for the main Committee or the Sub-Committee to be politically balanced under the Act the City Council has nevertheless ensured that that membership of both accurately reflects the political makeup of the Council where possible.
9. Currently the Solicitor to the Council maintains, in consultation with group spokespersons, a schedule of dates for meetings of the Licensing and Gambling Acts Sub-Committee for every other Thursday. By reducing the number of members on the General Sub-Committee it would be possible to utilise the sub committee dates and schedule to hold either Sub-Committee on any of these dates allowing greater flexibility and quicker response times to licensing applications and matters that arise under the 1972 Act.

RESOURCE IMPLICATIONS

Capital/Revenue

10. There are no capital implications arising from the proposals in the report.
11. Naturally there would be a reduction in cost by virtue of having less meetings but this has not been quantified.

Property/Other

12. There are no property implications arising from the proposals in the report
13. Not applicable.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

14. Section 102 Local Government Act 1972 provides the authority to appoint committees to discharge functions. The discharge of the powers delegated to the Licensing Committee by statute or Council are solely vested in it and it is therefore for the Licensing Committee to decide how to best discharge these functions.

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