

SLP 2016 notes

There were a total of 14 responses ranging from 1 sentence to several pages.

There were 7 responses from a mix of residents and residents associations asking for Portswood District Centre to be included as a stress area in the CIP. There are 2 responses from Polygon residents that are similar to each other on a range of issues, a single resident with concerns about street drinking, a response from South Hampshire CAMRA, Councillor Pope, the LCSB and the HSE.

I have made officers comments in italics under each section. The paragraph numbers refer to the paragraphs in the draft document

Portswood District Centre

7 responses from a mix of residents and residents associations to include Portswood in CIP, 3 provide little to no evidence to support this, three mention ASB and suggest in their view without a CIP it will be detrimental to public safety. Two mention contrary to Management plan for area. The management plan is located <http://www.southampton.gov.uk/policies/Portswood%20residents%20garden%20conservation%20area.pdf>

The main thrust of the comments are that there are already enough premises in the Portswood District centre, there is already noise and ASB problems and the CIP will prevent a rise.

The management plan deals with planning matters, which do need to be considered but in a limited context for Licensing matters. As a result of these representations the police and EHO were asked for comments. Insp Wicks and Gavin Derrick responded, Insp Wicks states there is insufficient evidence to support a CIP here. Mr Derrick suggests a PSPO may be a better solution and work is under way to consider this. Officers considered all of these responses. The arguments presented by the group are more aligned to planning matters rather than licensing. The residents' assertions of anti-social behaviour and nuisance are not supported by evidence from either the police or Environmental Health who record such incidents. The introduction or adoption of a CIP policy, in order to withstand challenge, requires sufficiently robust statistical evidence – ordinarily provided by the police. Officers are therefore not minded to alter the policy as requested at this time.

Polygon Residents.

The following comments were made:-

3.9 They question the number of students in the city, believing the number to be in excess of 45,000. *The latest figure is 42,500 provided to SCC by the two Universities and the document updated.*

4.6 They ask how can more licensed premises benefit the community.

The right type of premises in the right location can be of benefit to the community, each case will have to be determined on its merits. It is recognised that residents living in a densely populated city where there is a proliferation of licensed premises may have a different outlook to a resident living in a more rural area. The authority has recognised the city suffers from the effects of a large number of premises in a small area and has adopted policies accordingly.

4.8 Believe vocal minority might be the only voice prepared to respond as others are too exhausted.

The policy as stated is sufficient as it protects the interests of the community and not just that of a vocal minority.

5.5 Request late night use should not be allowed and to consider the householders there.
The exemption to the CIP will not prevent considerations of the impact on nearby residents and premises. Cumulative impact can be raised as an issue for consideration of any application, it simply does not invoke the rebuttable presumption if outside an identified area.

5.7 Seek evidence there will be extra policing and how can they provide evidence.
A levy board is set up to consider how monies raised will be spent and the impact that has.

5.12 With so many schemes why are matters so bad?
The City has improved considerably since 2008 and has seen larger decreases in crime related to the NTE compared to other areas, Southampton won the Tilley award in 2011 for its work in reducing crime within the NTE, this was as a result of the various schemes and excellent partnership work. The relevant agencies are committed to continuing to work together with the available resources and legislation to fulfil the mission statement at the head of the proposed document.

5.16 Too many off licences in Shirley and is a drinking hotspot
The authorities are aware of the problems in the Shirley area and continue to work to improve matters. A review of the evidence fell short of the requirement to introduce a CIP stress area to Shirley. Should the evidence change to support introducing such an area this can be brought back to the authority to consider at any time.

5.17 disagree as people will buy days before the night out.
The purpose of this is to reduce the risks in an area of high risk, it will not prevent all cases of such problems but it does mitigate the risk.

5.18 Believe TENs should not be allowed on any premises near to residential areas
Temporary Event Notices cover a multitude of activities, some will be appropriate in residential areas, others will not, as with all applications each will be dealt with on their merits. Policy cannot dictate something that is not lawful, such a blanket ban would clearly be unlawful.

6.14 Does not feel conditions will solve the matter
Conditions will be considered on a case by case basis as appropriate.

7.28 Express a view that other controls do not work.
The situation will continue to be monitored. However the evidence of other controls working is the reduction of violent crime within the NTE over the last 8 years and reduced alcohol admissions to A&E departments.

Single resident

There is one response from a member of public who is concerned with people from the Baltic States having a culture of drinking on the streets and seeing this here. Complains of litter as a result. Provides specific locations with problems of street drinkers and the associated problems. Is concerned at the concentration of alcohol off licence premises at Foyes Corner.

This supports the comments from Polygon Residents and Cllr Pope to some extent. The Responsible authorities continue to monitor this area and it is mentioned in the police report as an area they will continue to monitor. As already mentioned there is presently insufficient evidence to support a CIP for this area.

South Hampshire CAMRA

In general support the SLP but make the following observations:

3.18 suggest a comparison with other cities of a similar size will be more informative.

I will seek to include Brighton, Plymouth, Bournemouth, Nottingham, Sunderland and Coventry.

Section 5 PSPOs – they support the intentions but consider ban on all outside drinking draconian and suggest some flexibility as hinted at in Section 6.18.

PSPO legislation will allow drinking in public if it is within the curtilage of the licensed premises or if the area itself is licensed. This covers areas such as pub gardens and smoking areas. Additionally if there is a table and chairs permission this will take the area outside of the scope of the PSPO. This is the flexibility mentioned.

6.6 suggest it is worth noting the presence of door staff can have a negative effect, a street with uniformed attendants at each door can be unsettling.

Noted, but not considered necessary to change policy, it will be for each application to argue the merits or otherwise of the inclusion of door staff.

7.9 CIP Do not agree the presumption should be to refuse and suggest real ale houses in a CIP may well moderate the stress.

Paragraph 13.30 of the Section 182 guidance dictates this section.

7.19 and 7.20 Feel it is the concentration of vertical drinking establishments that generally target young inexperienced drinkers that causes the problems and consider 7.20 to be counterproductive. They add the whole of Section 7 is confusing, believe avoiding concentrations of near identical establishments is the key and feel small cask ale pubs can assist in providing a moderating effect in such areas.

Section 7 is technically worded and has to be to withstand legal challenge. It creates a presumption contrary to standard application of the legislation and as a result it has to be very clearly set out in its terms. CIPs are not about dealing with a bad apple amongst a cart (which would ordinarily be dealt with by review), it is about dealing with too many apples in the cart.

Councillor POPE

1.1 Welcomes a mission statement but asks what measures will be put in place.

Progress will be monitored through the SCP, may need to look at measures in the future

2.7 Asks if Ward Cllrs will be added to the list.

The consultation has been advertised on the Council's webpages as well as sent directly to affected groups or individuals and relevant authorities as stipulated in the Guidance.

3.5 Suggests it is clarified that the Cultural quarter will include many licensed premises.

Will propose amendment to include this.

3.7 Suggest it is made clear any VIP projects are not exempt from the licensing objectives.

Consider this is already covered by document that each case will be determined on its merits.

3.16 to 3.18 Suggest it compares with other cities

I will seek to include Brighton, Plymouth, Bournemouth, Nottingham, Sunderland and Coventry.

4.4, 4.6, 4.8, 4.11 agreed

4.13 Asks for the times to be made clearer.

Reluctant to list times as could change over time with legislation changes but could provide link to website for guidance – which provides all the relevant information and can easily be updated.

5.1 to 5.3 Asks if the PSPO works, as there is evidence of street drinking. Do we need a different approach?

The present PSPO is the old DPPO renamed, it is due to be reviewed and any new PSPO is likely to be more area specific and targeted to particular issues, not necessarily just alcohol, in particular areas. I think it also needs to be noted that neither the PSPO or the DPPO bans drinking in public, it does however provide the police or an authorised person the power to stop the drinking in public.

5.4 to 5.6 Feels there is lack of reasoning or evidence to support why cultural quarter is exempt from the CIP. Also links in best practice schemes suggestions

The policy does set out the reasons and lists premises where the sale of alcohol is ancillary to the main attraction of the venue.

5.7 to 5.8 Asks for reasons for exemptions be included

These were included in the process to introduce the late night levy and that is the appropriate place for such evidence.

5.9 Suggest Best Practice scheme applies to Cultural Quarter and elsewhere.

Schemes will be considered on their merits. The wider the inclusion the better. It would be wholly inappropriate for Licensing Authorities to dictate who should be in a scheme and who should not. The schemes must operate independently of the Council – if the Council has too much control decisions of the scheme can be considered decisions of the Council and then subject to judicial review. This would mean the Council may become liable to legal challenge where decisions are made in relation to excluding members / individuals etc.

5.12 to 5.13 Questions why the LNL is only spent in the city centre when police data shows a spread of crime.

Appears to be a misunderstanding of the crime data. Both East and West Sectors of Southampton Central include areas of the NTE. The police data demonstrates it is the city centre that requires the support. By providing the relevant support by way of taxi marshals etc. it has been evidenced will allow reduce demands on the valuable emergency services resources that can be re-directed. The police commitment to the operation to police the NTE at weekends has reduced by about 50% over the last 7 years as a direct result of the partnership work and initiatives.

5.17 Asks if the one can policy has worked

Does not affect policy

6.13 to 6.14 Agrees placing responsibility for litter on the takeaways, like to see it extended to other premises, questions how this can be achieved.

Policy already extends to other types of premises, see 6.14, however, to clarify the title has been altered to be less restrictive.

7 CIP difficult to understand. Requests it is made clearer. Agrees it is required.

The CIP is a complex issue and must follow S182 Guidance. The wording must be robust and capable of withstanding legal challenge. As a result of the impact that it has, technical wording is unavoidable.

7.5 Agrees stricter controls are needed in areas of dense residential population but asks how do we deal when more residents move into an area making the residential population more dense. *The policy already covers this by saying if appropriate and proportionate. The policy cannot be expected to list all possible eventualities with a list of directions. Policy can be amended when necessary.*

CIP 1 Agrees with areas

7.9 agrees

7.11 What if there are a lot of TENs for the same premises?

There are statutory limits to the number of TENs, from the 1st of January 2015 will be 15 in a year and is a statutory entitlement and not a matter for the policy to address.

7.12 Asks if the presumption is refusal then is greater effort required in consulting.

Consultation process is statutory, going above or beyond the statutory process may cause legal challenge as it could be argued the authority is undermining its independent position.

7.13 Feels this lacks clarity

Additional sentence added to policy to clarify.

7.14 Can we consider removal of the CIP over time in this paragraph?

Will include

7.16 to 7.18 Feels there should be no such exemption for the cultural quarter.

View noted, as previously mentioned it is wider council aim to encourage certain types of premises within that area where alcohol is ancillary to other activities. This was included in the previous Statement of licensing policy.

7.19 Feels the last sentence is confusing

Disagree and guidance can be sought at any point through the process.

7.20 Disagrees these should be excluded and these are important considerations.

They have not been excluded. They can be considered if appropriate, however the committee will not ordinarily consider these points to be justification for departure from the policy. It has already been said the CIP is not about dealing with a bad apple in the cart but about there being too many apples in the cart.

Recommends the CIP policies have a title as well as a number and why is CIP 4 not part of 5

*Noted but there is no need to change headings and is a practice used in other authorities. CIP 4 is dealing with cumulative impact where it arises **outside** a designated area. CIP 5 relates to all considerations of cumulative impact.*

8.3 Questions if further consultation is required

Please see LCSB response

8.14 suggest Test purchasing is mentioned here.

Will include

LCSB

Recommend they are not the Responsible body but instead suggest it is Children Services, who have indicated they support this suggestion.

HSE

Have advised they have no comments.