

## Notice of Meeting

# Licensing Committee

**Date:** Thursday 30 May 2024

**Time:** 5.30 pm

**Venue:** Conference Room 1, Beech Hurst, Weyhill Road, Andover,  
Hampshire, SP10 3AJ

**For further information or enquiries please contact:**

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**Legal and Democratic Service**

Test Valley Borough Council,  
Beech Hurst, Weyhill Road,  
Andover, Hampshire,  
SP10 3AJ

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

**PUBLIC PARTICIPATION SCHEME**

*If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.*

## **Membership of Licensing Committee**

Membership as agreed at Annual Council on 22 May 2024

## **Licensing Committee**

Thursday 30 May 2024

### **AGENDA**

**The order of these items may change as a result of members  
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the previous meetings **4 - 10****  
  
To approve, as a correct record, the minutes of the Licensing Committee held on 9 November 2023 and the Licensing Sub-Committee held on 13 November 2023.
- 6 Licensing Summary 2023/24 **11 - 14****  
  
To provide a summary of licences and associated activity.

**ITEM 5**

Minutes of the **Licensing Committee**  
of the **Test Valley Borough Council**  
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey  
on Thursday, 9 November 2023 at 5.30 pm

Attendance:

**Councillor C Donnelly (Chairman)**

**Councillor L Lashbrook (Vice-Chairman)**

Councillor I Andersen  
Councillor J Budzynski  
Councillor D Cattell  
Councillor G Cooper  
Councillor D Drew

Councillor N Gwynne  
Councillor R Kohli  
Councillor P Lashbrook  
Councillor L Matthews  
Councillor T Swain

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**Apologies**

Apologies for absence were received from Councillor Ford.

294

**Public Participation**

There was no public participation.

295

**Declarations of Interest**

There were no declarations of interest.

296

**Urgent Items**

There were no urgent items to consider.

297

**Minutes of the previous meeting**

Councillor Budzynski proposed and Councillor P Lashbrook seconded the motion that the minutes of the previous meeting were an accurate record. Upon being put to the vote, the motion was carried.

**Resolved:**

**That the minutes of the meeting held on 28 September 2023 be confirmed and signed as a correct record.**

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### **Minutes of the Licensing Sub-Committee**

Councillor P Lashbrook proposed and Councillor Matthews seconded the motion that the minutes of the previous meeting were an accurate record. Upon being put to the vote, the motion was carried.

#### **Resolved:**

**That the minutes of the Licensing Sub-Committee held on 12 October 2023 be confirmed and signed as a correct record.**

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### **Taxi Consultation and Licensing Policy**

The Licensing Manager presented the report of the Head of Legal and Democratic, which considered the response to a public consultation on a new Taxi and Private Hire Licensing Policy. The new Policy would provide clarity for licensed operators, drivers, vehicle proprietors and the public as to how the Council would undertake its licensing functions. It also sought to assist the Council in making licensing decisions.

The Council's current Hackney Carriage and Private Hire Vehicle Licensing Guidelines (Policy) was first adopted in 2007 and has been periodically revised since then. In July 2020, the Department for Transport (DfT) published Statutory Taxi and Private Hire Vehicle Standards outlining how authorities should carry out their taxi licensing functions.

On 23 September 2021, the Licensing Committee considered the Standards and agreed a basis for public consultation on a new Policy which would address, not only those matters raised by the publication of the Standards, but also a more general review of existing policies and procedures.

The consultation responses highlighted that there was overall agreement for those matters which were proposed to form a new policy, however there some exceptions as set out in the report.

As a result, a further targeted questionnaire was produced, the results of which supported removal of the restriction, but retaining the policy of only issuing new licences for wheelchair accessible vehicles.

The Committee requested some clarity around some areas within the policy and the Licensing Manager agreed to take those comments into consideration when drafting the new policy which would come back to the committee as soon as possible, the aim being within the next 6 months.

#### **Resolved:**

- 1. That the Committee considers the results of the public consultation exercise set out in Annex 1 to the report.**

- 2. That subject to any suggested amendments, agree that the results of the consultation form the basis of a new Taxi and Private Hire Licensing Policy which will be submitted to a future meeting for approval.**

(The meeting terminated at 6.22 pm)

Minutes of the **Licensing Sub-Committee**  
of the **Test Valley Borough Council**  
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover  
on Monday, 13 November 2023 at 9.30 am

Attendance:

Councillor L Lashbrook  
Councillor P Lashbrook

Councillor L Matthews

Also in attendance:

Councillor I Andersen

1

**Appointment of Chairman**

Councillor Matthews proposed and Councillor L Lashbrook seconded a motion to appoint Councillor P Lashbrook as Chairman for the duration of the meeting. Upon being put to the vote the motion was carried.

**Resolved:**

**That Councillor P Lashbrook be appointed as Chairman for the duration of the meeting.**

2

**Apologies**

There were no apologies for absence.

3

**Declarations of Interest**

There were no declarations of interest.

4

**Exclusion of the Public**

The Licensing Manager presented the report to consider a review of the Premises Licence in respect of the Rockhouse, 41 London Street, Andover SP10 2NU.

On the day of the meeting, additional information had been received from the applicant's Counsel and due to the sensitive nature of this information, the committee felt that the meeting should be held in confidential session.

Councillor L Lashbrook proposed and Councillor Matthews seconded a motion to exclude the public. Upon being put to the vote the motion was carried.

**Resolved:**

**That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and also Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the consideration of the report on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:**

**Review of a Premises Licence  
Paragraphs 1, 2 & 7**

**It was considered that the report contained exempt information within the meaning of paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It was further considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information because the information related to a named individual, could reveal the identity of an individual and related to action taken in connection with the prevention, investigation, or prosecution of crime.**

**5     Application for the Review of a Premises Licence -Rockhouse,  
41 London Street, Andover SP10 2NU**

The application was by Hampshire and Isle of Wight Constabulary requesting a review of the existing Premises Licence on the basis that the Police considered the licensing objectives of the prevention of crime and disorder and public safety were being breached; specifically they sought the removal of the current Designated Premises Supervisor.

The applicant was invited to address the Sub-Committee. Members were given the opportunity to ask questions of the applicant.

The Licence holder was invited to address the Sub-Committee. Members were given the opportunity to ask questions.

All parties were given the opportunity to ask questions of each other.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

On its return, the Sub Committee was minded to agree to the removal of the Designated Premises Supervisor for the following reasons:



1. The evidence heard from Mr Noakes does not significantly satisfy all of the points raised by the police, in particular the question of a lack of drugs found on persons and leads us to believe there is not a robust search facility in place.
2. We have concerns towards the number of incidents that have occurred outside the venue, which the Police say are attributable to the venue. On reaching this conclusion we have read the submissions by Mr Noakes, but we also take onboard PC Swallow's evidence that these could be directly attributed to the venue and on balance must consider public safety and prevention of crime and disorder. We also take onboard the statutory guidance at 11.21, which states that the removal of the Designated Premises Supervisor (DPS) may be sufficient to remedy a problem directly relating to poor management decisions made by that individual.
3. We found some of Mr Noakes' evidence in relation to intoxication in the venue and his inability to explain the operation of the CCTV equipment unsatisfactory. When asked what briefing security staff were given, the response was also not satisfactory, which leads us to conclude that this may be due to poor management.
4. Looking at all the proposals put forward by the Police, we have taken on board that the premises licence holder is a charity and some of the measures requested may result in additional expenditure. However, because of the information submitted we do feel the following conditions would serve the licencing principles of the prevention of crime and disorder and public safety and would therefore impose the additional conditions in relation to drugs, vulnerability and the Welfare Officer as listed in the police proposals:

#### Drugs

The Premises Licence Holder shall provide to the police licensing officer responsible for the area, a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises. This policy shall include as a minimum:

- Searching
- Staff training
- Safe handling
- Retention
- Disposal

#### Vulnerability

A written policy on how the venue deals with vulnerability shall be implemented and as a minimum shall include the following:

- A definition of the different types of vulnerability that may present at the premises.
- How best to communicate with vulnerable people. For example, people who are drunk, people on their own, people behaving aggressively and people who are ill.

- How to safeguard vulnerable people, including information on first aid administration and referral to the ambulance service and police where relevant.
- Best practice for partnering with agencies, such as taxi companies, local authorities and other venues.
- What to do if you sense a vulnerable person is in danger, for example if they leave the venue alone or with people they didn't arrive with.

#### Welfare Officer

On Fridays, Saturdays and Sundays preceding UK Public Holidays, a member of staff shall be employed from 22:00 until the close of the venue as a welfare officer. They shall be identified by wearing a red pink high visibility tabard marked "welfare" on the reverse.

Their role shall be to be the liaison between the venue management, doorstaff (when on duty) and bar staff. They shall be able to spot signs of vulnerability, welfare and intoxication.

Welfare Officers shall not be engaged shall not be utilised as bar staff, glass collectors etc.

#### Resolved:

**That the current Designated Premises Supervisor be removed from post and the additional conditions in relation to drugs, vulnerability and the Welfare Officer as listed in the Police proposals be included.**

(The meeting terminated at 2.02 pm)

## ITEM 6

## Licensing Summary 2023/24

Report of the Head of Legal and Democratic Services

### Recommended:

**That the Licensing Summary 2023/24 be noted.**

#### SUMMARY:

This report provides a summary of licences and associated activity under the Licensing Act 2003, Gambling Act 2005, taxi licensing and the Scrap Metal Dealers Act 2013.

### 1 Introduction

- 1.1 The Licensing Section of the Legal and Democratic Service carries out a variety of work to support the statutory responsibility of the Borough Council to undertake various licensing functions set within the different pieces of legislation governing licensable activities.

### 2 Background

- 2.1 The content of this report provides summary information not normally brought to the attention of councillors through the year. A breakdown of the main areas of licensing is shown in the attached annex with figures for the previous year included for comparison purposes.

### 3 Corporate Objectives and Priorities

- 3.1 Virtually all aspects of licensing fall within the broader remit of public safety which cuts across the Council's Corporate Plan aim of supporting our communities to thrive with particular reference to the priorities of environment and prosperity.
- 3.2 Licensing primarily is concerned with the protection of the public. In the area of taxi licensing, the Council's role in safeguarding and protecting the travelling public cannot be understated.

### 4 Consultations/Communications

- 4.1 No specific consultation has taken place in respect of this report. It should be noted that licensing involves a significant amount of communication not only with applicants and residents but also a diverse range of external stakeholders including (but not limited to) the following: Police, Fire & Rescue Service,

HM Revenue & Customs, Security Industry Authority, Home Office Immigration Enforcement, licensing lawyers, event organisers, charities, National Anti-Fraud Network, other local authorities, the Cabinet Office, the Gambling Commission, Environment Agency, DVLA, Disclosure & Barring Service, Department of Work & Pensions, Motor Insurers Bureau and DEFRA.

## **5 Options and Option Appraisal**

- 5.1 The report provides a summary of licensing activities undertaken throughout 2023/24 and is for noting therefore the options are to note or not note the report.

## **6 Resource Implications**

- 6.1 There are no resource implications arising from the report.

## **7 Legal Implications**

- 7.1 There are no legal implications arising from the report.

## **8 Equality Issues**

- 8.1 The content of this report and recommendation do not require an Equalities Impact Assessment to be carried out.

## **9 Other Issues**

- 9.1 Community Safety – none other than the general comments in paragraph 3.1 above.
- 9.2 Environmental Health Issues – none.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – none.
- 9.5 Wards/Communities Affected – all.

## **10 Conclusion**

- 10.1 The work of the Licensing Team is varied and keeps those staff involved in delivering licensing functions fully engaged as there is a high degree of contact and communication with customers. Taxi licensing remains challenging as the Council strives to ensure the safety of the travelling public.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1		
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File Ref:	N/A		
Report to:	Licensing Committee	Date:	30 May 2024

**Licensing Act 2003**

The statistical return provided to the Home Office in April 2024 identified Test Valley had:

- 431 licensed premises (439)
- 35 Club Premises Certificates (36)
- 1997 Personal Licences (1887)

Of the Premises Licences permitting sale of alcohol:

- 182 were licensed for both on and off sales (192)
- 71 were for on sales only (75)
- 109 were for off sales only (116)

Four Licensing Sub Committees were held during 2023/24, two of which were Premises Licence reviews requested by the Police. At the hearing for the Rockhouse in Andover the Sub Committee added conditions and requested removal of the Designated Premises Supervisor. This decision has been appealed and will go before the Magistrates Court in July. There were no proactive inspections of alcohol licensed premises (compared to 83 in 2022/23).

**Scrap Metal Dealers**

- 6 Collector's Licences (10)
- 6 Site Licences (7)

The Council refused an application for a Collector's Licence and although the applicant initially indicated they would appeal that decision they did not file their appeal correctly with the Magistrates Court.

**Gambling Act 2005**

- 2 Adult Gaming Centres (both at Rownhams Motorway Service Area)
- 5 Betting offices

There has been no change in the number of licensed gambling premises in the last year.

**Taxis**

- 41 hackney carriages (43)
- 220 private hire vehicles (191)
- 285 licensed drivers (253)

The number of hackney carriages is restricted to 46 with three licences currently available for wheelchair accessible vehicles. One proactive taxi enforcement operation was undertaken in Andover on 6 December 2023 and a total of 24 vehicles stopped.

NB Figures in brackets after each entry are for 2022/23 and are included for comparison.