



New Forest
DISTRICT COUNCIL

Council Meeting Agenda

19 October 2015



SUMMONS

To All Members of the Council

You are hereby summoned to attend a meeting of the District Council to be held in the Council Chamber, Appletree Court, Lyndhurst on Monday, 19 October 2015, at 6.30 pm



Dave Yates
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 7 September 2015 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. CHAIRMAN'S ANNOUNCEMENTS

4. LEADER'S ANNOUNCEMENTS

5. REPORTS OF COMMITTEES AND CABINET (Pages 5 - 26)

Audit Committee 25 September 2015 (Pages 5 – 7)

General Purposes & Licensing Committee 11 September 2015 (Pages 9 – 24)

Cabinet 7 October 2015 (Pages 25 – 26)

6. QUESTIONS

Under Standing Order 22.

7. QUESTIONS TO PORTFOLIO HOLDERS UNDER STANDING ORDER 22A

To ask questions of Portfolio Holders. Questions received will be tabled at the meeting. (Members are reminded that questions must be submitted to the Chief Executive or to the Head of Legal and Democratic Services by no later than noon on Friday 16 October 2015.)

8. MEMBERSHIP OF COMMITTEES AND PANELS

To consider any changes to the membership of Committees or Panels that might be proposed by the political groups.

9. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

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Agenda Item 1

7 SEPTEMBER 2015

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held in the Council Chamber, Appletree Court, Lyndhurst on Monday, 7 September 2015

* Cllr Mrs A J Hoare (Chairman)

* Cllr G C Beck (Vice-Chairman)

Councillors:

* A R Alvey
* Mrs D E Andrews
W G Andrews
* P J Armstrong
* Mrs S V Beeton
Ms R Bellows
* Mrs S M Bennison
J E Binns
* G R Blunden
* D A Britton
* Mrs D M Brooks
* Mrs F Carpenter
* Mrs L D Cerasoli
* S J Clarke
* Mrs J L Cleary
I C Coombes
Ms K V Crisell
* S P Davies
* A H G Davis
* W H Dow
* Ms L C Ford
* R L Frampton
* A T Glass
* L E Harris
* M R Harris
* D Harrison
* J D Heron
* E J Heron
* Mrs M D Holding

Councillors:

* Mrs P Jackman
* M J Kendal
* Mrs E L Lane
* Mrs P J Lovelace
* B D Lucas
* Mrs A E McEvoy
* A D O'Sullivan
* J M Olliff-Cooper
* N S Penman
* A K Penson
* D M S Poole
* L R Puttock
* B Rickman
* W S Rippon-Swaine
* Mrs A M Rostand
* D J Russell
* Miss A Sevier
* M A Steele
M H Thierry
* Mrs B J Thorne
* D B Tipp
* D N Tungate
* A S Wade
* R A Wappet
* J G Ward
* Mrs C V Ward
M L White
* C A Wise
* Mrs P A Wyeth

*Present

Officers Attending:

D Yates, R Jackson, J Mascall, Miss G O'Rourke and Ms M Stephens.

Apologies:

were received from Cllrs W. G. Andrews, Ms Bellows, Binns, Coombes, Ms Crissell and White.

22 MINUTES**RESOLVED:**

That the minutes of the meeting held on 13 July 2015 be signed by the Chairman as a correct record.

23 DECLARATIONS OF INTEREST

Cllrs Frampton, Harrison, E J Heron, Mrs Jackman, Rickman and Mrs Wyeth disclosed non-pecuniary interests in respect of minute No 26, Item 2 of the Report of the Cabinet dated 2 September 2015.

24 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had attended a variety of events since the last Council meeting and these had been reported in the latest Information Bulletin.

New Forest Show 2015

The Chairman congratulated and thanked officers for their enthusiasm and commitment in successfully promoting the Council's Health and Leisure Centres at this year's show. The Council's stand had been another excellent example of the work of the Council's leisure staff and the amazing variety of services the Council's Leisure Centres had to offer.

New Forest Art Society

That Chairman had had the privilege to attend a preview for the New Forest Art Society's exhibition at Lyndhurst Community Centre on 8 August. The standard of the works had been excellent, showing there to be a lot of artistic talent in the New Forest.

Merchant Navy Day

On Thursday 3 September, the Chairman had been pleased to raise the Merchant Navy Day flag at Appletree Court, Lyndhurst. The Chairman had been accompanied by the Vice-Chairman, Cllr Beck, the Leader of the Council, Cllr Rickman and the Chief Executive. Cllr Ms Ford and Cllr Johnston from Hythe & Dibden Parish Council had also been present.

Civic Day

The Chairman would be holding her civic day on Tuesday, 6 October, when other civic heads from Hampshire, Dorset and the Isle of Wight would be shown the attractions of the New Forest District. The theme of the day would be Culture, Sport and Education. Guests would be taken to St Barbes Museum in Lymington, Brockenhurst College and Southampton Football Club's new Marcus Liebherr training ground in Marchwood.

Village of the Year Award 2015

The Chairman announced that Sway village were finalists in the 2015 Village of the Year competition. Judging had already taken place, with Hampshire Association of Local Councils making the final decision. The winners would not be known or formally announced until the award ceremony on 7 October. The Chairman wished Sway village luck in the competition.

Lord Montagu of Beaulieu

The Chairman referred with sadness of the sudden death of Lord Montagu. Lord Montagu's work with the Historic Monuments Commission and the National Motor Museum in Beaulieu had been outstanding. He was a much loved figure within the New Forest who would be missed.

25 LEADER'S ANNOUNCEMENTS

The Leader of the Council spoke about the Council's response to the plight of refugees.

He explained that the Council was closely following discussions between the Local Government Association and Central Government on the terrible humanitarian crisis that was occurring. The Council would play its part in any nationally agreed and co-ordinated response. The Council was still awaiting details on how Councils could best be involved. Members would be updated when more was known about the Government's plans for an effective scheme of support.

26 REPORTS OF CABINET

Cllrs Frampton, Harrison, E J Heron, Mrs Jackman, Rickman and Mrs Wyeth disclosed non-pecuniary interests in Item 2 of the Report of the Cabinet dated 2 September 2015 as members of the New Forest National Park Authority, the other party to the Service Level Agreements. Each concluded that there were no grounds under common law to prevent them from remaining in the meeting to speak and to vote.

The Leader of the Council, as Chairman of the Cabinet, presented the reports of the meetings held on 5 August and 2 September 2015.

On the motion that the reports be received and the recommendations adopted:

Item 1 – (2 September 2015) – Hampshire & Isle of Wight Devolution Proposal

Cllr Harrison commented on the prospectus that had been prepared for submission to Ministers to support the bid for devolved powers for Hampshire and the Isle of Wight. He said that whilst additional powers would be of benefit to local communities, balancing the needs and demands of both the urban and rural areas would pose a challenge. He felt that any move toward a 'super' mayor should be discouraged.

Cllr E Heron, in welcoming the views of Cllr Harrison, said that as the issue was still at the earliest stages of the process, it was difficult to form a definitive picture of the impact the proposals would have on the area. Detailed discussion, including the need for a 'super mayor', would take place once any Government offer was known.

RESOLVED:

That the reports be received and the recommendations be adopted.

27 APPOINTMENT OF CHIEF EXECUTIVE (HEAD OF THE COUNCIL'S PAID SERVICE)

RESOLVED:

That Robert Jackson, the Council's Executive Director (Section 151 Officer), be appointed as the Council's Chief Executive and Head of the Council's Paid Service with effect from 24 October 2015.

28 QUESTIONS UNDER STANDING ORDER 22

There were none.

29 QUESTIONS TO PORTFOLIO HOLDERS UNDER STANDING ORDER 22A

There were none.

30 DELEGATION OF POWERS TO OFFICERS - SMOKE FREE LEGISLATION

RESOLVED:

That the change in the delegation of powers to officers as set out on the agenda summons be agreed.

31 CHANGE OF MEETING DATES 2016/17

RESOLVED:

That the meetings of the Council scheduled for 5 September and 5 December 2016 be moved to 12 September and 12 December 2016.

32 MEMBERSHIP OF COMMITTEES AND PANELS

No changes to committees or panels were proposed by the political groups.

Chairman

REPORT OF AUDIT COMMITTEE

(Meeting held on 25 September 2015)

1. TREASURY MANAGEMENT MID-YEAR MONITORING REPORT 2015/16 – CHANGES TO THE 2015/16 TREASURY MANAGEMENT STRATEGY (MINUTE NO. 30 – 25 SEPTEMBER 2015)

The Committee has received a mid-year monitoring report on the performance of the treasury management function. The report detailed the economic background, the borrowing strategy, investment activity, as well as compliance with prudential and treasury management indicators.

At the same time, the Committee considered recommended changes to the current Strategy.

Over the 18 months that Hampshire County Council has managed NFDC's Treasury function, the Council's investment balances have risen significantly from £46m to over £75m at its highest point this financial year. Current forecasts show that investment balances could peak at £89m, higher than predicted when the current Treasury Management Strategy was approved. The diversification of those balances has been managed between initially eight counterparties but has now grown to 36 counterparties.

The Committee's recommended changes are set out below.

Investment Limits

Increasing the investment and counterparty limits will increase flexibility, which is required to a greater extent now that cash balances are greater.

As approved in the 2015/16 Treasury Management Strategy, a group of banks under the same ownership will be treated as a single organisation for limit purposes. Maximum limits will also be placed on fund managers and industry sectors as below:

Table 4: Investment Limits	Cash Limit	
	Current	Revised
Any single organisation, except the UK Central Government	£5m each	£8m each
UK Central Government	Unlimited	Unlimited
Any group of organisations under the same ownership	£5m per group	£8m per group
Any group of pooled funds under the same management	£5m per manager	£8m per manager
Registered Providers	£6m in total	£6m in total
Money Market Funds	50% in total	50% in total

The Council may invest its surplus funds with any of the counterparty types in Table 5, subject to the cash limits (per counterparty) and the time limits shown.

Table 5: Approved Investment Counterparties and Limits					
Credit Rating	Banks Unsecured	Banks Secured	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	£ Unlimited 4 years	n/a	n/a
AAA	£4m 4 years	£8m 4 years	£8m 4 years	£4m 4 years	£4m 4 years
AA+	£4m 4 years	£8m 4 years	£8m 4 years	£4m 4 years	£4m 4 years
AA	£4m 4 years	£8m 4 years	£8m 4 years	£4m 4 years	£4m 4 years
AA-	£4m 3 years	£8m 4 years	£8m 4 years	£4m 4 years	£4m 4 years
A+	£4m 2 years	£8m 3 years	£4m 4 years	£4m 3 years	£4m 4 years
A	£4m 13 months	£8m 2 years	£4m 4 years	£4m 2 years	£4m 4 years
A-	£4m 6 months	£8m 13 months	£4m 4 years	£4m 13 months	£4m 4 years
BBB+	£2m 100 days	£4m 6 months	£2m 2 years	£2m 6 months	£2m 2 years
BBB or BBB-	£2m next day only	£4m 100 days	n/a	n/a	n/a
None	£1m 6 months	n/a	£4m 4 years	n/a	£4m 4 years
Pooled funds	£8m per fund				

Principal Sums Invested for Periods longer than 364 days

As a result of the cash balances held by NFDC being greater than expected, principal sums invested for periods longer than 364 days is now close to the limit set within the revised strategy.

For 2015/16 NFDC restricted investments for periods of over a year to a maximum of £20.0m. At 31 August 2015 NFDC had £16.0m of investments with over 364 days to their maturity.

The Committee therefore considers that it would be prudent to increase this limit to £25.0m for 2015/16 to allow for further excess funds to be invested over a longer period so as to provide greater flexibility and to also take advantage of greater interest rates than those that are available in the over-night cash options.

Table 6	2015/16	2016/17	2017/18
Limit on principal invested beyond 364 days	£25m	£25m	£25m

Increasing the principal sum invested for periods longer than 364 days requires other limits also to be increased so as to comply with the following new limits.

Table 7: Non-Specified Investment Limits	Cash Limit
Total long-term investments	£25m
Total investments without credit ratings or rated below A- (excluding investments with other local authorities)	£10m
Total non-Sterling investments	£0m
Total investments in foreign countries rated below AA+	£0m
Total non-specified investments	£45m

Table 8: Interest Rate Exposures	2015/16	2016/17	2017/18
Upper limit on fixed interest rate investment exposure	£25.0m	£25.0m	£25.0m
Upper limit on variable interest rate investment exposure	£80.0m	£80.0m	£80.0m
Upper limit on fixed interest rate borrowing exposure	£163.4m	£163.7m	£159.8m
Upper limit on variable interest rate borrowing exposure	£163.4m	£163.7m	£159.8m

With regard to investment activity, the Committee was of the view that in order to access additional investments that can attract higher returns than cash, and to make use of the Council's stable core balances, up to a further £4m should be in long-term pooled funds, including pooled equity funds. These are also considered to be capital investments.

RECOMMENDATION:

- (a) *That the changes to the 2015/16 Treasury Management Strategy as set out above be approved; and*
- (b) *That the proposal to add up to a further £4 million of long term pooled investments to New Forest District Council's investment portfolio be noted.*

**Cllr A D O'Sullivan
Chairman**

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**REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE
(Meeting held on 11 September 2015)**

1. LICENSING ACT 2003 – REVIEW OF STATEMENT OF POLICY (MINUTE NO. 20)

The Licensing Act 2003 requires Licensing Authorities to produce a five-year Statement of Principles (Licensing Policy). The current policy expires on 6 January 2016. A new statement must therefore be published by 7 January 2016.

In compliance with the Licensing Act 2003, the draft policy document was circulated for consultation to interested parties; comments received during this period, which included views from Cllr Wise, Ringwood Town Council and the Police, were considered. The Committee was pleased to note that the Police wished to maintain and build on existing partnership working arrangements in regulating and enforcing existing and new legislation in a fair and proportionate manner.

The draft policy now before the Council for approval reflects the fact that new legislation provides that some aspects of regulated entertainment are no longer licensable activities.

The Committee considered the report of the Sky Lanterns Task & Finish Group, established following a notice of motion put to the Council by Cllr Mrs Bennison in February 2015. The Group's conclusions included a recommendation to the Committee that the statement of Licensing Policy includes a clear statement that the Licensing Authority does not support the release of sky lanterns from licensed premises. This has been included in the draft policy.

RECOMMENDED:

That the Statement of Licensing Policy, attached as Appendix 1, be adopted as the Council's Statement of Policy under the Licensing Act 2003, to remain in force from 7 January 2016 until 6 January 2021.

**CLLR S CLARKE
CHAIRMAN**

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New Forest
DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF POLICY

This Statement of Policy will remain in force from 7 January
2016 until 6 January 2021

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The contents of this document are provided as information on the policy and principles of New Forest District Council in carrying out its functions in relation to the Licensing Act 2003. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

A statement of licensing policy as determined by New Forest District Council in respect of its licensing functions for the five year period commencing 7 January 2016 is set out in this document. During the five year period the policy will be kept under regular review and, following a full consultation process the Council will make such revisions to it, at such times, as it considers appropriate.

Further licensing statements will be published every five years thereafter.

When using this document, reference should be made to:

- **The Licensing Act 2003 and associated regulations;**
- **Guidance issued under Section 182 of the LA2003;**
- **Information contained on the Councils website www.nfdc.gov.uk**

All references to the Guidance refer to the Home Office Amended Guidance issued under section 182 of the Licensing Act 2003 published March 2015.

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003
SECTION 5**

STATEMENT OF LICENSING POLICY

1. Executive Summary

- 1.1 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.
- 1.2 New Forest District is situated in the County of Hampshire and has a large number of licensed premises. The Council recognises that these premises are an important part of the District and are major contributors to the local economy, attracting tourists and visitors, and making for vibrant towns and communities, whilst at the same time providing employment.
- 1.3 New Forest District Council (“the Council”) is the Licensing Authority pursuant to the Licensing Act 2003 (“the Act”) and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at permitted temporary activities.
- 1.4 Licensable activities, identified by the Act, include:
- Retail sale of alcohol
 - Supply of alcohol to club members
 - Supply of hot food or drink from premises between 23:00 and 05:00 hours (known as “late night refreshment”)
 - Provision of entertainment listed below (known as “regulated entertainment”) to the public or club members or with a view to profit:
 - Film exhibitions
 - Performance of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performance
 - Playing of recorded music
 - Dance performance
 - Anything of a similar nature (as described above)
- 1.5 There are a number of exemptions set out in Section 173 to 175 of the Act and certain exceptions as contained within the Live Music Act 2012, and the Deregulation Act 2015.

2. Purpose and Scope of the Licensing Policy

- 2.1 There are approximately 660 venues in the District where licensable activities occur. These premises include:
- Public Houses & nightclubs
 - Off licences
 - Business offering late night refreshment
 - Hotels, guest house & restaurants
 - Private members' clubs, social & sporting clubs
 - Theatres & amateur dramatic groups
 - Cinemas
 - Community centres & village halls
 - Premises where indoor sporting events take place
 - Open spaces
- 2.2 When dealing with licensing matters the Licensing Authority will promote and have regard to the four licensing objectives when carrying out its licensing functions. These objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.3 Each licence application will be considered on its own merits in the context of the four licensing objectives. Unless relevant representations are received from responsible authorities or other persons, there is no provision for a licensing authority to impose conditions on a licence other than according to the voluntary steps which the applicant proposes to undertake in their application. Furthermore, there is no provision for a licensing authority itself to make representations. If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought.
- 2.4 Any statement in this licensing policy will be relevant to all licensed premises unless otherwise stated. This Licensing Policy will apply equally to all types of premises.
- 2.5 The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises concerned. The licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from that premises and, therefore, beyond the direct control of the premises management.
- 2.6 Accordingly, any conditions attached to the licence or certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises. Whether or not an instance can be regarded as being in the

vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.

3. Duplication

3.1 This policy is not intended to duplicate existing legislation and other regulatory regimes. Furthermore, it will not seek to duplicate obligations on employers and operators i.e. The Health & Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005, or the requirement for premises to comply with all other relevant legislation, e.g.

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods & Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- Health & Safety at Work etc. 1974
- Food Safety Act 1990 (Food Hygiene)
- The Equality Act 2010

3.2 However, if other regulations do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises then additional controls will be imposed.

4. Crime Prevention

4.1 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

5. Other Controls on Anti-Social Behaviour

5.1 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. these controls include:

- 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;
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- Power of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- The confiscation of alcohol from persons in designated areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Police powers to close down instantly for up to 24 hours (extendable to 48) any licensed premises in respect of which a temporary events notice (TEN) has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- The power of the responsible authorities or other persons to seek a review of a licence or certificate;

- Power of the local authority to close down instantly for up to 24 hours any licensed premises or permitted temporary activity due to public nuisance caused by excessive noise.

6. Public Nuisance

- 6.1 Stricter conditions with regard to noise control will be expected in areas of the District which have denser residential accommodation or low levels of background noise, but this will not limit opening hours without regard to the individual merits of any application.
- 6.2 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.
- 6.3 Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in a garden area of the premises after a certain time.
- 6.4 In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:
- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, to use noise limiters on amplification equipment used at the premises and/or to undertake works of sound insulation;
 - Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
 - Prohibit certain rooms from being used for purposes that create noise;
 - The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted;
 - The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties;
 - Noise emanating from certain areas does not cause a nuisance, for example prohibiting licensable activities or the consumption of alcohol in a beer garden at specific times;
 - Noxious smells from licensed premises do not cause a nuisance to nearby properties and the premises are properly vented. This might be achieved by the inclusion of additional filtration within the extraction system or increasing the height or direction of the final point of discharge.
- 6.5 Flashing or particularly bright lights on or outside licensed premises may cause a nuisance to nearby properties and may distract road users, especially in unlit areas. Any relevant condition needs to be balanced against

the benefits to the prevention of crime and disorder, and having regard for the Lighting Policy published by Hampshire County Council where appropriate.

- 6.6 The availability of taxi ranks outside licensed premises can reduce nuisance and antisocial behaviour, and local highways authorities can designate parts of the public highway as evening taxi ranks.

7. Cultural Strategies

- 7.1 The Council will monitor the impact of licensing on regulated entertainment, particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed. Only necessary, proportionate and reasonable conditions should be imposed on such events.
- 7.2 The Council will take into consideration the following in so far as they are relevant to the licensing objectives:
- The need of the local tourist economy;
 - Any cultural strategy for the District;
 - The employment situation in the District, and the need for investment and employment where appropriate.
- 7.3 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives.
- 7.4 The Council will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention, planning, transport, tourism and cultural strategies. The Council will work closely with the police on issues of enforcement. Whenever appropriate, neighbouring authorities and parish councils will also be consulted.

8. Live Music, Dancing and Theatre

- 8.1 This policy recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.
- 8.2 To encourage more performance of live music, the Live Music Act 2012 has amended the Licensing Act by deregulating aspects of the performance of live music so that, in certain circumstances, it is not a licensable activity.
- 8.3 To reduce the licensing burden on other forms of entertainment the Licensing Act (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 amends the Licensing Act further so that, in certain circumstances, various activities which were previously regulated are no longer licensable activities.
- 8.4 Only conditions strictly necessary for the promotion of the licensing objectives should be attached to licences for activities of this nature as appropriate. The Council is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature.

9. Cumulative Impact and Special Policies

- 9.1 The Council will not take ‘need’ into account when considering an application, as this is a matter for planning development control and the market. Currently this council does not have a special policy relating to the cumulative impact of licensed premises. However, it 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 both in the vicinity of and at some distance from the premises.

10. Planning

- 10.1 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal. To achieve this, close liaison will be maintained between the General Purposes & Licensing and Planning Development Control Committees (“GPLC” and “PDCC”). The GPLC, where appropriate, will provide reports to the PDCC and any appropriate review panels on the situation regarding licensed premises in the area including the general impact of alcohol related crime and disorder.
- 10.2 Prior to submitting an application to the Council the applicant should ensure that there is appropriate planning permission for the hours and activities for sought. It should be noted however that there is no legal basis for the licensing authority to refuse a licence application because it does not have the required planning permission.

11. Permitted Temporary Activities

- 11.1 A temporary event notice (“TEN”) is required to hold an event, involving less than 500 people, at which one or more licensable activities will take place that are not authorised by an existing premises licence or club premises certificate.
- 11.2 Notices should be submitted to the Licensing Authority and Police at least 10 clear working days before the proposed event, although there is provision for a limited number of late TENs to be served up to 5 working days before.
- 11.3 As the statutory time periods give very little time for the licensing authority to process an application and for the police to respond it is recommended that notices are served at least one month before the proposed event whenever possible. This preferred time frame is not stipulated by the legislation and is only an expectation of the Council.

12. Licensing Hours

- 12.1 Consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are specific objections to those hours raised by responsible authorities or other persons on the basis of the licensing objectives.

- 12.2 This policy recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.
- 12.3 With regards to shops, stores and supermarkets the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise good reasons, based on the licensing objectives, for restricting those hours.

13. Children

- 13.1 The Council will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee within the constraints of legislation.
- 13.2 This licensing authority recognises the county Safeguarding Unit as being competent to give advice on matters relating to the protection of children from harm.
- 13.3 This policy commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- 13.4 This policy cannot attempt to anticipate every issue that could arise in respect of children, general rules are therefore avoided and each application will be considered on its merits.
- 13.5 This policy, however, highlights particular areas that will give rise to concern in respect of children, e.g.:
- Where entertainment or services of an adult or sexual nature are commonly provided;
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or where premises have a reputation for underage drinking;
 - Where there is a known association with drug taking or dealing;
 - Where there is a strong element of gambling on the premises (but not for example, the simple presence of a small number of cash prize gaming machines);
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 13.6 The following measures may be considered for limiting access of children where necessary:
- Limitations on the hours when children may be present;
 - Limitations excluding the presence of children under certain ages when particular specified activities are taking place;
 - Limitations on the parts of premises to which children might be given access;
 - Age limitations (below 18);
 - Requirements for accompanying adults;

- Full exclusion of under 18's from the premises when any licensable activities are taking place.

13.7 In relation to film exhibition premises, a mandatory condition will be applied requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or, in specific cases, the Council.

13.8 It may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary, in the case of theatrical entertainment specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the well being of children during an emergency.

14. Sky lanterns

14.1 The authority recognises that sky lanterns can pose a fire risk, can be mistaken for distress flares, and can mislead aircraft. In addition debris from sky lanterns can pose a danger to livestock, and causes unsightly litter. In light of these risks, the authority does not support the use or release of sky lanterns from licensed premises.

15. Conditions

15.1 Conditions may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule). Any such conditions should be tailored to the individual style and characteristic of the premises and events concerned.

16. Licence Reviews

16.1 This authority is committed to working in partnership with responsible authorities to achieve the promotion of licensing objectives.

16.2 The authority is empowered to take the following steps if it considers them appropriate to promote the licensing objectives; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added:

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

16.3 In cases where the crime prevention objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

17. Enforcement

17.1 The Council will establish protocols with the local police on enforcement issues. This will enable the more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law

and the inspection of licensed premises. The aim of the protocol will be to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

18. Administration, Exercise and Delegation of Functions

18.1 In the interests of speed and efficiency the Council will, where possible, delegate licensing decisions and functions to officers. However, if the matter to be decided is controversial in any way or the determination of the matter under delegated powers is precluded by law then it will be decided by the GPLC or, normally, a Licensing Sub-Committee.

17.2 A full list of delegated functions set out in the Act is detailed in **Appendix A**.

19. Equal Opportunities

19.1 This policy can be reproduced into large type, audio and foreign languages should this be required. In this way, specific needs can be dealt with on an individual basis.

20. Contact Details, Advice and Guidance

20.1 The licensing authority, police and fire authority will be willing to give advice and guidance to applicants. Applicants are encouraged to undertake informal discussions before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals.

19.2 A full list of other policies and guidance documents is detailed in **Appendix B**.

21. Review of the Policy

21.1 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:

- The Chief Officer of Police for Hampshire;
- The Chief Officer of Hampshire Fire and Rescue Service;
- The Local Health Board for the district;
- The Local Safeguarding Unit (children welfare) for the district;
- Bodies representing local holders of premises licences;
- Bodies representing local holders of club premises certificates;
- Bodies representing local holders of personal licences;
- Bodies representing local businesses and residents;
- All other bodies the Council deems appropriate.

21.2 The Council welcomes all comments and observations on this policy, which should be sent to:

Licensing Services
New Forest District Council
Appletree Court
Beaulieu Road

Lyndhurst
Hampshire
SO43 7PA

Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

APPENDIX A

SCHEDULE OF DELEGATIONS

Matter to be dealt with	GPLC or Sub-Committee	Officers
Application for personal licence	If a Police objection	If no representation made
Application for personal 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 considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
In cases where the Magistrates Court has determined the licence on appeal	All cases	

APPENDIX B

Other Policies, Objectives and Guidance

There are a number of other policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's licensing policy.

Strategies and Policies

Alcohol Harm Reduction Strategy
Best Bar None
British Beer and Pub Association Partnerships Initiative
Compliance Code
Community Safety Strategy
Crime & Disorder Reduction Strategy
Cultural and Tourism Strategies
Drugs and Alcohol Strategy
National and Local Pub-watch schemes

Related Legislation

Crime and Disorder Act 1998
Criminal Justice and Police Act 2001
Private Security Industry Act 2001
Anti Social Behaviour Act 2003
The Clean Neighbourhoods and Environment Act 2005
The Health Act 2006
Violent Crime Reduction Act 2006
Policing and Crime Act 2009
The Equality Act 2010
Police Reform and Social Responsibility Act 2011
Live Music Act 2012
Anti Social Behaviour Crime & Policing Act 2014
The Deregulation Act 2015

Guidance Documents

Home Office - alcohol licensing policy
Health & Safety Executive – guidance on running events safely
Local Government Regulation – guidance on test purchasing

REPORT OF CABINET

(Meeting held on 7 October 2015)

1. BEACH HUTS AT MILFORD ON SEA (WESTOVER) (REPORT ITEM 4) (MINUTE NO. 24)

The Cabinet has approved 4 key characteristics to be incorporated into the design of the 119 replacement beach huts to be constructed at Westover, Milford on Sea.

The consultants engaged to progress the replacement of the beach huts at Milford on Sea have developed a number of alternatives on 4 key design areas. These were subject to extensive consultation through the Council's website and a public engagement event at Milford Community Centre on 14 August, which was very well attended. It had been intended that the consultants would give 3 presentations to the public during that afternoon to explain the various options under consideration. In the event, demand had been so great that there had been 6 presentations. In all 355 questionnaire responses had been received to the consultation exercise. The forms had included the option for some free text as well as the standard tick box responses. All the responses had been analysed and, together with other factors, such as the environmental pressures that apply in this sensitive area, had been considered by the Beach Hut Board.

The Board recommended that the huts should be placed at the western end of the promenade where the vulnerability to damage from the sea was much less. This also opens up opportunities for improved public access to the beach and enhanced views. They concluded the huts should be constructed to allow the public to walk along the roof area – an “inhabited” roof. The use of this option allows the huts to be placed further back, which widens the lower promenade. Overall this option reduces the visibility of the huts and improves public views and accessibility. The Board concluded that the huts should have concrete frontages and coloured doors. In addition the access ramp at the western end of the promenade should curve around the pill box.

The projected cost, at £1,332,000, represents an increase of £73,000 against the original budget estimate but allows for a general upgrade of the area for public benefit.

The Cabinet was addressed by four public speakers who expressed varying concerns about various aspects of the proposed preferred options. The Parish Council however expressed appreciation for the work that had been done by this Council to find the best solution and concurred that the recommendations of the Beach Hut Board represented the best compromise.

Some of the concerns raised by the public speakers related to the lack of detail currently available about the proposals, as well as some technical concerns such as the need for ventilation to account for the use of small stoves within the huts. It was accepted that the report did not adequately reflect the equality and disability issues that would need to be taken into account, but these matters would be addressed more fully as work progressed towards the submission of the planning application. The beach hut owners' group have also asked that the proposed terms of the site licence for these huts should be reviewed.

The Cabinet is satisfied that the suggested preferred option represents the best balance between the competing needs and aspirations of the beach hut licence holders, local residents, visitors to the area and council taxpayers.

2. MEDIUM TERM FINANCIAL PLAN – PRE SPENDING REVIEW UPDATE (REPORT ITEM 5) (MINUTE NO. 25)

The Cabinet has approved the process for the continuing development of the Medium Term Financial Plan, having considered the latest update which now includes the draft resource plan for each portfolio, as attached as Appendices 1-6 of Item 5 considered by the Cabinet. The draft portfolio resource plans will be further reviewed to ensure that they will deliver the new Corporate Plan which will be published in draft in November 2015.

Although the Chancellor has recently made a number of statements that suggest changes to local government funding, such as the retention of Business Rates, current indications remain that the Council will face further reductions in Government funding, probably amounting to some 20% of the current base budget over the next 4 years, which will present increasing challenges to continue to deliver high quality services. A number of actions are being taken to reduce the overall budget requirement and actions to deliver savings of £1 million have already been identified, as set out in Appendix 8 to the report. Work on the budget will continue, with the outcome of the Government's spending review likely to be announced in December 2015 and the provisional Local Government Finance settlement in January 2016.

**Councillor B Rickman
CHAIRMAN**