

South Somerset District Council

Minutes of a meeting of the **Licensing Committee** held on **Tuesday 2nd December 2008** in the Council Chamber, Brympton Way, and Yeovil.

(10.00am – 11.34am)

Present:

Members: **Martin Wale** (In the Chair)

Simon Bending	David Recardo
Dave Bulmer	Peter Roake
Tony Fife	Keith Ronaldson
John Hann	Linda Vijeh

Officers:

Julia Bradburn	Principal Licensing Officer
Lyn Lockyer	Committee Administrator
Angela Watson	Assistant Solicitor

Before the meeting the Chairman requested that in future Public Question Time be included on the agenda.

13. Minutes (Agenda Item 1)

The minutes of the meetings held on 5th August 2008, 22nd August 2008, 10th October 2008 and 24th October 2008 were approved as a correct record and signed by the Chairman.

14. Apologies for absence (Agenda Item 2)

Nigel Mermagen, Roy Mills, John Vincent Chainey

15. Declarations of Interest (Agenda Item 3)

As members of Yeovil Town Council, Councillors Tony Fife, David Recardo and John Hann, declared a personal but not prejudicial interest in Agenda Item 5 – Public Fundraising Regulatory Authority. Following advice received from the Monitoring Officer, the Chairman advised that the interest could be considered personal and prejudicial and those members affected may like to reconsider their declaration. Councillors Fife, Recardo and Hann agreed to accept the advice but wished it to be noted that they considered it to be an infringement of their democratic rights

16. Adoption of Model Conditions relating to Home Boarding Establishments (Agenda Item 4)

The Principal Licensing Officer presented her report and stated that at present SSSC have no formal conditions for the home boarding of dogs, she recommended the LACORS model conditions as at Appendix 1. In response to questions from members she confirmed that licences for each premises would be granted on annual application

and run from Jan – Dec, with renewal applications one month prior to the expiry date. The conditions could be adapted for each individual licence granted. Enforcement of conditions would be by an annual visit in December and an ad hoc visit during the summer months.

RESOLVED: That the new model licensing conditions be adopted.

Julia Bradburn, Principal Licensing Officer, 01935 462113

17. Public Fundraising Regulatory Authority (Agenda Item 5)

The Chairman asked members to confirm that they had received the updated report. The Principal Licensing Officer presented this report and explained that there would be many changes in the Charity Act between now and 2010, and there would be no additional funding from the government to local authorities to cover the cost of these changes. Therefore it was considered beneficial to allow the PRFA to undertake most of the work on behalf of SSDC. She informed members that any agreement would be voluntary and enforcement rights would still remain with SSDC. A small charge may be introduced by PFRA for administration but this would be less than the costs incurred as of now.

Members Fife, Recardo and Hann had declared a personal and prejudicial interest in this item and asked for confirmation that the meeting would be quorate once they left the room. The Assistant Solicitor confirmed that this was the case.

Before leaving the meeting Cllr Recardo made the following points:

- Concern that correspondence from the Yeovil Town Clerk had not been mentioned or considered (it was pointed out that the Licensing Meeting was a Public meeting and as such representations from others would be accepted during Public Question Time.
- Other Town Centre Managers of some of the councils mentioned in the report had expressed dissatisfaction with the service provided by PFRA
- Cllr Lock and the Clerk to Yeovil Town Council had attended a meeting of Town Centre Managers and reported back that there was a certain amount of dissatisfaction with the PFRA service
- Yeovil Town Council already had measures in place to prevent collectors approaching people in the town and this was working successfully
- He did not think that other SS towns had any problems with 'chugger's'
- Enforcement would become limited
- The government was advocating the devolution of powers to the community (ie Town Councils) and the introduction of this recommendation did not seem to support government guidelines.

Cllr Tony Fife made the following points:

- The amount to be saved was not a vast sum and would cause disruption to the people he represented
- Chuggers are in Yeovil every day and were a perceived nuisance
- There was no democratic representation on PFRA
- The possibility of souring relationships with Yeovil Town Council

Cllr Hann stated that he agreed with the points made by his fellow Yeovil Town councillors.

Cllrs Fife, Recardo and Hann left the meeting.

The remaining councillors asked for confirmation about asking questions of those members who had declared an interest – the Assistant Solicitor advised them that it was at the discretion of the Chairman to allow further questions purely for the purpose of clarification and confirmation of facts.

Members raised the following points during discussion:

- There appeared to be a contradiction as to the nuisance in Yeovil Town centre caused by 'chuggers'
- Could the agreement be rescinded?
- What level of service was currently provided by YTC
- Clarification of the dissatisfaction with PFRA from other councils and Town Centre Managers
- There was no officer representation from YTC
- Status of YTC enforcement officer

The Principal Licensing Officer made the following points:

- the agreement was voluntary and not legally binding
- A clause could be written into the agreement about cancellation.
- All local authorities had signed up to Somerset Tackling Alcohol Related Crime (STARC), therefore there was democratic representation from all surrounding councils
- Yeovil was the only town with responsibility for charity collection - all others were administered by SSDC

Following further discussion members agreed to defer the recommendation of the report as they did not feel that they had sufficient information to be able to decide whether to move the function from YTC to the PFRA.

Cllrs Fife, Recardo and Hann rejoined the meeting. Cllr Fife asked for it to be noted that he would in future be requesting a dispensation for Yeovil Town Councillors who were on the Licensing Committee in respect of matters relating to the Town Council.

RESOLVED: To defer the recommendation to the District Executive meeting until consideration of a further report at the meeting of the Licensing Committee on 3rd February 2009.

This report was to contain the following information

- (i) Number of applications received and dealt with by YTC in the past 3 years;
- (ii) Evidence of an authorised Enforcement Officer at Yeovil Town;
- (iii) Further clarification from other authorities and Town centre Managers in respect of their experience with the PFRA;
- (iv) Number of complaints received by YTC and SSDC and action taken;
- (v) Evidence of problems experienced in other towns within South Somerset District;
- (vi) Copy of the Enforcement Code of Conduct used by YTC, if any.

Julia Bradburn, Principal Licensing Officer, 01935 462113

18. Minor Variations to Premises Licenses and Club Premises Certificates (Agenda Item 6)

The Principal Licensing Officer presented the report.

- Members requested that emphasis be given to Point 2 of the variation to avoid confusion about re-submission of applications and recharging.
- Members requested that written acknowledgement be given to every application received.

RESOLVED: Members noted the report which was for information only.

Julia Bradburn, Principal Licensing Officer, 01935 462113

19. Proposal to Allow the Removal of Requirements for Designated Premises Supervisors (DPS) and Personal Licence Holders for Community Premises (Agenda Item 7)

The Principal Licensing Officer gave her report. Members asked for further explanation on the role of the DPS this was given by the Principal Licensing Officer

RESOLVED: Members noted the report which was for information only.

Julia Bradburn, Principal Licensing Officer, 01935 462113

20. Government Proposals to Increase Powers to Regulate Sex Encounter Establishments (Agenda Item 8)

The Principal Licensing Officer presented her report.

The Chairman congratulated the Principal Licensing Officer and her team for their work, and recognised the importance of SSDC officers being included in discussion with top-level government officials on this matter.

RESOLVED: Members noted the report which was for information only

Julia Bradburn, Principal Licensing Officer, 01935 462113

21. Date of next meeting (Agenda Item 9)

Members noted the date of the next meeting of the Licensing Committee on Tuesday 3rd February 2009 at 10.00am in the Council Chamber.

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Chairman