

Meeting LC **01M** 09/10
Date **06.10.09**

South Somerset District Council

Minutes of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 6 October 2009**

(10.00 am - 11.05 am)

PRESENT:

Members:

Dave Bulmer	David Recardo
John Vincent Chainey	Peter Roake
Tony Fife	Keith Ronaldson
Nigel Mermagen (Chairman)	Alan Smith
Roy Mills	Linda Vijeh
	Martin Wale

Officers:

Julia Bradburn	Licensing Manager
Anne Herridge	Committee Administrator
Anita Legg	Licensing Officer

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

1. Minutes (Agenda Item 1)

The minutes of the Licensing Committee held on 3 February 2009 and the Licensing sub Committee meetings held on 13 March 2009; 24 April 2009; 26 June 2009; 20 July 2009; 20 August 2009 and 4 September 2009 were approved as a correct record and signed by the chairs of the relevant meetings.

2. Apologies for Absence (Agenda Item 2)

An apology for absence was received from Councillor John Hann.

3. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

4. Public Participation (Agenda Item 4)

Questions/comments from members of the public

There were no questions or comments from members of the public.

Questions/Comments from representatives of parish/town councils

There were no questions from representatives of parish/town councils but one member commented on the lack of public interest in Licensing meetings and wondered if it was because the meetings were not open enough. The Chairman, Councillor Nigel Mermagen advised members that he would welcome suggestions regarding how the meetings could be opened up more in order to encourage members of the public to attend, although meetings of the sub committees were usually well attended depending on the subject matter.

5. Local Code of Best Practice For The Licensing Process (Agenda Item 5)

The Licensing Officer presented the report as shown in the agenda, she advised members that the recommendation would be amended to allow the report to be referred to *Audit Committee* prior to Full Council. That had been requested by the Democratic Services Manager on the recommendation of the Assistant Director (Legal & Corporate Services). The Officer explained that the Standards Committee had approved the draft code as had Human Resources (HR), this draft code was specific to licensing and was more transparent.

In answer to members' questions the Officer explained that this code had been tailored from the code that Bournemouth Council had adopted. Several members could not understand why the code had to be referred to the Audit Committee before Full Council as the Standards Committee and HR had already approved it. The Officer could not fully explain the reasoning behind the request but would give members an explanation when she had received more information.

Members made the following comments regarding the proposed code: -

- with reference to the item 'Lobbying by Members' on page 2 of 8 of Appendix 1, there was shortly to be a proposal to amend the LGA to ensure that in future ward councillors could be classed as an interested party if applicable;
- The document would be a useful and would be there for the protection of members and officers alike;
- Item 14 regarding 'Site visits by the Licensing Committee' was not always applicable as there had been very few occasions in the past where a site visit was requested. It was noted however that some members of the sub committees had been known to visit premises with applications pending, in order to acquaint themselves with the situation. It was felt that should members in future wish to visit a premises before a hearing, they should advise the chair before such a visit took place and also ensure that they attended with a relevant officer. That practice would ensure that members did not put themselves into a vulnerable situation.
- The licensing sub committees were carried out on a rota basis to avoid ward members having to make a decision on licensing matters within their own ward;
- Some changes were requested to the wording at paragraph 15 'Training' as the wording was not felt to be adequate in places, as training was an essential part of a Licensing members role, it was necessary to attend rather than voluntarily. Current members as well as new members needed training throughout the year in order to keep them briefed on

changes to Government policy, guidance or best practice. The Officer acknowledged that the changes would be made.

Subsequent to the meeting it was clarified that the code did not have to be referred to the Audit Committee but would be referred to Full Council for adoption.

Voting was unanimous for the recommendation.

RESOLVED:

1. That the Code of Local Best Practice, with the amendments as agreed by the Licensing Committee, be referred to Full Council for adoption.

(Voting: Unanimous)

*Assistant Director
Lead Officer:
Contact Details:*

*Laurence Willis - Environment
Anita Legg, Licensing Officer, Licensing Department
anita.legg@southsomerset.gov.uk or (01935) 462137*

6. Proposed Revision of Statement of Principles under the Gambling Act 2005. (Agenda Item 6)

The Licensing Officer presented the report as shown in the agenda and advised members that although South Somerset had yet to engage with this act that may change soon with the anticipated onset of an application for a new Bingo premises which may come before the Licensing Committee. Minor changes to the document had been made which were highlighted and boxed in the agenda report.

She advised that it was necessary for the recommendation to be amended to read ' that a final Statement of Principles is submitted to *District Executive* prior to Full Council for consideration and approval.'

The policy document had to be reviewed every 3 years and in renewing the document it had been necessary to consult with existing license and certificate holders, town council, local residents, businesses and the police. One response had been received from the Town Council, who commented that the document was very clear and easy to understand and that to date, there had been no incidents in Yeovil town that related to the act.

In general, members were supportive of the proposed revision and commented that gambling appeared to be very well self- regulated and caused very few problems. In response to one members observation the Licensing Manager advised that Appendix A would be amended to replace Somerset Fire and Rescue Service to the correct title of Devon and Somerset Fire and Rescue Service.

Members unanimously approved the recommendation with the agreed amendment.

RESOLVED:

- (1) that the revised Statement of Principles under the Gambling Act 2005 be agreed by the Licensing Committee.

- (2) that a final Statement of Principles be submitted to District Executive prior to Full Council for consideration and approval.

(Voting Unanimous)

Assistant Director: Laurence Willis - Environment
Lead Officer: Julia Bradburn, Licensing Manager, Licensing
Contact Details: julia.bradburn@southsomerset.gov.uk or (01935 462113)

7. Update on the Licensing Service (Agenda Item 7)

The Licensing Manager advised members that Licensing had prepared a new document named 'calendar of achievements' which would be used from 1 October 2009 and used as a basis to report regularly to Area Committees. As part of the restructure within SSDC, Licensing was now a stand-alone department away from Environmental Health and under the remit of Vega Sturgess as Strategic Director (Operations and Focus) and Laurence Willis as Assistant Director (Environment). The Licensing Manager advised members that as Pioneer Somerset had now disbanded with effect from March 2010 she would no longer be working with Taunton Deane.

She reported on the following recent activities that Licensing had been involved in: -

- they were one of the 2009, most innovative scheme finalists in the 'Best Bar None' awards scheme for licensed premises, and if successful would give a presentation to parliament;
- a recent upsurge in the issuing of fixed penalty notices given for smoking illegally in vehicles used for business ;
- the majority of overdue Street Trading Fees were now paid and the Legal Department were dealing with the few that were still overdue;
- Licensing Officer's were highly visible at the recently held local carnivals - members congratulated them on the way they had presented themselves;
- the Zero Project, an initiative of the Mendip and South Somerset Community Safety Partnership had arranged a series of evenings for young adults aged fourteen to seventeen, between 350 and 450 young people had attended from far and wide. One member had attended one of the events and had witnessed the young people having a good time without the influence of alcohol, he congratulated Denise Dunford SSDC Community Safety Projects Officer on her input into the events;

Members thanked the Officer for the report, and in response to a members question the Licensing Manager replied that there was an ongoing 3 monthly review regarding the monitoring of off-licenses and supermarkets selling alcohol to underage individuals, it appeared that the message was getting across as there had been no recent reports of illegally purchased alcohol, but the police were pro-active regarding this, particularly with the use of the PCSO's.

NOTED

Assistant Director Laurence Willis - Environment
Lead Officer: Anita Legg, Licensing Officer, Licensing Department
Contact Details: anita.legg@southsomerset.gov.uk or (01935) 462137

8. Licensing Committee Forward Plan (Agenda Item 8)

The Chairman Councillor Nigel Mermagen advised members of the change of date for the December meeting and he advised that notice would be given should that meeting be cancelled. He commented that the rota for the Licensing sub Committees had been successful and would continue.

One member requested a report about what licensing classed as a dangerous animal. He was advised that an up to date list could be obtained from DEFRA and the list was continually changing due to different species breeding but was not in the remit of SSDC.

Head of Service: Julia Bradburn SSDC Principal Licensing Officer
Lead Officer: Anne Herridge, Committee Administrator
Contact Details: Anne.herridge@southsomerset.gov.uk or (01935462570)

Before the meeting closed Councillor Tony Fife gave his condolences for the tragic untimely death of Chief Superintendent Sandy Padgett, District Commander for Somerset West Police District, Taunton Police Station, and formerly of Yeovil Police Station she had attended Licensing Committees in the past.

9. Next Meeting

Members noted that the next scheduled meeting of the Licensing Committee would take place on Tuesday 8 December 2009 at 10.00 am at the Council Offices, Brympton Way Yeovil.

Anne Herridge Committee Administrator, Legal and Democratic Services SSDC
Anne.herridge@southsomerset.gov.uk or (01935 462570)

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Chairman