

Meeting **LC 02M** 09/10
Date **08.12.09**

South Somerset District Council

Draft Minutes of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 8 December 2009**.

(10.00am - 11.00am)

PRESENT:

Members:

Dave Bulmer	David Recardo
John Vincent Chainey	Peter Roake
John Hann (from 10.25 am)	Keith Ronaldson
Roy Mills	Linda Vijeh
	Martin Wale (in the chair)

Officers:

Anne Herridge	Committee Administrator
Anita Legg	Licensing Officer
Nigel Marston	Licensing Enforcement Officer
Colin Chown	Licensing Officer

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

10. Minutes (Agenda Item 1)

The minutes of the Licensing Committee held on 6 October 2009 were approved as a correct record and signed by the chairman.

11. Apologies for Absence (Agenda Item 2)

An apology for absence was received from Councillor Nigel Mermagen. Councillor John Hann had advised that he would arrive late.

12. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

13. Public Participation (Agenda Item 4)

Questions/comments from members of the public

Mr Tom Brown spoke regarding Item 5 on the agenda; he explained that since the popularity of Internet shopping his shop were selling less DVD's which had hit his profit. He could not understand the huge difference in the license fees that public houses had

to pay compared to the very high fees that were set for Sex Shops. He felt the fees were unreasonable in this day and age, and if the renewal fees were not reduced he would have to look to drastically change the shape of his business.

The chairman thanked Mr Brown for the information and advised him that members has been fully informed by the report in the agenda, and were satisfied with the correspondence received and that he was welcome to stay and listen to the discussion of the item.

14. Sex Establishment Fees (Agenda Item 5)

The Licensing Enforcement Officer presented the report that was shown in depth in the agenda. He advised members that the fees could not be used to raise revenue for the council. Although a lot of research into the fees set by other councils had been carried out it was hard to make direct comparisons.

The Officer explained that he was not asking to reduce the initial fee, just the renewal fee. Miss Mays had not caused any extra enforcement work and had not generated many complaints. He recommended that members approve the proposal.

In response to members questions the Officer replied that:-

- The fees were set in order to cover the costs of administration, the meetings, the preparation of agendas, officer's time, hearings, the costs of any further legal measures that may or may not have to be taken. Officers training to meet the changes in legislation;
- Miss Mays was the only sex establishment in the area, therefore fees may be less if there were more establishments;
- The annual renewal fee could be reviewed each year to ensure it was set at a correct level;
- Any decision could go to appeal and be overturned by magistrates at costs to SSDC. That possibility had to be taken into account when calculating fees;
- There had been no cause for complaints at Miss May's establishment, but there had been an incident of non-compliance with conditions, but a visit had clarified the problem and was subsequently rectified;
- The comparison of fees had been made with 'family groups', which were other council's with similar sized towns to those within SSDC.

A proposal was made and seconded to adopt the proposed new structure for sex establishment renewal fees with an additional condition to review the fees annually. The motion was carried unanimously.

RESOLVED:

- (1) To adopt the proposed new structure for sex establishment renewal fees and to review this fee annually.

(Voting: Unanimous)

<i>Assistant Director:</i>	<i>Laurence Willis - Environment</i>
<i>Lead Officer:</i>	<i>Nigel J Marston Licensing Enforcement Officer</i>
<i>Contact Details:</i>	<i>Nigel.marston@southsomerset.gov.uk or (01935 462150)</i>

15. Street Trading Fees (Agenda Item 6)

The Licensing Officer presented the report, the purpose of which was shown in detail in the agenda. He informed members that the proposed inner zone would be administered by Yeovil Town Council, the fees would remain the same at £11.00 a day for a permanent street trader and £13.00 a day for a casual trader. The proposed fees for the outer zone for regular traders would be £1600 annually; £900 six monthly, £500 3 monthly and a daily rate of £11.00. The casual traders daily rate would remain at £13.00.

One member questioned the shortfall between the cost of producing the new street trading policy and the expected costs that were in line with the expected income. The expected costs were devised from the expected income but it had been suggested that the expected income had possibly been set too high. She was informed that as the policy was due to be reviewed every three years the cost would be spread and there was not a wish to burden the traders the first year. A lot of other areas were charging more fees than SSDC.

Another member questioned why some fees were shown for a daily rate but the comparison was annual, she asked if the figures could be broken down further in the future. She was advised that that would be easier once the zones were up and running. Yeovil Town Council currently only looked after King George Street and Middle Street but if approved they would enforce the enlarged area of the inner zone and any parts of the outer zone that fall within the Civil Parish Boundary of Yeovil Town.

The high cost of producing the new street trading policy was questioned, but it was explained that a lot of officer time and training had already been spent on the issue, it was hoped that traders would soon be issued with trading plates, the cost of that process had been incorporated into the costing. It was felt that it would be necessary to encourage the growth of businesses in case some stopped trading.

SSDC would carry out enforcement of all areas of South Somerset that fall outside the Civil Parish Boundary of Yeovil Town to ensure that traders carry out their businesses legitimately. It was important that regular traders knew that any illegality was being addressed. That had worked well at the recent carnivals held in the area, when officers had visited traders early on in the day to check they had the appropriate licenses. That ensured that existing market traders could see that action was being taken.

Members in general were happy to adopt the proposals but asked if a report could be taken to committee next December with a full balance sheet to show the figures for the first year. The motion was carried 7 in favour and 1 against.

RESOLVED:

- (1) That the proposed new structure be adopted for ascertaining street trading fees.
- (2) That the proposed street trading fees be adopted for the outer zone
- (3) That it be noted not to propose to change the existing level of fees in the inner zone

(Voting: 7 in favour, 1 against)

<i>Assistant Director:</i>	<i>Laurence Willis - Environment</i>
<i>Lead Officer:</i>	<i>Colin Chown Licensing Officer</i>
<i>Contact Details:</i>	<i>Colin.chown@southsomerset.gov.uk or (01935 462135)</i>

16. Licensing Sub Committees (Agenda Item 7)

Members were happy to continue with the rota basis as they felt that it worked really well.

RESOLVED:

That it be agreed that the Licensing Sub-Committees continues on the approved rota basis for 2010.

Assistant Director
Lead Officer:
Contact Details:

Ian Clarke, (Legal & Corporate Services)
Jo Morris Committee Administrator
Jo.morris@southsomerset.gov.uk or (01935) 462462

17. Licensing Committee Forward Plan (Agenda Item 8)

There were no suggestions for further reports at this moment in time, but members were advised that they would be given training shortly as the law would be changing and applications would need to go on line.

RESOLVED:

1. that members commented upon and noted the proposed Licensing Committee Forward Plan as attached at Appendix A.
2. that members identified priorities for further reports to be added to the Licensing Committee Forward Plan.

Head of Service:
Lead Officer:
Contact Details:

Julia Bradburn SSDC Principal Licensing Officer
Anne Herridge, Committee Administrator
Anne.herridge@southsomerset.gov.uk or (01935462570)

18. Update on Licensing Service (Agenda Item 9)

The Licensing Enforcement Officer advised members that he was preparing to take enforcement action against 2 street traders.

There had recently been 2 successful prosecution cases against taxi drivers in Yeovil Magistrates Court. One driver had pleaded guilty at the earliest opportunity and was given a small fine. The second driver had engaged a Barrister to present his case. However once at Court the Barrister was keen to negotiate a plea to the charges. Legal had accepted a plea on a lesser charge but not to the charge of lack of insurance. The penalty had been 6 penalty points on the driver's licence, a 12 month conditional discharge and costs of £1500 were awarded against the driver.

In response to members' questions they were advised that there were 2 enforcement officers for South Somerset but other officers did sometimes carry out enforcement whilst visiting premises.

A local public house had recently been closed and Test purchasing had taken a back seat but would continue when funds allowed.

Officers were thanked for their hard work.

*Assistant Director
Lead Officer:
Contact Details:*

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

19. Next Meeting (Agenda Item 10)

Members noted that the next scheduled meeting of the Licensing Committee would take place on Tuesday 9 February 2010 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