

Meeting LC 04M 09/10  
Date 6 April 2010

## South Somerset District Council

**Draft Minutes** of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 6 April 2010**.

(10.05am – 11.05 am)

### **PRESENT:**

#### **Members:**

Tony Fife	Keith Ronaldson
Nigel Mermagen (Chairman)	Alan Smith
Roy Mills	Linda Vijeh (from 10.15 am)
David Recardo	

#### **Officers:**

Anne Herridge	Committee Administrator
Nigel Marston	Licensing Manager

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

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### **29. Minutes (Agenda item 1)**

The minutes of the Licensing Committee held on 9 February 2010 were approved as a correct record and signed by the chairman.

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### **30. Apologies for Absence (Agenda item 2)**

Apologies for absence were received from Councillors David Bulmer, John Hann, Peter Roake, and Martin Wale.

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### **31. Declarations of Interest (Agenda item 3)**

There were no declarations of interest.

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### **32. Public Participation (Agenda item 4)**

#### **Questions/comments from members of the public**

Dr Kenneth MacCormac was in attendance at the meeting but wished to speak during Agenda item 6.

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### 33. Chairman's Announcements (Agenda item 5)

The Chairman advised members that there would be a Licensing sub Committee hearing for the Sunrise Festival on Monday 19 April 2010 at 10.00 am and should be attended by all members of the Licensing Committee. There would not be an official site visit this year as one took place last year, any members who did not attend last year should contact the Licensing Department if they wished, to organise a personal visit.

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### 34. Proposal to License an Electric Vehicle (Agenda item 6)

The Licensing Manager presented the report as shown in the agenda. He explained that technology had moved on and it was now a viable proposition to want to operate an electric vehicle as a Private Hire Vehicle (PHV). The applicant, Dr K MacCormac, had an engineering background and had carried out research locally that showed a lot of single person journeys were taken within the Wincanton area. He was considering buying a 3-seat version of the 'Citroen 1' electric car, which would necessitate a departure from SSDC's agreed policy regarding seating capacity in PHV's.

He explained the legal background and the statutory position regarding seating capacity, although there was no stipulated minimum amount of seat space in a vehicle there was a maximum limit of no more than 8 passenger seats and SSDC policy was not to license a vehicle with less than 4 passenger spaces, excluding the driver, and the vehicle must have 4 doors for easy access. The vehicle in question would only be used for small trips within the Wincanton area.

The decision for members would be, did they want to promote the 'green' principle. SSDC would be the first Authority in the South West to use an electronic vehicle as a PHV.

The chairman explained to the applicant that this meeting was not to make a decision but to explore the feasibility of the request.

Dr MacCormac explained that he needed the permission of SSDC in order to operate the electric vehicle. If agreed, he would also need help in finding insurance for the vehicle and funding for the purchase.

The Chairman commented that a customer requesting a taxi would need to be made aware of the availability of the 3-seater taxi should the application be successful.

The applicant explained that the taxi call operator would ascertain at the time of taking the call how many persons would need to use a vehicle, it would be inefficient to send out the wrong size vehicle.

Following the ensuing discussion several points were made:

- The cost of insuring an electric vehicle used for PH should in theory be no more than a normal vehicle;
- Although in favour of the concept, if SSDC policy needed to be changed regarding the capacity, the wording would need to be specific otherwise there would be the possibility of applications for any type of vehicle requesting a PHV licence;
- Concern was raised regarding the size of the car as it would not accommodate the larger person, particularly if there were only 3 doors;

- It the application was accepted in principle, the policy would not need to be amended first as long as a reasoned decision was made;
- Amended wording could be incorporated in the policy at a later date by the legal department;
- If members allowed the applicant to submit a full application, the final decision could be delegated by an officer and would not need to be considered by the licensing sub Committee;
- It was felt that if a full application was considered, this case should be taken into account by members of the Licensing sub Committee with the attendance of a Legal representative in order to be able to move the policy on.

The Applicant explained that he was not looking for a change of SSDC policy but just wanted to be able to submit an application as soon as possible as he wished to be able to operate the vehicle by July 2010, he also hoped that SSDC could help with financing the venture.

The chairman explained that he could not say at this stage how long the application would take or if it would be successful.

Another member of the Licensing Committee, who is also a member of the District Executive, advised the applicant that due to budget constraints there would be no funds available to finance the venture.

It was put to the vote to - accept the proposal and allow the applicant to submit a full application for a PHV licence to be considered by the Licensing sub Committee.

Five voted in favour of the proposal and one abstention.

**RESOLVED:** To accept the proposal and allow the applicant to submit a full application for a PHV licence to be considered by the Licensing sub Committee.

(Voting 5 in favour, 1 abstention)

*Lead Officer: Nigel J Marston, Licensing Manager*  
*Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150*

### **35. Annual report on Licensing Hearings, Review Hearings and Appeals (Agenda item 7)**

The Licensing Manager explained that he now intended to produce a report annually to update members of the work of the various licensing sub committees.

It was noted that there appeared to be fewer licensing hearings last year the main reasons for that were:

- fewer applications; and
- more were settled by agreed conditions with out the need for a formal hearing.

Members thanked the officer for the useful report.

**RESOLVED:**

(1) that the Committee noted the report; and

- (2) that future reports on Licensing Hearings, Review Hearings and Appeals be provided on an annual basis.

*Lead Officer: Nigel J Marston, Licensing Manager*  
*Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150*

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### **36. Licensing Committee Forward Plan (Agenda item 8)**

There were no suggestions for further reports at this moment in time

#### **RESOLVED:**

- (1) that members noted the proposed Licensing Committee Forward Plan as attached at Appendix A.

*Lead Officer: Anne Herridge, Committee Administrator*  
*Contact Details: Anne.herridge@southsomerset.gov.uk or (01935)462570*

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### **37. Update on Licensing Service**

The Licensing Manager advised members that:

- it would be a busy few months for the Licensing Service due to the introduction of the Mandatory Drinks Code which will come into force in two parts, 3 new conditions on 6 April 2010 and 2 further new conditions on 1 October 2010. All current licence holders will have their licenses reissued to cover the new mandatory conditions. All licence holders in major towns will be targeted first, followed by premises in the smaller areas;
- all outstanding licensing fees had now been paid, thanks to the hard work of the Enforcement Officer;
- Street Pastors (a national organisation) were doing a very good job in difficult conditions in order to make the streets of Yeovil safer during Friday and Saturday evenings, but they needed a new base from which to operate, the Licensing Service wanted to make a small donation of £500.00 towards the siting and provision of a new portacabin.

One member questioned whether all other options regarding the availability of the use of church rooms etc to be used as a base for the Street Pastors had been exhausted, and were other organisations, particularly the new night club that was soon to be opened, willing to give donations towards the Street Pastors.

The Officer replied that there were contributions from the Police and from most major organisations that were part of the night time economy.

On the whole the majority of members were happy to support the donation of £500.00.

Members congratulated Nigel Marston on his recent appointment as Licensing Manger and thanked him for the verbal report.

*Lead Officer: Nigel J Marston, Licensing Manager*  
*Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150*

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**38. Next Meeting**

Members noted that the next scheduled meeting of the Licensing Committee would take place on Tuesday 8 June 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**