

Meeting LC **01M** 10/11
Date **12 October 2010**

South Somerset District Council

Draft Minutes of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 12 October 2010**

(10.00am – 11.30am)

PRESENT:

Members:

John Vincent Chainey	Keith Ronaldson
John Hann	Linda Vijeh
Roy Mills	Martin Wale in the Chair
David Recardo	Lucy Wallace
Peter Roake	

Officers:

Anne Herridge	Committee Administrator
Anita Legg	Licensing Officer
Nigel Marston	Licensing Manager

Others:

Henry Hobhouse	SSDC Councillor
John Crossley	SSDC Councillor
Alan Jeffs	Town Clerk Castle Cary
Laura Tilling	Castle Cary Town Councillor
PC Brett Gitsham	Nighttime Economy Beat Manger South Somerset

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

1. Minutes

The minutes of the various recent Licensing Committee meetings, copies of which had been circulated, were agreed as a correct record and signed by the Chairman Martin Wale and Cllr Linda Vijeh.

2. Apologies for Absence

Apologies for absence were received from Councillors Tony Fife, Dave Bulmer, Simon Bending, Nigel Mermagen and William Wallace.

3. Declarations of Interest

There were no declarations of interest.

4. Public Participation

Questions/comments from members of the public

Several representatives from Castle Cary were in attendance at the meeting but it was agreed that they would speak during item 6 on the agenda.

5. CCTV Policy as proposed by Avon and Somerset Police

The Licensing Manager presented the report as shown in the agenda, he explained that the Avon and Somerset police had requested that SSDC adopt the proposed policy in order to ensure that the CCTV systems in Licensed premises provide a tool to prevent criminal and anti-social behaviour and to ensure that the images provided by the CCTV systems met the recognition and identification standards necessary for the detection and prevention of crime and disorder. He explained that the main objectives for installing CCTV were:

- To seek to influence behaviour of patrons.
- To protect staff and property.
- Where necessary, to provide unequivocal evidence of an incident to assist subsequent prosecution.

An effectively installed and managed system would also help to prevent criminal and anti-social behaviour.

The policy itself was very clear and with the use of both user checklists, it should be handy in the procurement process of CCTV systems. Should members agree to this new policy it could be attached to the new Statement of Licensing Policy due to be presented to members of the Licensing Committee at the November meeting.

PC Brett Gitsham the Nighttime Economy Beat Manager addressed members as he had written the report whilst as a Crime Reduction Officer. The policy is necessary in order for the correct specified CCTV to be installed rather than purchase a 2nd class unit only, which may have to be replaced if the recorded images etc are not of a evidential quality. He gave an example of a recent case whereby a theft had occurred in a night club and because of a clear image from the CCTV system an arrest was made very quickly.

In response to a members' question regarding the recording of 6 frames per second (fps) within the premises and 12fps by the cameras that covered the entrance doors, PC Gitsham explained that the film needed to be of sufficient quality to provide the correct level of evidence. If it was too low, the camera would miss actions, 6 fps was the minimum in order to catch most of the action, and 12 fps was good enough to capture everything, as an example, he explained that animated cartoons were recorded at 25fps.

He also responded to a question that training was given in the operation of the system to the Designated Premises Supervisors (DPS) and key people within an organisation in order to ensure the replay and export of recordings quickly onto a removable storage medium. The controller of the system would be the person in charge of the operation of the premises.

One member was concerned that this could be classed as 'big brother' tactics, but PC Gitsham replied that that was not the case at all, but that it did provide a safe environment for the public and gave the police evidence to take to court to aid any prosecution.

Either the entire recording or just a fraction of it may be used as evidence but it was up to the Crown Prosecution Service (CPS) to decide how much of the recording was relevant. A further reason to have good quality recording was that the CCTV recording may not be admitted as evidence. There were a great deal of inferior systems on the market and the use of this guidance would eliminate that. He also explained that the 31 days for retaining the images before over-recording was an Avon & Somerset Police force policy.

Another member suggested that with a report as technical as the one in front of members, it would be a good idea to list the full meaning of the abbreviations at the bottom of each page. *Officers made a note of that suggestion.*

The Licensing Manger explained that SSDC could not endorse any particular company to install the systems but they must be NNSI Gold or SSIAB Approved.

RESOLVED:

That members agreed:

- 1) to adopt the CCTV Policy as proposed by Avon and Somerset Police and
- 2) that in future officers ensured that a glossary of terms be attached to a relevant report if applicable.

(Unanimous)

Lead Officer:
Contact Details:

Nigel J Marston, Licensing Manager
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6. Draft New Street Trading Policy

The Licensing Manager presented the report and explained that following the decision of Full Council on the 16th July 2009, the whole of the South Somerset District with the exception of part of Station Road, Somerton was declared a Street Trading Consent area with effect from 1st September 2009. The Licensing Service had been asked to produce a new Street Trading Policy in consultation with legal services to reflect recent case law and expert advice.

The new policy was consulted on during late June and July 2010 with a deadline of 30th July 2010 for interested parties to make comments. A number of "stakeholders" were consulted including existing consent holders, farmers markets, and town and parish councils. The only concerns with the policy that were raised by consultees were those outlined in the recommendations 1 & 2 in the report; these being how would the Market House in Castle Cary and travelling fairs be treated.

He drew members' attention to the Financial Implications and advised that as the Licensing Service was cost neutral fees would be reviewed annually in line with other non-statutory licensing fees. The policy itself was quite short, however 2 amendments would be made to join Appendices 2a and 2b together into 1 document.

The officer also passed photographs to members that showed the undercroft area of Castle Cary Market House and the forecourt in the front.

The officer replied in response to the Chairman's questions that Appendix 6, which relates to enforcement was the SSDC policy as well as that of other Somerset authorities.

Laura Tilling of Castle Cary Town Council (TC) addressed members to explain that the undercroft area of the Market House was already enclosed by a roof and railings and was not open to the public at all times and was under the control of the TC. The area at the front was a different matter, it was a Grade 2 listed building and it was hoped that trading could continue there but under the remit of Castle Cary TC in order to make it viable. Therefore an exception of the forecourt area to waive consent fees would possibly be the answer in order to make their business plan for asset transfer more possible. In summing up she said that:

- There was nothing in the policy to waive fees;
- Yeovil has delegated control of ongoing consent therefore consideration should be given to Castle Cary TC to help make them more viable;
- Would it be possible for the TC to buy a blanket consent for the whole forecourt area to the front of the building
- It was necessary to think of a way that the TC could make an income from the Market House in order to survive as a tourist and market town.
- They were concerned that the asset transfer business plan and the income from any stalls may be affected.

Ward member for Castle Cary Cllr John Crossley felt that Laura Tiling had raised some very relevant points, he reiterated that:

- The Undercroft area should not come under Street Trading at all;
- The cobbled area in the forecourt was a very different matter, it was currently owned by SSDC and he asked that the matter be deferred until the future ownership was known.

The Licensing Officer explained that it did not matter who owned what, but if more than 5 stalls were in occupation it would be classed as a market.

The other Ward Member Cllr Henry Hobhouse suggested that the Core Draft Strategy should be taken into account; every car boot sale should come under Street Trading legislation; what is the position of village halls who try to raise money themselves.

The Licensing Manager explained that village halls do not come under street trading and car boots sellers were charged an entry fee therefore street trading policy was not relevant.

The Licensing Officer replied to another question and explained if an event was community-based and run, for non-commercial purposes, such as a fete or school

fund raising activity, it was seen as non-commercial fund raising. Where any of the profits of the trading were retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned, the trader will not benefit from the fee exemption. An example of that was South Petherton carnival where the street traders were charged a fee, but the stall that was run by the local scout group was not charged a fee as the proceeds went back to the scouts.

One member asked could a trader actually be charged twice for the same event, for example an Ice Cream seller would already have a consent but could be charged again if attended a fayre or similar.

The answer to that was the Ice Cream seller would have a consent to trade in his own prescribed area but if traded out of that area at another event he would be charged again, but he would not be classed as a 'roundsman' as he would not be delivering to a 'round' of customers.

If Castle Cary Town Council had responsibility for the delegated area they would also have to carry out enforcement, someone on the TC would have to be academically qualified in order to take the cases to court, but it would not be impossible to arrange. The issue of costs incurred during the process could be a problem. Members were concerned how they could they be reconciled.

During discussion, Members made the following points: that the possible cost factor should not come in to the equation it would be far better, if there was a suitably qualified person, to watch over their own area; perhaps an insurance policy could cover the cost of any enforcement; the area in question would be locked when not in use; therefore it should be fairly easy to control.

The Licensing Manager advised the members of the Licensing Committee that if a decision was to be made regarding the possibility of further delegation to Castle Cary TC for the cobble forecourt area to the front of Castle Cary Market House it would need to be discussed outside of this meeting

Members voted (with 1 abstention) in favour of the recommendations as shown in the agenda report with the addition of another: that SSDC enter into discussion with Castle Cary Town Council in relation to the cobbled forecourt area to the front of Castle Cary Market House to discuss the possibility of further delegation of that area.

RESOLVED:

That:

- 1) Members of the Licensing Committee agreed that any trading within the undercroft area of Castle Cary Market House would not to be considered as street trading.
- 2) Members of the Licensing Committee agreed that any trading within a travelling fair on private land that has permitted rights was not street trading.
- 3) that SSDC enter into discussion with Castle Cary Town Council in relation to the cobbled forecourt area to the front of Castle Cary Market House to discuss the possibility of further delegation of that area.
- 4) Members of the Licensing Committee recommend that District Executive approve the new Street Trading Policy as proposed.

(Voting: 8 in favour: 1 abstention)

Lead Officer: Nigel J Marston, Licensing Manager
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7. Licensing Committee Forward Plan

The Licensing Manager advised members that the Licensing Act Draft Policy was now on the website for comments with a deadline of 21 October 2010 for responses but very few comments had been received.

After the consideration of evidence provided by Avon and Somerset Constabulary on crime statistics in Yeovil and Chard town centres, the Licensing Authority considered it appropriate and necessary to incorporate within the Draft Policy Statement a Cumulative Impact Policy for some streets in the towns of Yeovil and Chard. The Cumulative Impact Policy would continue to be kept under review, particularly with regard to the boundaries of the cumulative impact area. There had to date, been no comments received back about Princes Street, Yeovil, there would be a need to prove that area would not add to the cumulative impact already being experienced.

The chairman asked if the changes to the policy could be highlighted when the report was written in order for members to be able to see what changes had been made to the policy.

A member commented that SSDC should encourage the use of polycarbonate glasses as opposed to glass when issuing a licence but he was informed that it was not possible to have a 'blanket' condition, whereby all premises had to use them. The member further suggested that the application form could be amended so that applicants should consider the use of them; he was advised that because the application forms were prescribed by government, the Council was not permitted to change them. He also felt that it would be useful if members had paper copies of the Licensing policy when sitting on a Licensing sub Committee meeting.

Another member asked that in future the Licensing agenda included an item on recent enforcement action in the area.

RESOLVED:

1. that members commented upon and noted the proposed Licensing Committee Forward Plan as attached at Appendix A.

Head of Service: Nigel J Marston, Licensing Manager
Lead Officer: Anne Herridge, Committee Administrator
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8. Next Meeting

Members noted that the next scheduled meeting of the Licensing Committee would take place on Monday 8 November 2010 at 10.00 am in Council Chamber B at the Council Offices, Brympton Way Yeovil.

*Anne Herridge Committee Administrator, Legal and Democratic Services SSDC
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Chairman