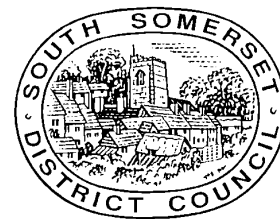


**South Somerset District Council**

*Notice of Meeting*



# Licensing Committee

*Making a difference where it counts*

**Tuesday 11 October 2011**

**10.00 am**

**Council Chamber A  
Council Offices  
Brympton Way  
Yeovil  
Somerset**

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The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge** on Yeovil (01935) 462570  
email: [anne.herridge@southsomerset.gov.uk](mailto:anne.herridge@southsomerset.gov.uk), website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 3 October 2011

*Ian Clarke, Assistant Director (Legal & Corporate Services)*



2007-2008  
Neighbourhood and  
Community Champions:  
The Role of Elected Members  
2006-2007  
Improving Rural Services  
Empowering Communities  
2005-2006  
Getting Closer to Communities

**This information is also available on our  
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INVESTOR IN PEOPLE

# Licensing Committee Membership

**Chairman** Nigel Mermagen  
**Vice-Chairman** Martin Wale

Dave Bulmer  
 John Vincent Chainey  
 Pauline Clarke  
 Nick Colbert  
 Tony Fife

Jenny Kenton  
 Tony Lock  
 Paul Maxwell  
 Roy Mills  
 David Norris

David Recardo  
 Linda Vjeh  
 William Wallace

## South Somerset District Council – Corporate Aims

**Our key aims are:** (all equal)

- To deliver well managed cost effective services valued by our customers
- To increase economic vitality and prosperity
- To improve the housing, health and well-being of our citizens
- To ensure safe, sustainable and cohesive communities
- To enhance the environment, address and adapt to climate change

## Members' Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

## Information for the Public

The Licensing Committee shall be responsible for those licensing functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

Meetings of the Licensing Committee are held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

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# Licensing Committee

Tuesday 11 October 2011 at 10.00 am

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the Minutes of the Licensing Committee meeting held on 14 June 2011 and various Licensing sub Committee hearings**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the Agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10.

### 4. **Public Participation at Committees**

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

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

### *Items for Discussion*

### *Page No.*

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| 5. | <b>Annual update on the Licensing Service.....</b>   | <b>1</b>  |
| 6. | <b>Police Reform &amp; Social Responsibility Act 2011.....</b>   | <b>6</b>  |
| 7. | <b>Transport Select Committee Report on Taxis.....</b>   | <b>9</b>  |
| 8. | <b>Consultation on a proposal to deregulate Schedule One of the Licensing Act 2003 - In relation to Regulated Entertainment.....</b> | <b>11</b> |
| 9. | <b>Next Meeting.....</b>   | <b>13</b> |

Licensing Committee – 11 October 2011

## 5. Annual update on the Licensing Service

*Strategic Director:* Vega Sturgess, *Strategic Director Operations & Customer Focus*  
*Assistant Director:* Laurence Willis, *Assistant Director Environment*  
*Service Manager:* Nigel Marston, *Licensing Manager*  
*Lead Officer:* Nigel Marston, *Licensing Manager*  
*Contact Details:* nigel.marston@southsomerset.gov.uk or (01935) 462150

### Purpose of the Report

The report provides an annual update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters for the financial year 2010/11.

### Public Interest

The report gives an overview of the work of the Licensing department of the Council. The report shows the various types of licenses, permissions and consents that are issued by the Council and the numbers of applications that have been dealt with over the last financial year. The Licensing Service continues to work closely with the various Town Councils' on licensing matters.

### Recommendation

- 1) that the Committee note the contents of the report; and
- 2) note that future reports will be provided on an annual basis.

### Report Detail

#### Licensing Act 2003

#### Licences Issued and Notices Given

Within the Licensing Authority's district there are currently 679 Licensed Premises; 645 of those hold Premises Licences while the remaining 34 benefit from Club Premises Certificates. In addition a total of 1643 Personal Licences have been issued by the authority, 124 of these were issued in the current year.

Since the commencement of the Act in November 2005 a total of 2,906 Temporary Event Notices have been given, 563 of these were given in the current year. This is an increase of 10% on the previous years figure.

#### Inspections

259 licensed premises were inspected for compliance, this equates to 100% of the inspections that had been scheduled for the financial year.

#### Enforcement

The pro-active educational partnership approach to enforcement with the aim of compliance through consent continues to be successful. Formal action against licensed

premises following inspection visits has not been necessary. It is also pleasing to report that although there has been an increase in complaints being received against licensed premises all have been resolved without the need for formal enforcement action.

### Hearings

The following hearings have been held during the 2010/11 financial year.

HEARING DATE	PREMISE OR PERSON	TYPE OF APPLICATION	DECISION
22 April 2010	Woods Wine Bar Yeovil	New Premise Licence	Granted with conditions
14 May 2010	Poulet Arms Lopen Head	New Premise Licence	Granted with conditions
13 August 2010	McDonald's Sparkford	New Premise Licence	Granted with conditions
13 August 2010	Xiota 7 North St Martock	New Premises Licence	Granted with conditions
17 September 2010	27 Holyrood St Chard	New Premises Licence	Granted with conditions
08 October 2010	Globe Inn Misterton	Variation of Premises Licence	Granted with conditions
14 December 2010	Red Lion Wincanton	New Premises Licence	Granted with conditions

The Council has not received any applications to review any licenses this year.

In addition there are no outstanding appeals to the Magistrates' Court against the decisions of this Council's licensing sub committees.

### Variations, new licence applications, and changes of Designated Premises Supervisor

Applications for variation, transfer, new licences or change of designated premises supervisor continue to be received at a fairly constant rate.

Applications for the grant of a Premises Licence (26)

Applications for the variation of a Premises Licence (13)

Applications for the transfer a Premises Licence (36)

Applications for a change of Designated Premises Supervisor (88)

Licensing Officers continue to offer advice and guidance to applicants and liaise regularly with partner agencies to ensure the Licensing Authority provides the best possible service.

### Personal Licences

Applications relating to Personal licenses are still being received at a steady rate. Since 2005 the service has now issued 1643 personal licenses. 124 of these were issued this financial year.

## Gambling Act 2005

### Licenses Issued and Notices Given

Within the Licensing Authority's area there are now 21 Premises licensed under the Gambling Act. There are also 221 Small Society Lotteries registered.

### Premises Inspections

The Licensing Authority is required to inspect premises licensed under the Gambling Act in accordance with the advice given by the Gambling Commission. I can report that all premises licensed under the Gambling Act were inspected this year.

### Enforcement

Currently the Authority's role remains one of education and assistance. To date no formal enforcement action has been required and it is anticipated that as with the Licensing Act close working with partner agencies will prove most beneficial.

### Hearings

Since the last update report there has been no requirement for any hearing relating to applications made under the Gambling Act. As is the case with the Licensing Act 2003 if there are no representations made against an application and in all other respects the application is properly made then there is no requirement for a hearing.

### Taxis

#### Licences Issued and Notices Given

Within the Licensing Authority's district there is currently a fleet of 280 licensed Vehicles, the split between the various Town Councils' is as follows;

Council	Number of Vehicles	% of the Fleet
South Somerset District Council	229	82%
Wincanton Town Council	27	9.6%
Yeovil Town Council	14	5%
Crewkerne	6	2%
Ilminster	4	1.4%

There are 292 Licensed Drivers and there are also 30 licensed Private Hire Operators.

### Enforcement

The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles we have used with the Licensing Act. Again close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.

The Licensing Service's taxi enforcement operations are continuing with the police and other partner agencies, including Town Councils'. Four large-scale stops were organised in the last year along with several smaller scale operations. The Licensing Service is

currently working with VOSA and the County Council to undertake inspections of vehicles providing school transport.

**Hearings**

There have been no hearings relating to Hackney Carriage and Private Hire licensing during 10/11.

**Street Trading Consents**

A total of 99 Street Trading Consents have been issued, these are 13 permanent consents and 86 casual consents. This is an increase of 25% over last year’s figures. The Council has prosecuted one individual for street trading without consent and successfully defended the prosecution on Appeal in the Crown Court. Full costs were awarded to the Council

**Animal Welfare**

The table below shows the number of licenses issued in the year.

Type of Licence	Area North No	Area South No	Area West No	Area East No	Total
Pet Shops	2	3	2	2	9
Dangerous Wild Animals	0	2	0	0	2
Dog Breeders	1	0	0	0	1
Riding Establishments	2	1	2	1	6
Boarding Establishments	11	4	15	6	36

All animal welfare establishments’ are subject to annual inspection. 100% of these premises were inspected during 2010/11

**Complaints**

The following complaints were received by the Licensing Department in 2010/11. In all a total of 121 complaints were received.

Licensable Activity	No of Complaints	Outcome
House to House Collection	2	No Formal Action Required
Pet Shop	4	No Formal Action Required
Animal Boarding Establishments	2	No Formal Action Required
Dangerous Wild Animals	2	No Formal Action Required
Zoo	2	No Formal Action Required
Dog Breeding	6	No Formal Action Required
Street Collections	2	No Formal Action Required
Face to Face Fundraising	1	No Formal Action Required
Regulated Entertainment	1	No Formal Action Required
Gambling	1	No Formal Action Required
Hackney Carriage Drivers	26	No Formal Action Required
Hackney Carriage Vehicles	15	14 Stop Notices Issued
Parking on Taxi Rank	2	No Formal Action Required
Smoking in Vehicles	5	4 Fixed Penalties Issued
Private Hire Operator	2	No Formal Action Required
Premises Licensed for Alcohol	22	No Formal Action Required

Skin Piercing/Tattoos	2	No Formal Action Required
Private Hire Vehicles	5	No Formal Action Required

### **Legal Implications**

There are no legal implications contained within the report.

### **Financial Implications**

The Licensing Section generated an annual income of £276,242 in 2010/11, against a budgeted income of £234,510. Expenditure was £244,569 against a budgeted expenditure of £244,790.

### **Corporate Priority Implications**

Increase economic vitality and prosperity – The Licensing service contribute to this priority by ensuring businesses are not overburdened by inspections, and that all inspections are targeted based on a risk assessment protocol.

Ensure safe, sustainable and cohesive communities – The licensing service are at the forefront of balancing the needs of the night time economy with the needs of local residents and ensuring the safety of the public.

Deliver well managed, cost effective services valued by customers – The Licensing Service provide valuable help and guidance on all licensing matters, which is valued by customers. The service also generates a substantial income, which enables it to be virtually self-funding. It is not possible for the service to be fully self-funding as several licences and permits do not require a fee to be paid.

### **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

None.

### **Equality and Diversity Implications**

None.

***Background Papers:*** None



Licensing Committee – 11 October 2011

## 6. Police Reform & Social Responsibility Act 2011

*Executive Portfolio Holder:* Peter Seib – Regulatory & Democratic Services  
*Group Manager:* Nigel Marston – Licensing Manager  
*Lead Officer:* Nigel Marston  
*Contact Details:* [nigel.marston@southsomerset.gov.uk](mailto:nigel.marston@southsomerset.gov.uk) or (01935) 462150

### Purpose of the Report

To update members on the passing of the Police Reform & Social Responsibility Act 2011 (PRSRA) on the 15<sup>th</sup> September 2011, and the changes that this will bring in relation to the Licensing Act 2003.

### Recommendation

That members note the report.

### Background

The PFSRA 2011 was passed on the 15<sup>th</sup> September 2011. The Act will amend the Licensing Act 2003 and will make considerable differences. No commencement date has yet been announced although it is widely envisaged that the proposed changes to Temporary Event Notices (TEN's) will be commenced prior to the 2012 Olympics with the remaining provisions being commenced shortly after.

### A Summary of the Main Changes

#### Responsible Authorities/Interested Parties

- The Licensing Authority will become a responsible authority in its own right in relation to premises and club premises applications. This will enable the authority to initiate reviews against problem premises without having to rely on others to request the review.
- Primary Care Trusts and Local Health Boards also join the list of Responsible Authorities.
- Any other person has replaced the term "interested parties".

#### Advertising

The Secretary of State will be required to make regulations requiring the licensing authority to advertise applications in a manner, which is prescribed and likely to bring the application to the attention of the persons who are likely to be affected by it.

#### Determination of Applications

"Necessary" has been replaced with "appropriate" in relation to the steps a licensing authority may take when determining applications and requests for reviews.

### Temporary Event Notices (TEN's)

- Police and Environmental Health Officers (EHO's) will be able to object to TEN's where they consider that the proposed activities are likely to undermine a licensing objective.
- Conditions may be applied to TEN's if the authority considers it appropriate for the promotion of the licensing objectives to do so, providing the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises as the TEN and the conditions would be not be inconsistent with the carrying out of the licensable activities under the TEN.
- Provision has been made for late TEN's which can be submitted up to 5 days in advance of the proposed event.
- Where a TEN is served electronically on the Licensing Authority, they will be required to forward to the Police and EHO's by no later than the end of the first working day after the day on which the original notice was given to the authority.
- Time limits relating to TEN's have been relaxed, including the duration of activities, which will increase from 96 hours to 168 hours.

### Alcohol Sales to Children

- The fine for persistently selling alcohol to children will be doubled from £10,000 to £20,000.
- The effect of a closure notice for persistently selling alcohol to children will have effect for at least 48 hours but not more than 336 hours (previously not exceeding 48 hours).

### Early Morning Alcohol Restriction Orders (EMRO's)

EMRO's will be a new facility for licensing authorities providing the statutory process is followed, and may be applied to different types of premises, between the hours of midnight and 6am.

### Late Night Levy

Provisions have been added to introduce a "late night levy" which would be intended to cover the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am. A licensing authority **may not** decide that "the late night levy requirement is to apply to only part of its area".

### Alcohol Disorder Zones

Alcohol Disorder Zones will be repealed.

### Licence Fee

- Premises licences and club premises certificates will be suspended on failure to pay the annual licence fee, although exceptions are built in to allow for administrative error, disputes and a "grace period"
- Subject to ministerial approval, the licensing authority will have the power to set certain fees on a cost recovery basis. The costs may also include the cost of acting as other responsible authorities under the Act e.g planning authority.

**Licensing Policy Statements**

These will now be reviewable every 5 years rather than the current 3 years.

**Financial Implications**

Not yet known.

**Implications for Corporate Priorities**

Many of the amendments will have a positive impact on Corporate Theme 4, ensuring safe, sustainable and cohesive communities.

**Other Implications**

None.

**Background Papers:** *Licensing Act 2003*  
*Police Reform & Social Responsibility Act 2011*

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Licensing Committee – 11 October 2011

## 7. Transport Select Committee Report on Taxis

*Executive Portfolio Holder:* Peter Seib – Regulatory & Democratic Services  
*Group Manager:* Nigel Marston – Licensing Manager  
*Lead Officer:* Nigel Marston  
*Contact Details:* [nigel.marston@southsomerset.gov.uk](mailto:nigel.marston@southsomerset.gov.uk) or (01935) 462150

### Purpose of the Report

To update members on the publication of the Transport Select Committee Report into the legislation governing taxis and private hire vehicles,

### Recommendation

That members note the report.

### Background

A Transport Select Committee was set up in 2010 to look at the legislation relating to taxi and private hire vehicles. The report has received evidence from trade bodies, local authorities, the institute of licensing and other organisations with an interest in the sector. The report has now been published.

Launching the report, committee Chair Louise Ellman said, “The rules for taxis date back to 1847 and still refer to horse-drawn carriages. The rules for private hire vehicles were set down in 1976 and are now out of date due to the growth of mobile phones and the Internet. The age of this legislation and the complexity of the case law accumulated in this area makes the need to overhaul the law on these matters irresistible.

The Government wants too refer the matter to the Law Commission. We believe a more effective approach would be for the Government to work with the trade, local authorities and user groups to develop and bring forward new legislation within the lifetime of this parliament.”

### The Proposals

The following principals should underpin any new legislation:

- Service users views must be taken into account, particularly those vulnerable groups such as the disabled and elderly who often rely on taxis and private hire vehicles (PHV’s).
- Legislation must be kept simple. Combine the legislation on taxis and PHV’s in one Act. The distinction between taxi and PHV services could be maintained by providing for 2 types of vehicle licence under the same legislation.
- Keep it local. Licensing should remain a local function. Taxis and PHV’s should however feature more prominently in local transport plans and Government should issue guidance to local authorities about how they should ensure that this happens.
- Permit tighter restrictions on cross border hire. Make it possible for local authorities to impose a condition that requires PHV’s and drivers to operate principally from within their licensing district. Permit local authorities to issue fixed penalty notices to out-of-town drivers found to have worked/sought work for a specified period of time within a district for which they do not hold a licence. Likewise, with due warning make it easier

for local authorities to prosecute operators sending vehicles to work in areas for which they hold no licence.

- Increase the potential for local authorities to work together to create larger licensing districts.
- Develop national licensing standards on certain issues, which relate to public safety, notably for CRB checks, the road-worthiness of vehicles, and the ability of drivers whose licenses have been revoked by one authority to seek a new licence in a different area.

### **Financial Implications**

None.

### **Implications for Corporate Priorities**

None.

### **Other Implications**

None.

**Background Papers:** *Transport Committee - Seventh Report  
Taxis and private hire vehicles: the road to reform*  
<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmtran/720/72002.htm>

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Licensing Committee – 11 October 2011

## 8. Consultation on a proposal to deregulate Schedule One of the Licensing Act 2003 - In relation to Regulated Entertainment

*Executive Portfolio Holder:* Peter Seib- Regulatory & Democratic Services  
*Head of Service:* Laurence Willis, Assistant Director - Environment  
*Lead Officer:* Nigel J Marston – Licensing Manager  
*Contact Details:* nigel.marston@southsomerset.gov.uk or (01935) 462150

### Purpose of the Report

To advise the Licensing Committee of a Home Office consultation concerning the proposed deregulation of regulated entertainment under the Licensing Act 2003.

### Recommendation

That the Licensing Committee authorise the Licensing Manager in consultation with the Chair & Vice Chair of the Licensing Committee to agree the final response to the consultation document.

### Background

On 10 September 2011 the Department for Culture Media & Sport (DCMS) published a consultation document entitled “Regulated Entertainment” - a consultation proposal to examine the deregulation of schedule one of the Licensing Act 2003.

The consultation period ends on 3 December 2011.

### The Proposal

The Governments view is as follows:

At the moment, the law and regulations that require some (but not all) types of entertainment to be licensed are a mess. For example, you will need a licence if you want to put on an opera but not if you want to organise a stock car race. A folk duo performing in the corner of a village pub needs permission, but the big screen broadcast of an England football match to a packed barn-like city centre pub does not. An athletics meeting needs licensing if it is an indoor event, but not if it's held outdoors. A free school concert to parents doesn't need a licence, but would if there is a small charge to raise money for PTA funds or if there are members of the wider public present. A travelling circus generally needs a permit whereas a travelling funfair does not. A carol concert in a Church doesn't need a licence, but does if it is moved to the Church Hall. There are many other examples where types of entertainment are treated differently for no good reason – the distinctions are inconsistent, illogical and capricious.

But they cause other problems too. Whenever we force local community groups to obtain a licence to put on entertainment such as a fundraising disco, an amateur play or a film night, the bureaucratic burden soaks up their energy and time and the application fees cost them money too. Effectively we're imposing a deadweight cost that holds back the work of the voluntary and community sector, and hobbles the big society as well.

Equally importantly, the various musicians' and other performers' unions are extremely concerned that all these obstacles reduce the scope for new talent to get started,

because small-scale venues find it harder to stay open with all the extra red tape. There is also evidence that pubs that diversified their offer to include activities other than drinking were better able to survive the recession. Making it easier for them to put on entertainment may therefore provide an important source of new income to struggling businesses such as pubs, restaurants and hotels.

Last but not least, laws that require Government approval for such a large range of public events put a small but significant dent in our community creativity and expression. If there's no good reason for preventing them, our presumption should be that they should be allowed.

So this is a golden opportunity to deregulate, reduce bureaucratic burdens, cut costs, give the big society a boost and give free speech a helping hand as well. Our proposals are, simply, to remove the need for a licence from as many types of entertainment as possible. I urge you to participate in this consultation so that we can restore the balance."

### **Where We Are?**

The consultation asks some 48 detailed questions, which will require input from Licensing, Health & Safety and Environmental Protection. In addition a South West training day has been facilitated in order that a holistic response from the South West authorities can be produced.

It was hoped that a detailed response could be brought before this committee, however it is essential that officers attend the South West training day prior to a detailed response being finalized, so this has not been possible.

### **Financial Implications**

Not yet known.

### **Implications for Corporate Priorities**

Not yet known.

### **Other Implications**

None.

**Background Papers:** *Licensing Act 2003*  
*DCMS consultation document – "Regulated entertainment – A consultation proposal to examine the deregulation of schedule one of the Licensing Act 2003.*

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Licensing Committee – 11 October 2011

**9. Next Meeting**

Members note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 13 December 2011 at 10.00 am at the Council Offices, Brympton Way Yeovil.

*Anne Herridge Committee Administrator, Legal and Democratic Services SSDC  
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