

Meeting LCM 12:13
Date: 12 June 2012

South Somerset District Council

Draft Minutes of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 12 June 2012**

(10.00 am – 11.55am)

PRESENT:

Members:

Dave Bulmer	Nigel Mermagen (Chairman)
John Vincent Chainey	Roy Mills
Nick Colbert	David Norris
Tony Fife (until 11.05)	David Recardo
Tony Lock (until 11.05)	Martin Wale

Officers:

Anne Herridge	Committee Administrator
Nigel Marston	Licensing Manager

Others:

Cllr Peter Seib	Portfolio Holder for Regulatory and Democratic Services
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NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

36. Minutes (Agenda Item 1)

The minutes of the Licensing Committee held on 14 February 2012, copies of which had been circulated, were approved as a correct record and signed by the chairman.

37. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Cllrs Jenny Kenton, Paul Maxwell, Linda Vijeh and William Wallace.

38. Declarations of Interest (Agenda Item 3)

Cllrs David Recardo, Tony Lock and Tony Fife declared that they were members of Yeovil Town Council. Cllr David Norris declared that he was a member of Wincanton Town Council and Cllrs Dave Bulmer and Martin Wale declared they were members of Chard Town Council although there were no relevant items on the agenda.

39. Public Participation (Agenda item 4)

Questions/comments from members of the public

There were no members of the public present at the meeting.

40. Policy Reform & Social Responsibility Act 2011 (Agenda Item 5)

The Licensing Manager presented the report as detailed in the agenda. He advised members that there would be a refresher training session available later in the year once all of the legislative changes to the Policy Reform & Social Responsibility Act 2011 were known.

The Portfolio Holder for Regulatory and Democratic Services felt that one of the key changes would be the setting of fees. Once specific timescales were known, further training would be made available to committee members.

The Licensing Manager went through the summary of main changes as detailed in the agenda report.

Members noted the changes, as a result of which, the following comments were made:

- As the local licensing authority were now a 'Responsible Body' members on Licensing sub Committees would need to ensure impartiality;
- The conduct of the Portfolio holder would also need to be objective at those meetings;
- The policy of not allowing ward members to sit on a Licensing sub committee hearing when the application was in their ward should continue;
- Now that anyone anywhere could object to a licence there could be a lot more objections which would mean more hearings for the Licensing Service to administer and for Licensing Committee members to be available for;
- There would probably be several legal challenges due to the change of the word 'necessary' to 'appropriate' throughout the Act and Guidance, a clear definition of the word 'appropriate' would be essential;
- An assessment of the amount of fees charged would be needed to cover all of the changes;
- The increase in the suspension time for underage sales would be a good deterrent.

In conclusion the Licensing Manager advised that further amendments were due in October 2012 together with details of locally set fees. It was more than likely that quite a few of the changes would indicate more Licensing sub Committee meetings.

The majority of members welcomed and noted the changes and felt that time would tell the effect those changes would have on the community.

On the subject of Licensing sub Committee hearings, it was noted that a great deal of officer and committee members' time had recently been wasted due to the late settlement of some applications.

The Licensing Manager explained that the current legislation did not help and once the process began officers were on strict time limits, until legislation changed little could be done to avoid this.

NOTED

Lead Officer: Nigel Marston, Licensing Manager

Contact Details: Nigel.marston@southsomerset.gov.uk or (1935) 462150

41. Consultation on a proposal by the Law Commission on 'Reforming The Law of Taxi & Private Hire Services (Agenda Item 6)

The Licensing Manager presented the report as detailed in the agenda. He explained that the current legislation was outdated and it had been recognised that it needed a comprehensive overhaul; the Law Commission had published the attached consultation document. The officer ran through the detailed response from SSDC as per the agenda report

Several issues were expanded on throughout the report but the majority of Licensing Committee members tended to agree with the response given, apart from the following;

- Response to Question (Q) 40 would have the word 'extremely' removed and a slight amendment to the wording of the penultimate sentence;
- Response to Q 44 may cause a problem but the wording was agreed;
- The wording in Q45 of a 'fit and proper person' was questioned, an introduction of a local knowledge test for all drivers was suggested, and the word 'vehicle owner' should be replaced by 'vehicle keeper';
- There was still a lot of work to do in relation to Q57 and disabled organisations would need to be consulted;
- Reference to Q60, SSDC had received very few complaints regarding disabled access to taxis, this aspect would be discussed further at District Executive and with the Community Cohesion Office.

Members were content to note the report which would be referred to District Executive as a Portfolio Holder consultation report.

NOTED

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42. Enforcement Update (Agenda Item 7)

The Licensing Manager presented the report as detailed in the agenda, he referred in particular to the successful multi agency taxi – enforcement exercise that had recently taken place at Bristol Airport .

In response to a members question the Officer explained that a lot of local taxi firms used generic web sites for booking provision. This means that you didn't always know where the taxi will be coming from, the only issue regarding that would be that they would all have to use taxis that were properly licensed with the local authority.

43. Licensing Committee Forward Plan (Agenda Item 8)

Members were asked to note that all of the reports shown on the forward plan would be presented at the meeting to be held in October 2012. Unless there were any urgent items the meeting due for 14 August 2012 would be cancelled, members would be advised nearer the time.

RESOLVED:

That Members :

- (1) Commented upon and noted the proposed Licensing Committee Forward Plan as attached at Appendix A of the agenda report; and
- (2) Identified priorities for further reports to be added to the Licensing Committee Forward Plan.

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44. Next Meeting (Agenda Item 9)

Members noted that the next scheduled meeting of the Licensing Committee would be confirmed at a later date.

Anne Herridge Committee Administrator, Legal and Democratic Services SSDC
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Chairman