

South Somerset District Council

Draft Minutes of a meeting of the **Licensing Committee** held on **Tuesday 8th October 2013** held in Council Chamber B, Council Offices, Brympton Way, Yeovil.

(10.00 a.m. – 11.45 a.m.)

Present:

Members: Cllr. Nigel Mermagen (Chairman)

Pauline Clarke (from 10.15 a.m.)
Nick Colbert
Tony Fife (until 11.15 a.m.)
Roy Mills
David Norris

Wes Read
Linda Vijej (from 10.30 a.m. until 11.30 a.m.)
Martin Wale
William Wallace

Officers:

Nigel Marston	Licensing Manager
Anita Legg	Licensing Officer
Colin Chown	Licensing Enforcement Officer
Jo Morris	Democratic Services Officer

1. Minutes (Agenda Item 1)

The minutes of the Licensing Committee held on Tuesday 12th February 2013, copies of which had been circulated, were approved as a correct record and signed by the Chairman. Various Licensing Sub Committee meetings were also signed by the relevant councillors who had chaired those meetings.

2. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Cllrs. Dave Bulmer, Jenny Kenton, Tony Lock and Paul Maxwell.

3. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

4. Public Participation (Agenda Item 4)

Questions/comments from members of the public

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

5. Statement of Licensing Policy under the Licensing Act 2003 (Agenda Item 5)

The Licensing Officer summarised the agenda report which informed members of the new draft Statement of Licensing Policy. She informed members that the Council was required to determine and publish a statement of policy every five years. She advised that subject to any amendments she was proposing to commence the consultation process as outlined in the report.

The Licensing Officer referred to the consultation process and informed members that an additional 30-40 organisations would be consulted in addition to those listed in the report including the Campaign for Real Ale and various Residents Associations.

She referred members to the table on page 3 of the agenda report, which highlighted additional, amended or removed paragraphs of the policy. She also updated members with further amendments to the policy as follows:

Page 5 – an amendment to paragraph 1.4.1 to include the Director of Public Health

Page 9 – an amendment to paragraph 2.3.9 to read:

“Where there are events solely provided for young people, for example an Under 18’s disco in a nightclub or similar relevant premises, the Licensing Authority strongly advises that adequate and sufficient measures are put in place so that young people cannot gain access alcohol or energy drinks and further that no alcohol is served to any supervising adults at such events. The management of the premises should also ensure that measures are taken to prevent alcohol being brought onto those premises and lawful steps are taken to prevent attendees from leaving the premises without parental or guardian consent.”

Page 24 – removal of 4.6.7. The Large Scale Event Procedure was no longer fit for purpose. The Purple Guide was far more up to date and comprehensive. A link to the Purple Guide website would be included in paragraph 4.6.6.

In response to questions and comments raised, members were informed that:

- The Police would be asked to attend the Licensing Committee in December to give a further explanation of the figures outlined in Appendix B relating to Night Time Economy Offences. It was hoped that the Police would be able to supply updated figures without the shop lifting figures being included. The figures were presented differently to the

previous version of the policy as the Police had changed the way in which they were recording information;

- The legal view was that there needed to be evidence to back up the Cumulative Impact Policy as it was subject to challenge;
- Paragraph 2.3.9 was aimed at the venues providing the events as it was felt that all venues should have adequate measures in place;
- A Night Time Economy Offence was an offence occurring between 20.00 – 04.00 hours;
- The roads listed under Night Time Economy Offences were the particular roads which the Cumulative Impact Policy applied to.

During consideration of the item, members made a number of amendments to the document as follows:

It was felt that paragraphs 4.9.2 and 4.9.3 required rewording to make them easier to understand and to explain clearly that the Responsible Authority can now act in two capacities – prosecutor and judge. It was agreed that the Licensing Committee Chairman and Vice Chairman would be consulted on the rewording of the paragraph prior to the document going out for consultation.

With reference to Appendix B - Cumulative Impact Policy, Members raised a number of concerns regarding the Night Time Economy Offence figures. It was felt that the figures were inconsistent and that the evidence presented was unconvincing. For these reasons it was questioned whether the figures should be included in the policy in their current format. It was noted that the figures showed a drop in the number of offences demonstrating that the policy and work of the police appeared to be working. Following discussion, members were of the opinion that rather than delay the consultation period by obtaining further information into the figures, an explanation to the figures should be included.

It was also felt that the Conclusion within the Cumulative Impact Policy needed to be enhanced by including comparisons with previous years and some of the language reworded.

With reference to Question 9 of the survey, it was suggested that the paragraph number of the policy needed to be included.

Members noted that any responses to the draft policy would be brought to the Licensing Committee for discussion at the next scheduled meeting on Tuesday 10th December 2013.

RESOLVED: (1) That the draft Statement of Licensing Policy be approved as outlined in the agenda subject to:

- (a) the following amendments suggested by the Licensing Officer
 - paragraph 1.4.1 to include the Director of Public Health
 - paragraph 2.3.9 to be reworded
 - removal of paragraph 4.6.7
- (b) the following amendments suggested by members
 - Paragraphs 4.9.2 and 4.9.3 to be reworded to help make

- them clearer to understand.
- Appendix B – Cumulative Impact Policy – 5.0 Evidence
An explanation to the Night Time Economy Figures to be included.
 - Appendix B – Cumulative Impact Policy – 6.0 Conclusion
Emphasis to be altered and some of the language reworded.
- (c) the amendments except those relating to the Cumulative Impact Policy are to be agreed by the Licensing Committee Chairman and Vice Chairman.
- (2) That the draft policy be published and the consultation process commenced as stated in the report.

(Anita Legg, Licensing Officer – 01935 462150)
(anita.legg@southsomerset.gov.uk)

6. Hackney Carriage & Private Hire Policy (Agenda Item 6)

The Licensing Manager introduced the agenda report which outlined the new draft Taxi Licensing Policy & Guidance. He summarised the main changes to the policy which included:

- Improving access for disabled people;
- Proposing to only license new vehicles as hackney carriages;
- The introduction of a penalty point system;
- The introduction of a Knowledge test.

In response to questions and comments, the Licensing Manager advised members of the following:

- Applicants would need to have specific understanding of English to undertake the Knowledge Test. The Test would be conducted at the Council Offices in the presence of a member of staff. The applicant would need to prove their identity. There would be an appropriate charge for undertaking the Knowledge Test;
- At the present time a disabled person would not be able to pick up a wheelchair accessible vehicle in South Somerset. Statistics showed that 20% of residents in South Somerset have some form of disability;
- Officers were already dealing with low level enforcement offences but the penalty point system would give Officers more control to address the problems.
- The new changes could be operated within the current budget.

During consideration of the item, some members expressed concern over the cost implications and felt that more people would be driven into private hire. Reference was also made to the number of people requiring a disabled vehicle not being that high.

A member felt that an index page should be included as the document was difficult to follow through. A member also made the comment that there was a large amount of repetition

throughout the document and that some of the pages could be reduced. The Licensing Manager agreed to incorporate the proposed changes into the document.

Members were in agreement for the draft Taxi Licensing Policy & Guidance to go forward for consultation.

- RESOLVED:**
- (1) That it be agreed that the draft Taxi Licensing Policy & Guidance should go forward for consultation;
 - (2) That it be agreed that the proposed consultation strategy be followed;
 - (3) That it be agreed to bring back the draft Taxi Licensing Policy & Guidance for any required amendments to the Licensing Committee in February 2014.

(Nigel Marston, Licensing Manager – 01935 462150)
(nigel.marston@southsomerset.gov.uk)

7. Enforcement Update (Agenda Item 7)

The Licensing Enforcement Officer summarised the report, which updated members on the work of the Licensing Enforcement Team and the various issues that they were currently involved with.

The Licensing Enforcement Officer informed members that he had recently attended an operation at Bristol Airport with the Police and HMRC Inspector where over 50 vehicles were checked. Four vehicles had been prohibited from operating.

Members were also informed that he had attended Ilminster Carnival to carry out checks and that all street traders had been in possession of appropriate licences. Two pedlars had been moved on as they were unable to produce a certificate.

With regard to the Scrap Metal Dealers Act 2013, members were informed that over 30 requests for application forms had been received.

RESOLVED: That the report be noted.

(Colin Chown, Licensing Enforcement Officer – 01935 462135)
(colin.chown@southsomerset.gov.uk)

8. Date of Next Meeting (Agenda Item 8)

Members noted that the next meeting of the Licensing Committee would be held on Tuesday 10th December 2013 at 10.00 a.m. at the Council Offices, Brympton Way, Yeovil.

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Chairman