

## South Somerset District Council

**Draft Minutes** of a meeting of the **Licensing Committee** held in **Council Chamber B, Council Offices, Brympton Way, Yeovil BA20 2HT** on **Tuesday 9 December 2014**.

(10.00 am - 11.15 am.)

**Present:**

**Members:** Councillor Nigel Mermagen (Chairman)

Dave Bulmer	David Recardo
Tony Lock	Martin Wale
David Norris	Wes Read

**Officers**

Colin Chown	Licensing Enforcement Officer
Anita Legg	Licensing Officer
Jo Morris	Democratic Services Officer

**Note:** All decisions were approved without dissent unless shown otherwise.

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**1. To approve as a correct record the Minutes of the Previous Meeting held on 8th April 2014 (Agenda Item 1)**

The minutes of the Licensing Committee held on Tuesday 8<sup>th</sup> April 2014, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

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**2. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Pauline Clarke, Linda Vijeh, William Wallace and the Licensing Manager.

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**3. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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**4. Public Participation at Committees (Agenda Item 4)**

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

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**5. Licensing Act 2003 - Updates (Agenda Item 5)**

The Licensing Officer summarised the agenda report, which informed members of the proposed changes to legislation that the Deregulation Bill is expected to introduce. She asked members to be mindful of the fact that some of the changes were likely to have an impact on the licensing budget. She drew members' attention to the following points:

- Fees received for each licence were ring-fenced and could not be used to cross-fund other areas;
- With regard to personal licences, there would be no requirement to provide a current photograph and the Council would receive no fee for processing the applications;
- With regard to late night refreshment, members would be asked to consider at a later stage whether a number of premises should be taken out of the Licensing Act;
- With regard to the Community & Ancillary Sellers Notice (CAN), she commented that she had outlined the worst case scenario in the report. It was highly unlikely that the cost of the CAN would cover the costs involved for the Licensing Service;
- The proposed changes would also have an effect on the Environmental Protection Team.

During consideration of the item, the Licensing Officer responded to comments and questions raised by members. Members were informed of the following:

- At present the Licensing Act fees were set centrally with everyone paying the same throughout the country. As part of the changes, the Council would be given powers to set its own fees. There could still be a possibility that some fees could be statutory but this would not be known until the regulations were received. Any fees set would need to take account of overhead costs;
- With regard to larger events, the Council would be able to set its fees to cover its costs and could also introduce graded fees. At present the fees included a flat fee plus an additional amount based on the number of attendees at an event and often didn't cover the Council's costs;
- With regard to the removal of a requirement to report loss or theft, the main issue was in relation to data protection, as there was personal information included on a licence;
- Until further information was received, it was not known how much money would need to be set aside to pay for the changes proposed by the Deregulation Bill.

At the conclusion of the debate, members were content to approve the recommendations outlined in the report.

- RESOLVED:** (1) That the proposed changes to legislation be noted; and
- (2) That a sum of money is recommended to be set aside in the Council's budget to pay for the changes proposed by the Deregulation Bill, which cannot be funded by licensing fees.

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## 6. Enforcement Update (Agenda Item 6)

The Licensing Enforcement Officer summarised the agenda report, which updated members on the work of the Licensing Enforcement Team and the various issues that they were currently involved with including Taxis, Street Trading, the Carnivals and Scrap Metal Dealers.

The Licensing Enforcement Officer informed members that the Licensing Service had now introduced Knowledge Tests and to date 51 people had taken a test, of which 28 people had passed. Out of the 28, 10 people had passed second time around. Overall, the Licensing Enforcement Officer felt that the test had been pitched about right.

In response to questions and comments raised by members on the Knowledge Test, the Licensing Enforcement Officer advised that:

- Current licence holders had two years to pass the test. If a person failed three times, they would need to wait six months until they could retake the test. New drivers had to pass the test before they received their badge;
- The test had been introduced for all drivers whereas some other authorities had only introduced tests for new drivers. It was felt that some drivers may find the test daunting, which officers understood and therefore felt that it was unfair to revoke a licence from a person who had failed the test on the first attempt. If a licence holder had still failed the test after two years, officers would then look at revoking the licence;
- The timeframe of two years given for licence holders to take a test had been introduced in order to stagger the number of drivers taking a test. If officers were to introduce a one year timeframe this would cause issues with staffing;
- The test was very similar to those used by other authorities. Drivers had to get 75% of questions correct in each category;
- Due to the introduction of the knowledge test, there had been a sharp decrease from people outside the area applying for a licence.

In response to a member comment regarding Pedlars, members were informed that Pedlars certificates were issued by the Police and valid for one year. Permit holders could trade across the whole country whereas a street trader licence holder with a licence issued in South Somerset could only operate within South Somerset.

Members were content to note the report.

**RESOLVED:** That the report be noted.

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## 7. Date of Next Meeting (Agenda Item 7)

Members noted that the next meeting of the Licensing Committee would be held on Tuesday 10<sup>th</sup> February 2015 at 10.00am at the Council Offices, Brympton Way, Yeovil.

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Chairman

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Date