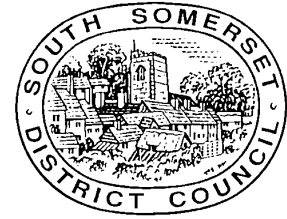


## South Somerset District Council

*Notice of Meeting*



# Licensing Committee

*Making a difference where it counts*

**Tuesday 9th December 2014**

**10.00 am**

**Council Chamber B  
Council Offices  
Brympton Way  
Yeovil  
BA20 2HT**

(disabled access is available at this meeting venue)



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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, **Jo Morris, Democratic Services Officer**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 1st December 2014.

A handwritten signature in black ink that reads 'Ian Clarke'.

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

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



# Licensing Committee Membership

The following members are requested to attend the meeting:

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

Dave Bulmer  
Pauline Clarke  
Nick Colbert  
Tony Fife  
Pauline Lock

Tony Lock  
Paul Maxwell  
Roy Mills  
David Norris  
David Recardo

Linda Vijeh  
William Wallace  
Wes Read

## South Somerset District Council – Council Plan

**Our focuses are:** (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses
- Environment – We want an attractive environment to live in with increased recycling and lower energy use
- Homes – We want decent housing for our residents that matches their income
- Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other

## 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 9th December 2014**

## Agenda

### *Preliminary Items*

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 8th April 2014**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

### **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*

- 5. Licensing Act 2003 - Updates** (Pages 1 - 4)
- 6. Enforcement Update** (Pages 5 - 6)
- 7. Date of Next Meeting** (Page 7)

# Agenda Item 5

## **Licensing Act 2003 – Updates**

*Executive Portfolio Holder:* Peter Seib, Regulatory and Democratic Services  
*Assistant Director:* Laurence Willis, Environment  
*Lead Officer:* Anita Legg, Licensing Officer  
*Contact Details:* anita.legg@southsomerset.gov.uk or (01935) 462137

### **Purpose of the Report**

To inform the Licensing Committee of proposed changes to legislation that the Deregulation Bill is expected to provide; and to advise that some of these changes are likely to have an effect on the resources of the Licensing Service.

### **Recommendations**

- (1) That members note the proposed changes to legislation; and
- (2) That members recommend that a sum is set aside in the Council budget to pay for the changes proposed by the Deregulation Bill, which cannot be funded by licensing fees.

### **Background**

The Deregulation Bill has made provision to amend legislation in several areas that are covered by the Licensing Service as follows:

### **Proposed Changes to the Licensing Act 2003**

- Temporary Event Notices – the maximum number of events per calendar year to increase from 12 to 15 from 2016 onwards.
- Section 148 to be repealed – the sale of liqueur confectionery to children under 16.
- Removal of requirement to report loss or theft of the following to the police:
  - premises licence or summary
  - club premises certificate or summary
  - temporary event notice
  - theft, loss, etc. of personal licence
- The provision of entertainment consisting of the exhibition of a film at community premises is not to be regarded as the provision of regulated entertainment for the purposes of this Act subject to specified conditions.
- Removal of requirement to renew a personal licence so that they are of an indefinite duration.
- Power for local authorities to exempt late night refreshment supplies in designated areas, set descriptions of premises and times as below:
  - The supply of hot food or hot drink is an exempt supply for the purposes if it takes place—
    - (a) on or from premises which are wholly situated in an area designated by the relevant licensing authority;
    - (b) on or from premises which are of a description designated by the relevant licensing authority; or
    - (c) during a period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.) designated by the relevant licensing authority
- Community groups and small business accommodation providers who sell limited amounts of alcohol can apply for a Community and Ancillary Sellers Notice. Please see table in appendix.

## **Effect on the Licensing Service**

### **Personal Licences**

The bill will not receive Royal Assent until the Spring of 2015, which means that it will affect thousands of personal licence holders who have to renew before this. Applications must be lodged with local authorities no more than three nor less than one month before expiry. No updated criminal record check is required and there is no requirement to supply the current personal licence or a current photograph.

#### Perceived problems

The prescribed forms have not yet been circulated even in draft format. No fee is payable to licensing authorities to process these applications, therefore the Council will need to fund the exercise from funds received from central government as other licensing income cannot be used to cross-fund it.

### **Community and Ancillary Sellers Notice (CAN)**

The government has indicated that the fee for a CAN should be between £20 and £50. During an exercise requested by the Home Office in 2012 to ascertain how much it cost to process applications and notices under the Licensing Act 2003, we advised that it cost the Licensing Authority £57 to process a TEN. The government is expecting that monitoring and checking compliance to be included in this fee.

It is expected that the Police and the Environmental Protection service will be able to object to a CAN at the outset on one or more of the licensing objectives with the licensing service given discretion to reject a CAN. Where problems arise after it has taken effect, both the Police and Environmental Protection Service can seek revocation through a process with no hearing or appeal; once revoked the User or their associate will not be able to give a further notice for a period of 12 months.

The Home Office are currently consulting<sup>1</sup> on CAN's with some of the options being as follows:

#### Community Groups

- No restriction on the frequency they provide alcohol
- Ability to sell more than 5 units of alcohol per person
- A Community Group may be defined as "any group which has local membership and operates on a not for profit basis" or there will be a defined list which will include groups such as charities, voluntary groups, faith groups and community interest companies which operate on a not for profit basis

#### Ancillary Sellers

- No restriction on the frequency they provide alcohol
- Ability to sell more than 5 units of alcohol per person per 24 hour period
- Ability to provide up to 20 bed spaces
- The providers of self-catering holiday homes, camping and caravanning sites and youth hostels may be included as an ancillary seller

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<sup>1</sup> This can be found at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/374692/2014-11-13-CAN\\_Consultation\\_final\\_HO\\_branding\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374692/2014-11-13-CAN_Consultation_final_HO_branding_v2.pdf)

## Perceived Problems

It is highly unlikely that the cost of the CAN will cover the costs involved for both the Licensing Service and Environmental Protection service; hence the Council is likely to be requested that extra funds will be diverted to these services to cover the costs. Again the fees received by the Licensing Service cannot be used to cross fund the expected deficit, as to do so would be unlawful and open to legal challenge.

Where an ancillary user moves his business to a location situated in the area of a different licensing authority, unless a national register is kept, there would be no way to check if they are subject to the 12 month restriction, if their previous CAN had been revoked.

## Taxi & Private Hire Measures

- Private hire operators will be permitted to sub-contract bookings to operators licensed in a different district.
- Making the standard duration for all taxi and private hire vehicle driver licences three years; and five years for all private hire vehicle operator licences. Shorter durations will only be granted on a case by case basis, where it is justifiable for a particular reason.

## Legal Implications

None

## Financial Implications

It is expected that a large number of organisations and businesses will seek to avail themselves of the Community and Ancillary Sellers Notice which will cost more than the fees the government are proposing in administration, with no income proposed for the anticipated extra regulatory work either for the Licensing Service or the Environmental Protection Team.

## Implications for Corporate Priorities

Diverting funds to enable delivery of the proposed changes is likely to have an effect on theme 5 - Deliver well managed cost effective services valued by our customers.

## Carbon Emissions & Climate Change Implications

None

## Equality and Diversity Implications

None

**Background Papers:** *Deregulation Bill HL Bill 58*  
*Home Office consultation The Community and Ancillary*  
*Sellers Notice 11 November to 9 December 2014*

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## APPENDIX

For All CAN Users	<ul style="list-style-type: none"> <li>• The CAN will be authorised for 36 months</li> <li>• Alcohol may be sold between 7am and 11pm Notice will be given to the Licensing Authority</li> <li>• The prescribed fee will be paid</li> <li>• Police, Environmental Health Authority and Licensing Authority can object if a CAN will undermine the licensing objectives. Where problems arise, the Police and Environmental Health Authority can object, with the result that the CAN may be revoked.</li> <li>• Police and Licensing Authority officers will have rights of entry to investigate where users are in breach of the CAN conditions</li> <li>• No right to a hearing or appeal if a CAN is revoked</li> </ul>
Ancillary Sellers	<ul style="list-style-type: none"> <li>• Sale of alcohol must be ancillary to provision of goods or services by the business</li> <li>• Sale of alcohol of a single named premises</li> <li>• Alcohol for consumption on the named premises</li> </ul>
Community Groups	<ul style="list-style-type: none"> <li>• Sale of alcohol must be made by on behalf of a community group that does not trade for profit.</li> <li>• Sale of alcohol must be ancillary to an organised community event.</li> <li>• Sales of alcohol may be made up from up to three named premises.</li> <li>• Sales of alcohol of consumption at organised events for up to 300 people.</li> </ul>

# Agenda Item 6

## **Enforcement Update**

*Executive Portfolio Holder:* Peter Seib, Regulatory and Democratic Services  
*Assistant Director:* Laurence Willis, Environment  
*Lead Officer:* Colin Chown, Licensing Enforcement Officer  
*Contact Details:* Colin.chown@southsomerset.gov.uk or (01935)462135

### **Purpose of the Report**

To update members on the work of the Licensing Enforcement Team and the various issues they are currently involved with.

### **Recommendation**

That the report is noted.

### **Background**

Officers carry out a number of enforcement activities under the various legislative provisions that relate to licensing, in particularly with regard to taxi's and private hire drivers/vehicles and scrap metal dealers. This report seeks to brief members on the current issues that are being dealt with by the Enforcement Team.

### **Report Detail**

#### **Taxis**

##### **General**

During the previous six months, nine taxi private hire vehicle enforcement checks with the police and other agencies were completed, with advice given to drivers on various issues including, tyre wear, vehicle cleanliness, wearing of badges etc.

During daily enforcement checks, several excessively dirty vehicles have been sent to be cleaned inside and out, drivers have been reminded of handbook condition that vehicle exterior and interior shall be kept reasonably clean at all times. Several drivers needed to be reminded that they must have two identical drivers badges, one badge must be worn by the driver and one must be visible at all times to the passenger.

The Licensing Enforcement Officer, Police, HMRC, Dept of Works & Pensions and VOSA carried out a joint enforcement day at an area wide operation at Bristol International Airport, one hundred & five vehicles were checked, with several prohibition notices being issued, one SSDC licensed vehicle was issued with an immediate prohibition notice.

Further dates have been arranged with the police throughout the next three months. Weekly daytime checks and several late night checks were carried out throughout the past six months on taxis and private hire vehicles in and around the centre of Yeovil to ensure compliance with the our Private Hire and Hackney Carriage Policy and Bylaws.

Monthly taxi checks continue to be carried out at the Pen Mill, Yeovil Junction, Crewkerne and Castle Cary railway stations in order to ensure that vehicles which tend to use the ranks in and around the main towns are also subject to ad hoc inspections.



We have received thirty eight taxi/private hire related complaints in the past six months, which resulted in the issuing of six stop/prohibition notices, four for vehicle damage and two for vehicle cleanliness; all six notices were issues to hackney carriage vehicles.

### **Street Trading**

There are twelve permanent street traders; over one hundred and fifty consents for casual street trading were issued in the past six months.

### **Ilminster Carnival 04/10/2014**

Thirteen traders applied for and were given consent to trade, no traders were found to be present without prior consent.

Approximately twenty five pedlars were requested to produce their pedlars certificate. Four of those challenged prior to starting to trade were without a current permit and were told not to trade, which they complied with. One other when challenged whilst trading was told to cease trading and to leave the area, which he did.

### **Chard Carnival 11/10/2014**

Eleven traders applied for and were given consent in advance, no traders were found to be present without prior consent.

Approximately thirty pedlars were requested to produce their pedlars certificate. Five of those challenged prior to starting to trade were without a current permit and were told not to trade which they complied with. Two others when challenged whilst trading were told to cease trading and to leave the area, which they did after police intervention.

### **Scrap Metal Dealers**

The Licensing Enforcement Officer carried out bi-monthly compliance inspections on all scrap metal collectors and three monthly inspections for scrap metal site licence holders to ensure they are compliant with the requirements of the act. A joint multi agency enforcement operation was arranged, but had to be cancelled at short notice due to a road traffic incident at the Cartgate roundabout.

SSDC currently licence seventeen sites and twelve collectors

### **Financial Implications**

None

### **Implications for Corporate Priorities**

Ensure safe, sustainable and cohesive communities and increase economic vitality and prosperity

### **Other Implications**

None

**Background Papers:** None

# Agenda Item 7

## **Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 10<sup>th</sup> February 2015 at 10.00am at the Council Offices, Brympton Way, Yeovil.

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