

Licensing Committee

You are requested to attend a meeting of the Licensing Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 23 November 2011 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 28 June 2011 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Licensing Update - report of the Licensing Manager (attached)

Reporting Officer: Ian Carter

Tonya Meers
Legal and Democratic Services Manager

22 December 2011

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

Licensing Committee Members:-

Councillor J Allgrove	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor A Beaven	
Councillor S Brooks	
Councillor K Durdan	
Councillor M Hill	
Councillor J Hunt	
Councillor L James	
Councillor R Lees	
Councillor S Lees	
Councillor J Meikle MBE	
Councillor B Nottrodt	
Councillor J Reed	
Councillor B Swaine	
Councillor E Waymouth	

Licensing Committee – 28 June 2011

Present Councillors Allgrove, Beaven, Brooks, Coles, Miss Durdan, Mrs Hill, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Nottrodt, Mrs Reed and Mrs Waymouth

Officers: Charlotte Dale (Environmental Health Lead), Ian Carter (Licensing Manager), John Rendell (Licensing Officer), Olivia Walton (Licensing Officer) and Richard Bryant (Democratic Services Manager)

Others: Councillor Mrs Warmington
Councillors Davies, Dewdney, Hadley, Lillis, May and Westcott from West Somerset District Council

(The meeting commenced at 4.30 pm)

25. Appointment of Chairman

Resolved that Councillor Mrs Allgrove be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year.

26. Appointment of Vice-Chairman

Resolved that Councillor Coles be appointed Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

27. Minutes

The minutes of the meeting of the Licensing Committee held on 9 March 2011 were taken as read and were signed.

28. Declarations of Interest

Councillor Brooks and Mrs Waymouth declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council.

29. Licensing Update

Considered report previously circulated, concerning the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation, together with other general licensing matters.

Although there had been a downward trend in Licensing applications in recent months, there had been little change in the number of Premises Licences and Club Premises Certificates within Taunton Deane. Application numbers for personal licences had held steady while Temporary Event Notices had shown a slight increase.

One Licensing Sub-Committee had been held in the last three months and mediation resulted in an agreed position that was put before the Sub-Committee. The Premises Licence had subsequently been varied and issued.

The Police Reform and Social Responsibility Bill was currently at the House of Lords stage. The Licensing Manager, Ian Carter, provided Members with an update on the potential implications of the matters within the Bill that related to the Licensing Act.

Further reported that there had been no significant change in the number of Gambling Act 2005 permits. The number of Permits, Registrations and Licences held in Taunton Deane remained low.

The licensed Taxi fleet within Taunton Deane had shown a small increase in vehicles since January 2011, but the number of drivers had fallen. The Licensing Team were conducting a pro-active operation to prevent drivers smoking in taxis.

Three meetings of the Taxi Forum had been held. Membership of the Forum was made up of representatives from licensed drivers and operators, Licensing Officers and Members of the Licensing Committee.

There had been a number of new Street Trading Consents and one new Pavement Café Permit issued since January 2011, but the overall numbers remained unchanged. Two applications requesting an extension of the timings into the evening for pavement cafes had been approved.

It was anticipated that the next Street Traders Forum would take place at the end of the Summer 2011.

Reported that the number of Animal Welfare licences held within Taunton Deane had dropped slightly. Details of the total number that had been issued were reported.

Twelve applications for Royal Wedding Street Parties had been received and one for the Big Lunch in June 2011. The team adopted the guidance from Central Government and worked with Democratic Services and the Police to provide an easy to use process for the parties and associated road closures.

Several areas of Licensing had seen increases in applications, but were generally in areas that attracted no fee. The income position was being closely monitored although it appeared that expected levels across the whole of Licensing were not likely to be as low as originally feared.

Resolved that the report be noted.

(The meeting ended at 5.12 pm.)

Declarations of Interest

Licensing Committee

- Members of Somerset County Council – Councillors Brooks and Mrs Waymouth
- Employee of Somerset County Council – Councillor Mrs Hill

Taunton Deane Borough Council

Licensing Committee – 23 November 2011

Licensing Update Report

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Ken Hayward)

1. Executive Summary

The report provides an 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.

2. Background

- 2.1 This report is produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

3. Report

Licensing Act 2003

- 3.1 Application numbers are still below previous levels and there has been little change in the total numbers of Premises Licences and Club Premises Certificates within Taunton Deane since the figures presented to this Committee at its meeting on 28 June 2011. The total numbers of licences issued and notices given up to the end of October 2011 are set out in Appendix 1.
- 3.2 Although service requests have been received since the last update to committee, a continued co-ordinated multi agency approach has again secured remedy or compliance without the need for formal legal action.
- 3.3 The Police Reform and Social Responsibility Act was enacted in September this year. Within Part 2 it contains amendments to the Licensing Act 2003, the introduction of the Late Night Levy and the repealing of Alcohol Disorder Zones. These provisions reported to the Committee at its last meeting have not yet come into force. A full update will be provided once the Secretary of State has issued the necessary commencement orders. No timescale has, at the time of writing, been indicated.

- 3.4 In September the Department for Culture Media and Sport launched a consultation that seeks views on a proposal to remove licensing requirements in England and Wales for most activities currently defined as “regulated entertainment” in Schedule One to the Licensing Act 2003. A verbal update on the Council’s response to the consultation will be presented to the Committee.

Gambling Act 2005

- 3.5 There has been no significant change in the numbers of Permits, Registrations and Licences held with Taunton Deane and application numbers remain low. The total numbers of Licences issued and notices given up to the end of October 2011 are set out in Appendix 2.

Taxis

- 3.6 The licensed Taxi fleet within Taunton Deane has shown a small decrease in the number of vehicles and drivers since the end of May 2011. The total numbers of Licences issued and applications received up to the end of October 2011 are set out in Appendix 3.
- 3.7 Licensing sub committees were held on 8th July and 29th September to determine two separate applications for licences to act as a taxi driver. Both applicants had received convictions in the past and the Sub Committees were asked to determine whether each applicant was suitable to have a licence to drive a taxi. One applicant was granted a licence and the other was refused.

Smoking in public vehicles

- 3.8 An evening operation on 2nd September revealed that, despite raising the issue at previous Taxi Forums, drivers are continuing to smoke in their vehicles, and as a result three fixed penalty notices were served. And a further three fixed penalty notices have been served since then.
- 3.9 Taunton Deane acknowledges that some drivers will continue to smoke and where they are found smoking in a public vehicle, even when it is out of use, they will continue to receive fixed penalty notices and repeat offenders may be taken to Court.
- 3.10 To support drivers who wish to benefit from assistance to stop smoking, Taunton Deane has been in contact with the NHS Smoking Cessation Service who are happy to provide support and advice directly to drivers, or to groups of drivers through their employer. Contact details for this service were provided at the most recent Taxi Forum.

Taxi Forum

- 3.11 The 4th Taxi Forum will be held on 18 November 2011. Membership of the Forum is made up of representatives from licensed drivers and operators put forward by the trade themselves, Licensing Officers and members of the Licensing Committee.

- 3.12 A verbal report of topics discussed and the actions taken since the last Forum will be presented to the Committee.
- 3.13 The Licensing Team would be happy to send notes of the meeting, when published, to any members who would like to see them.

Street Trading & Pavement Cafes

- 3.14 Application numbers remain low. The total number of permits and licences issued up to the end of May 2011 are set out in Appendix 4.
- 3.15 A review of street trading activities in the town centre has revealed there is some confusion on the part of traders over which areas attract which fee, and what 'food' or 'non-food' means.
- 3.16 To clarify the position, 'food' refers to take away or ready to eat foods and 'non-food' refers to all non food items and foods that require further preparation, or are not intended to be eaten as a snack.
- 3.17 To improve the facilities for street trading within Taunton it is proposed to 'zone' the town centre using the plan in Appendix 7 so it is clearer for applicants where each pricing band applies. It is anticipated that by using a map approach it will encourage applicants to consider regenerated areas of the town, such as Somerset Square, Goodlands Gardens and in time, Castle Green rather than focussing on the areas around the Market House. A verbal update on the changes to the street trading areas within Taunton will be presented to the Committee.

Street Traders Forum

- 3.18 The next Forum will be arranged once authority for the above changes to Street Trading facilities has been obtained.

Animal Welfare Licensing

- 3.19 Numbers of Licences held within the Borough have dropped slightly with one Licence being withdrawn following the conviction on animal cruelty charges of the proprietor. The total numbers of licences consents and permits issued up to the end of May 2011 are set out in Appendix 5.

Other Licensing

- 3.20 The total number of licences, consents, registrations and permits issued at the end of the last quarter are set out in Appendix 6.

Service Commitment to Processing of Applications and Renewals

- 3.21 Since April 2011 the Licensing Team has been ensuring that all complete applications and renewals are processed and sent out within 14 days, which includes public holidays and weekends, unless there are legislative reasons requiring an extension such as consultations periods or Committee dates. A robust monitoring system is in place to ensure this can be scrutinised in the event of a complaint.

- 3.22 Officers have managed to achieve this level of service on all except one occasion, where the applicant was informed that although we could not meet the service guarantee due to staffing shortages, the renewal would be processed prior to the expiry of the current licence. The applicant was satisfied with this as there was no detriment to his business continuity.
- 3.23 Reminders are sent out to all current licence holders at least two months in advance of the expiry date which gives plenty of time to make a renewal application and supply the necessary documents.
- 3.24 The 14 day system has worked well; with the exception of a few applicants who have not appreciated they won't be prioritised over others because they have failed to provide all the documents, or made an application in good time before the expiry of their current licence.

Staffing Update

- 3.25 Following the recent departure of one Licensing Officer, the remaining Licensing Officers are Olivia Walton and John Rendell. Ian Carter, Licensing Manager has recently returned from long term sickness absence following a significant back injury.

4. Finance Comments

None

5. Legal Comments

The legal implications are set out within the report.

6. Links to Corporate Aims

As an update report there are no links to specific corporate aims. However if the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.

7. Environmental and Community Safety Implications

None identified.

8. Equalities Impact

Not required.

9. Risk Management

No risk identified.

10. Partnership Implications (if any)

None identified.

11. Recommendations

That the report be noted.

Contact: Ian Carter
01823 356343
i.carter@tauntondeane.gov.uk

Licensing Act 2003

Licences Issued and Notices Given

Premises Licences	387
Club Premises Certificates	30
Personal Licences	1013
Temporary Event Notices	1871

Applications Received and Notices Given

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Grant of a Premises Licence	2	3	1	4	2
Variation of a Premises Licence	0	0	1	2	0
Transfer of a Premises Licence	2	8	4	5	0
Change of Designated Premises Supervisor	5	8	6	8	8
Minor Variations	1	3	0	0	0
Grant of a Personal Licence	7	12	9	15	5
Temporary Event Notices given	45	23	35	23	25

Gambling Act 2005

Licences Issued and Notices Given

Club Machine Permit	8
Licensed Premises Gaming Machine Permits	6
Occasional Use Notices	13
Premises Licences	17
Prize Gaming Permits	17
Society Lotteries	188
Temporary Use Notices	0
Unlicensed Family Entertainment Centres	2
Notification of 2 or less Gaming Machines	59

Applications Received and Notices Given

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Applications for a Permit	0	0	0	0	0
Application for a Licence	0	1	1	0	0
Notification of Intent to have Gaming Machines	0	0	0	0	0
Occasional Use Notice	0	0	0	0	0

Taxis

Licences Issued

Hackney Carriages	169
Private Hire Vehicles	29
Hackney Carriage & Private Hire Drivers	242
Private Hire Operators	27

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Hackney Carriage Licence (including renewals, transfers and vehicle changes)	12	11	18	13	18
Hackney Carriage & Private Hire Drivers Licence (including renewals)	11	11	20	24	17
Private Hire Vehicle Licence	3	1	3	2	3
Private Hire Operator Licence	3	1	4	1	1

Street Trading

Consents & Permits Issued

Street Trading Consents 46

Pavement Café Permits 16

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
New Consents	1	1	1	2	3

Animal Licensing

Licences Issued

Zoo Licences	0
Pet Shop Licences	13
Dog Breeding Licence	3
Animal Boarding Licence	13
Riding Establishment Licences	10
Dangerous Wild Animal Licences	2

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Zoo Licences (including renewals)	0	0	0	0	0
Pet Shop Licences (including renewals)	0	0	0	0	1
Dog Breeding Licence (including renewals)	1	0	0	0	0
Animal Boarding Licence (including renewals)	0	0	0	1	0
Riding Establishment Licences (including renewals)	1	0	0	0	0
Dangerous Wild Animal Licences	0	0	0	0	0

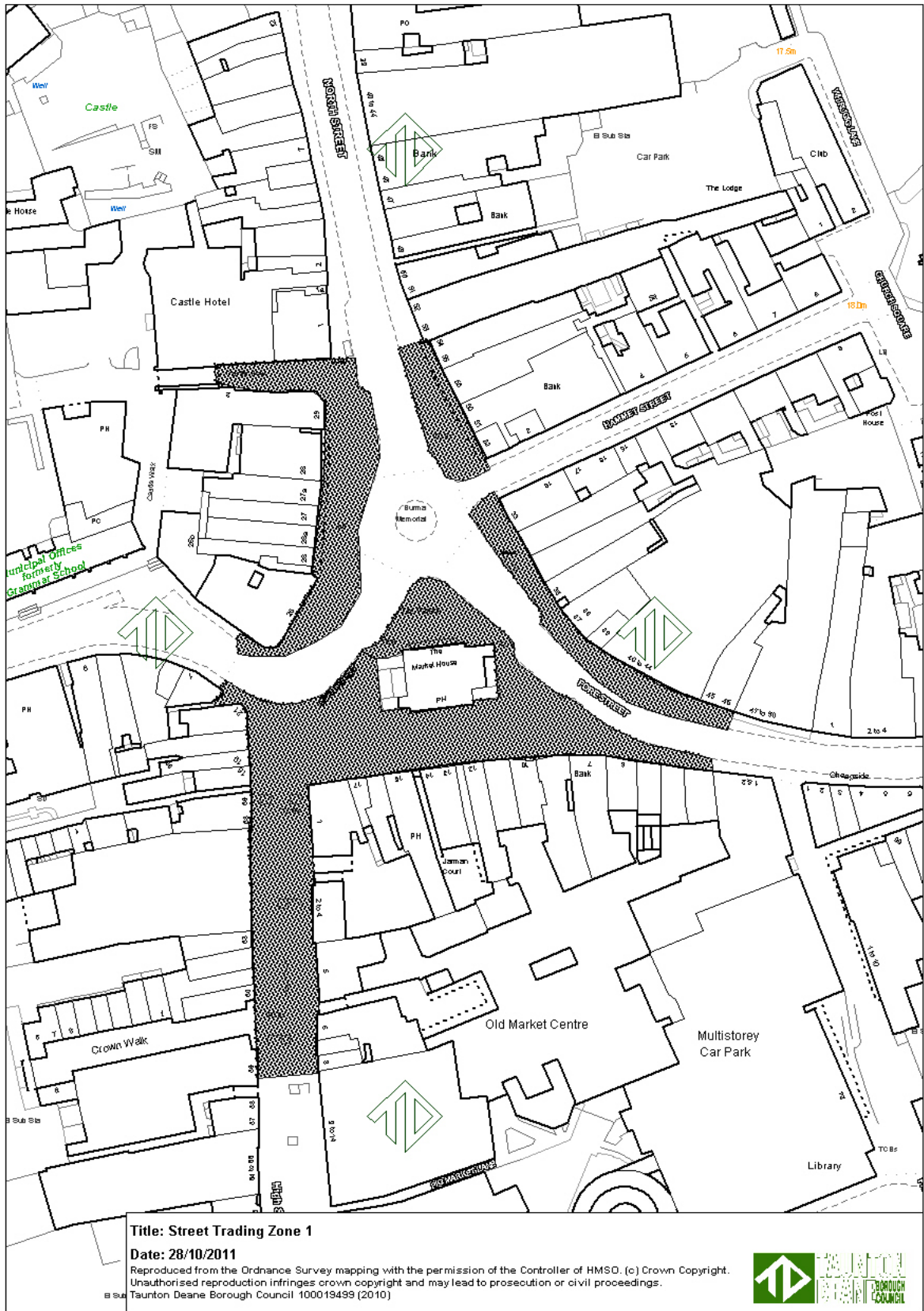
Other Licensing

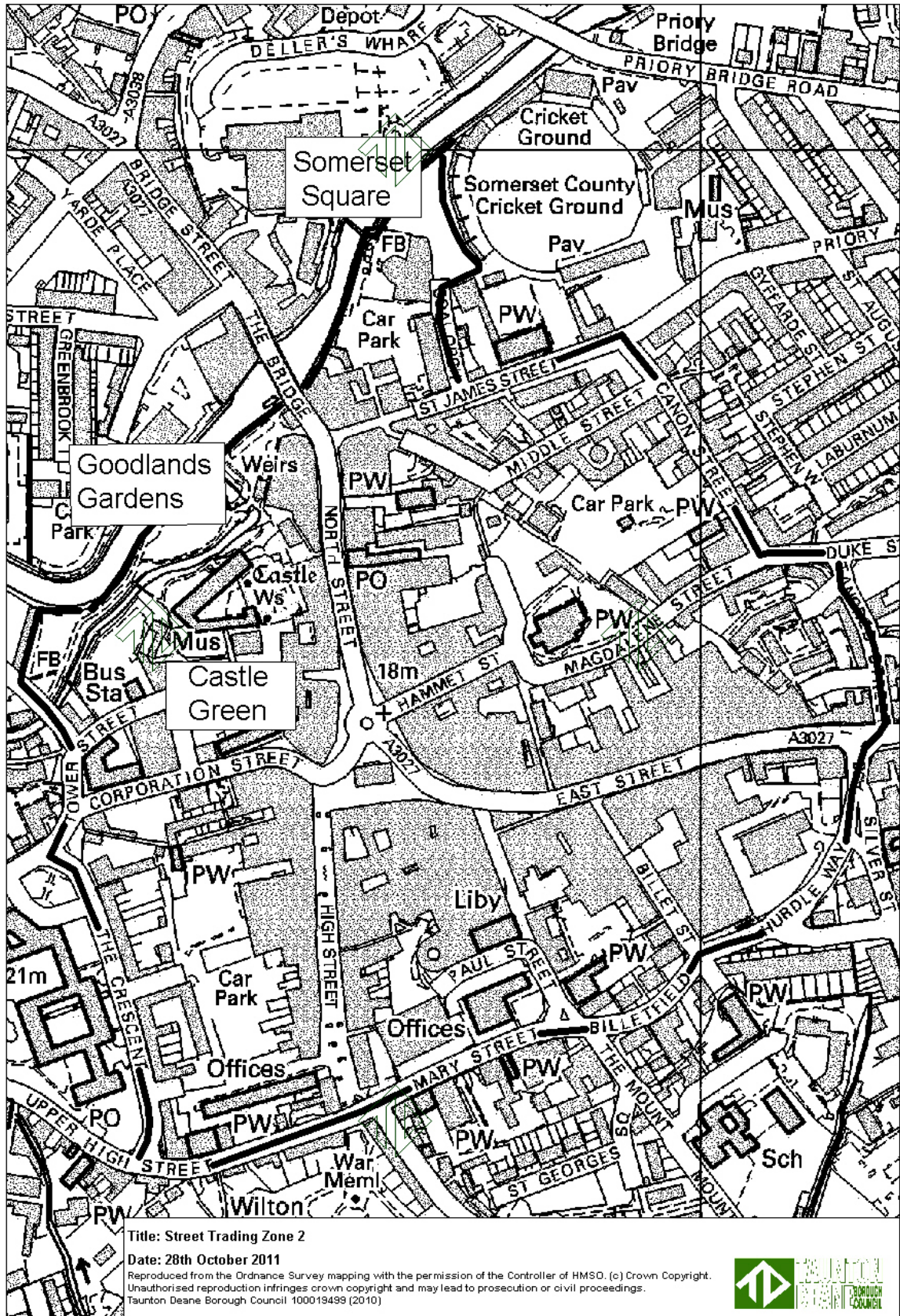
Licences, Registrations and Permits Issued

Caravan Site Licences	42
House to House Collection Permit	84
Motor Salvage Operator	4
Scrap Metal Dealer Registration	18
Sex Shop Licences	2
Skin Piercing Registrations	260
Street Collection Permits	246

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Caravan Site Licences	0	0	0	0	0
House to House Collection Permit	2	2	3	3	1
Motor Salvage Operator	0	0	0	0	0
Scrap Metal Dealer Registration	1	0	0	1	0
Sex Shop Licences	1	0	0	0	0
Skin Piercing Registrations	0	0	0	2	0
Street Collection Permits	2	3	7	7	5





Licensing Committee – 23 November 2011

Present Councillor Mrs Allgrove (Chairman)
 Councillors Beaven, Brooks, Mrs Hill, Hunt, Miss James,
 R Lees, Mrs Lees, Meikle, Nottrodt, Mrs Reed, Mrs Waymouth
 and A Wedderkopp

Officers: Ian Carter (Licensing Manager), Charlotte Dale (Environmental
 Health Lead), Donna Durham (Democratic Support Manager)
 and John Rendell (Licensing Officer)

Others: Councillor Hayward

(The meeting commenced at 6.15pm)

30. Apologies/Substitution

Apologies: Councillors Coles and Miss Durdan

Substitution: Councillor A Wedderkopp for Councillor Coles

31. Minutes

The minutes of the meeting of the Licensing Committee held on 28 June 2011 were taken as read and were signed.

32. Public Question Time

Mr Mike Davis, Director of A1/Ace Taxis expressed a number of concerns relating to the Licensing Department, in particular the policy relating to Certificates of Compliance.

After some debate, the Chairman asked that Mr Davis put his concerns in writing, so that the Licensing Department could respond to his concerns in a report that would be presented at the next Licensing Committee. It was agreed that a special meeting of the Licensing Committee be convened in January 2012, to which other taxi representatives would be invited.

33. Declarations of Interest

Councillors Brooks and Mrs Waymouth declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council.

34. Licensing Update

Considered report previously circulated, concerning the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation, together with other general licensing matters.

Although there had been a downward trend in Licensing applications in recent months, there had been little change in the number of Premises Licences and Club Premises Certificates within Taunton Deane.

The Police Reform and Social Responsibility Bill was enacted in September 2011. Within Part 2, it contained amendments to the Licensing Act 2003, the introduction of the Late Night Levy and the repealing of Alcohol Disorder Zones. No timescale for the commencement of the order had been indicated.

The Department for Culture, Media and Sport had launched a consultation that sought views on a proposal to remove licensing requirements in England and Wales for most activities currently defined as 'regulated entertainment' in Schedule One to the Licensing Act 2003. The Government suggested that if less than 5,000 people attended an event with no alcohol, there should be no licence required.

Further reported that there had been no significant change in the number of Gambling Act 2005 permits. The number of Permits, Registrations and Licences held in Taunton Deane remained low.

The licensed Taxi fleet within Taunton Deane had shown a small decrease in vehicles since May 2011.

Two Licensing Sub-Committee meetings had been held in July and September 2011 to determine two separate applications for licences to act as a taxi driver. One application was granted and the other refused.

Despite raising the issue at previous Taxi Forums, drivers continued to smoke in their vehicles and three fixed penalty notices had been served. The Council had contacted the NHS Smoking Cessation Service who would provide support and advice directly to drivers who wanted to stop smoking.

A fourth meeting of the Taxi Forum had been held in November 2011 and various topics had been discussed.

Applications for street trading and pavement cafes remained low. There was confusion on the part of traders over which areas attracted a fee, so it was proposed to 'zone' the town centre. The proposal was to encourage street traders in Goodland Gardens, Castle Green, Somerset Square and the top of the High Street.

The number of Animal Welfare licences had dropped slightly and one Licence had been withdrawn following the conviction of the proprietor on animal cruelty grounds.

The Licensing Team had ensured that all completed applications and renewals were processed and sent out within 14 days. A robust monitoring system was in place to ensure this could be scrutinised in the event of a complaint.

During the discussion of this item, Members made the following comments

and asked questions. Responses are shown in italics:

- Was there any move in legislation to charge a rent for street traders in prime locations? *Legislation referred to cost recovery, not revenue raising. A full review of fees and charges was being considered at the Corporate Scrutiny Committee on 24 November 2011;*
- Concern about the detrimental effect that street traders could have on nearby shops. Had the Licensing Department considered surveying the shop owners to find out how they felt about additional street traders? *Rates were included in the street trading fees. The promotion of other zones would encourage street traders to consider these areas, which was supported by Economic Development; and*
- Smoking in taxis had been a recent discussion topic on Somerset Sound, but did not make the legislation clear. *In order to be compliant, taxi drivers had to be completely out of the vehicles if smoking. They were constantly reminded of this and most of the taxi representatives were supportive of this initiative.*

Resolved that the report be noted.

(The meeting ended at 7.15pm)