



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 6 March 2013 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 19 December 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct (attached).
- 5 Licensing Update Report. Report of the Licensing Officer (attached).
Reporting Officer: John Rendell

Tonya Meers
Legal and Democratic Services Manager

22 April 2013

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.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



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 the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

Licensing Committee Members:-

Councillor J Hunt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor A Beaven
Councillor S Brooks
Councillor K Durdan
Councillor M Hill
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 – 19 December 2012

Present: Councillor Coles (Vice-Chairman) (In the Chair for the first item on the agenda)
Councillors Mrs Allgrove, Beaven, Brooks, Miss Durdan, Mrs Hill, Hunt,
Miss James, R Lees, Meikle, Nottrodt, Mrs Reed, Gill Slattery, Swaine and Mrs
Waymouth.

Officers: Olivia Denis (Licensing Officer), Ian Carter (Licensing Manager), John Rendell
(Licensing Officer) and Emma Hill (Corporate Support Officer)

Also present: Councillor A Wedderkopp

(The meeting commenced at 6.15 pm)

17. Appointment of Chairman

Following the recent resignation of Mrs Allgrove as the Chairman, it was **resolved** that Councillor Hunt be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year. Councillor Hunt took the Chair.

18. Apology/Substitution

Apology: Councillor Mrs S Lees.

Substitution: Councillor G Slattery for Councillor Mrs S Lees.

19. Minutes

The minutes of the meeting of the Licensing Committee held on 26 June 2012 were taken as read and were signed.

20. 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. Councillor Mrs Allgrove declared a personal interest as the Vice-Chairman of Somerset Association of Local Council. Councillor R Lees declared a personal; interest as a regular User of Taxis. Councillor Nottrodt declared a personal interest as a Director of Southwest One

21. Licensing Act 2003 – Licensing Policy Adoption Report

Considered report previously circulated, concerning an update to the Council's Licensing Policy.

Under the Licensing Act 2003, the Council was required to adopt and publish a Statement of Licensing Policy. The published Policy then provided the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carried out its functions in relation to the legislation.

The Licensing Act 2003 further required that the Policy had to be reviewed at least every five years although if a need were identified it could be reviewed earlier. It

was proposed to amend the Council's current policy to reflect changes in the law brought in through the Police Reform and Social Responsibility Act 2011.

Since the last adoption of the policy in 2010 changes to the Licensing Act had been introduced as a result of the above legislation. As a result, a number of changes to the Licensing Policy were required.

A consultation exercise had been undertaken on the proposed changes but no comments had been received.

Resolved that Full Council be recommended to adopt the revised Taunton Deane Licensing Act 2003 Policy at its next meeting.

22. Gambling Act 2005 – Policy Adoption

Considered report previously circulated, concerning a proposed update to the Statement of Principles (also known as the Gambling Policy) required by the Gambling Act 2005.

Licensing Authorities were required to review the policy document at least every three years. In renewing this document, the Licensing Authority was required to take account of the views of those representing the holders of existing licences and certificates, local residents and businesses and the Police.

The Gambling Act provided Licensing Authorities with a number of important functions in relation to gambling. A summary of important functions of the Act included:-

- Licensing premises for gambling activities;
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- Regulating gaming and gaming machines in alcohol licensed premises;
- Granting permits for prize gaming; and
- Considering occasional use notices for betting at tracks.

Taunton Deane's 2010 Statement of Principles had recently been updated in accordance with the Statutory Guidance to Licensing Authorities issued by the Gambling Commission and widespread consultations had been undertaken

The main changes to the Policy were factual updates concerning the removal of historic information regarding the original adoption of the Statement of Principles, changes in responsibility through Central Government arrangements and the changes to stakes and prizes for gaming machines.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Define what a vulnerable person was.
The act did not define what a vulnerable person was. It just provided advice on vulnerability. Identifying a vulnerable person could be difficult and every person had to be treated as such when in the premises. Premises owners

would be advised to approach those people who might appear to be gambling excessively.

- Good or Bad Gambling Locations. Would this be fed into planning?
It would be dealt with on a case by case basis. This was reactive legislation. The Council required evidence to prevent an application from being successful.

Resolved that Full Council be recommended to approve the revised Statement of Principles under the Gambling Act 2005 at its next meeting.

23. Street Trading and Section 115E Permission Policy

Considered report previously circulated, concerning street trading and the Section 115E Permissions Policy.

The Council had adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to street trading within its area. The Council had further designated all of its administrative area as Consent Streets.

The Council's aim in controlling street trading was to create an environment which complemented premises based trading, was sensitive to the needs and amenities of residents, provided diversity of consumer choice and sought to enhance the character and ambience of local environments.

The Council also issued permissions under Section 115E of the Highways Act 1980 on behalf of Somerset County Council with regard to pavement cafes and promotional spaces.

To set a base line for acceptable standards with regard to determining applications for, and the enforcement of, street trading and Section 115E permissions it was proposed to introduce a Policy and Guidance document. This document was also intended to assist persons who wished to apply for consents or permissions.

The proposed policy and guidance would be applied to all existing and proposed street trading activities, pavement cafes and promotional spaces in its area to ensure consistency of decision making. However, each application or contravention would be considered on its merits so that individual circumstances, where appropriate, were taken into consideration.

It was intended that this policy would be the subject of periodic monitoring and review and would be applied in a manner which was consistent with the Council's equalities and diversity policies.

The proposed policy had been made available for viewing and comments on the Council's website between 8 September and 1 November 2012. A letter inviting comments had also been sent to all current consent holders. Details of the initial responses received were reported.

Section 9 of the Act allowed the Council to determine such fees as it considered reasonable and provided an opportunity for any additional costs for operating the revised street trading scheme to be recovered from the fees levied.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Why was the age for being eligible for a Street Trading consent 17 rather than the usual age of consent of 18 years old? *The age allowed for street traders was in line with Trading Standards requirements. However, it was accepted that there were inconsistencies between different policies and legislation over the age of consent.*
- It was possible that local residents might be worried about an increase in Street Traders operating in residential areas. *This could be dealt with by other departments and areas of the Council. These would be more effective than the Street Trading Act.*
- Would the Council consider extending the consultation to permanent businesses on the high street? Also too many street traders in the town made it look ugly and it would also be unfair on permanent businesses. *The Council could broaden the consultation to include established businesses. It would also consider where street traders should be placed in the town centre as it became more popular.*
- When would Members of the Committee have input into this? *A further report would be submitted once the consultation had been completed.*
- Would there be a limited number of street trading pitches in the town centre? *There were no specific pitches for street traders. Trading was only allowed in the designated 'Consent Streets'.*
- What was the fee for a street trading consent? The fee should be based on the location and the volume of people in that part of the town. *There were long standing agreements with regard to some of the consents. Fees levied were only supposed to cover the Council's costs in issuing the consent and administering the street trading scheme.*
- On Hamilton Road, someone was regularly selling cars in the parking spaces. *The Licensing Department would investigate this.*
- Would it be possible to open up street trading pitches to business courses at schools and colleges? Could permanent businesses be offered the facility of a street trading stall linked to their business? *All suggestions and areas should be passed to the Lead Licensing Officer for consideration as part of the continuing consultation.*
- Would the Street Trading Policy and Consultation cover areas like Wiveliscombe and other smaller areas within Taunton Deane? *Yes, it would cover the whole district..*

Resolved that:-

- (1) The proposed Street Trading Policy and Guidance document be adopted; and
- (2) The results of the further consultation being undertaken be reported back to the Committee in due course together with any recommendations for further alterations to be made to the Policy and Guidance document .

24. Licensing Update Report

Considered report previously circulated, which provided 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. This report was

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

Summary of activity relating to Licensing Act 2003:-

- Application numbers remained high for the period from May to October 2012.
- The greatest increase was for Temporary Event Notices – 54 had been issued during the reporting period. compared to 38 issued last year. This was due to the Olympics and the Queens Diamond Jubilee.
- The total number of licences issued and notices given were up to the end of October 2012.

Summary of activity relating to Gambling Act 2005:-

- Little change in the numbers of Permits, Registrations and Licences held with Taunton Deane.
- Total numbers of permits, registrations, notices and licences given were up to the end of October 2012.

Summary of activity relating to Taxis:-

- Slight increase in the number of applications including renewals for Hackney Carriage/Private Hire Drivers in August 2012 when compared with the same period last year.
- Applications for Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Operators have remained mostly the same.
- Total numbers of Licences issued and applications received were up to the end of October 2012.

Summary of activity relating to Taxi Forum:-

- The 5th Taxi Forum had been arranged for 16 October 2012, but was subsequently cancelled due to no new queries being raised for discussion by the trade.
- A further Taxi Forum had been arranged for 26 November 2012.
- Membership of the Forum was made up of representatives from licensed drivers, operators, the Licensing Team and members of the Licensing Committee.

Summary of activity relating to Street Trading and Pavement Cafes:-

- An increase in the number of street trading consents issued in 2012, with the increase occurring in the summer months.
- Total number of permits and licences issued were up to the end of October 2012.

Summary of activity relating to Animal Welfare Licensing:-

- Little change in the number of Licences held within Taunton Deane.
- Total numbers of licences consents and permits issued were up to the end of October 2012.

Summary of activity relating to Other Licensing:-

- Lower number of permits issued for House to House and Street Collections compared with the same period last year, but a
- Higher number of registrations for skin piercing in Taunton Deane.
- Permits and Licences issued for Caravan Sites, Motor Salvage Operators, Scrap Metal Dealer Registrations and Sex Shop Licences have remained similar to the same period in 2011.
- Total numbers of licences, registrations and permits issued were up to the end of October 2012.

There had been several Policy updates during this period. These included:-

- Gambling Act 2005; a draft copy had been sent out for consultation, which ended on 01 November 2012.
- Licensing Act 2003; a draft copy had been sent out for consultation, which also concluded on 01 November 2012.

A new policy for Street Trading had been created and was made available on the Council's website for comment from 08 September - 01 November 2012. Members of the trade with street trading consent and/or pavement cafe permits had been notified of the creation of the S115E Policy and guidance and offered the chance to make representations. One representation was received from an internal Council department which had been included in the Policy.

Separate reports would be prepared and presented to the Member of the Licensing Committee for all the above policies.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- With regard to Licenses under Dangerous Wild Animals, what was the single application for?
The application related to a Wild Boar Farm.
- Was there a de-brief for the residents after the Strummer of Love Event?
The Council had held a de-brief, where the residents were approached for their opinions on every aspect of the event. Only two residents at the de-brief held firm negative opinions. A de-brief would continue to be held after such events in the future.
- What approach did Council officers take when it concerned dealing with residents and visitors?
The Council officer's approach used assisted compliance. The Council was currently in talks with the Home Office regarding changes to fees to prevent the situation where some fees did not cover the cost of administering the licences issued..
- The organisers of the Cosmos Festival continued to be amenable as they wished to come back every year. But a basic set of conditions and regulations relating to such types of event would be good approach for when other new organisers approached the Council.
Council Officers and Committee Members had worked well together to achieve this .

Resolved that the report be noted.

(The meeting ended at 7:35 pm)

Declarations of Interest

Licensing Committee

- Members of Somerset County Council – Councillors Brooks and Mrs Waymouth
- Employee of Somerset County Council – Councillor Mrs Hill
- Vice-Chairman of Somerset Association of Local Council – Councillor Mrs J Allgrove
- Regular User of Taxis – Councillor R Lees
- Director of Southwest One – Councillor B Nottrodt

Taunton Deane Borough Council

Licensing Committee – 6 March 2013

Licensing Update Report

Report of the Licensing Officer

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

1. Executive Summary

This 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

3.1 Licensing Act 2003

Application numbers have remained high over the last quarter. January has seen a big increase in the number of Temporary Event Notices (TENs) received, with an increase of 20 from the previous year. We believe event organisers and community groups are planning their events further in advance than in previous years and this may be down to experience they have gathered from 2012's big events like the Queen's Diamond Jubilee and Olympics. The total numbers of licences issued and notices given up to the end of January 2013 are set out in **Appendix 1**.

3.2 Ian Carter will be giving a verbal presentation to the Committee on the subject of Cumulative Impact Policies.

3.3 Gambling Act 2005

There was little change in the numbers of Permits, Registrations and Licences held with Taunton Deane. The total numbers of permits, registrations, notices and licences given up to the end of January 2013 are set out in **Appendix 2**.

3.4 Taxis

The number of applications, including renewals, for all Hackney Carriage and Private Hire related licences has stayed fairly similar to the same period in 2011 and 2012. December and January saw slightly more Hackney Carriage/Private Hire vehicle licences being granted and renewed than in the previous year, however the total number of licensed drivers, being 237, is lower than at this point in the previous year

when it was 251. The total numbers of Licences issued and applications received up to the end of January 2013 are set out in **Appendix 3.**

3.5 Taxi Forum

The 6th Taxi Forum was arranged for the Wednesday the 6th of March. The committee will be provided with a verbal update on outcomes of this meeting.

3.6 Street Trading & Pavement Cafes

There has been very little change in the number of street trading consents and pavement café permits within the Borough. The total number of permits and licences issued up to the end of January 2013 are set out in **Appendix 4.**

3.7 Project Regen

Olivia Denis will be giving a verbal update to the Committee on Project Regen.

3.8 Animal Welfare Licensing

There has been little change in the number of Licences held within the Borough. The total numbers of licences consents and permits issued up to the end of October 2012 are set out in **Appendix 5.**

3.9 Other Licensing

There has been a big increase in the number of Scrap Metal Dealer registrations compared with the same period last year. This can be attributed to Operation Tornado, a scheme run nationally by the Police which was aimed at targeting metal theft.

3.10 Permits and Licences issued for Caravan Sites, Motor Salvage Operators, Sex Shops and for charitable collections have remained similar to the same period in 2011 and 2012. The total numbers of licences, registrations and permits issued up to the end of January 2013 are set out in **Appendix 6.**

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:

John Rendell, Licensing Officer

Tel: 01823 356343

E-mail: j.rendell@tauntondeane.gov.uk

Licensing Act 2003Licences Issued and Notices Given

| | |
|----------------------------|------|
| Premises Licences | 402 |
| Club Premises Certificates | 30 |
| Personal Licences | 675 |
| Temporary Event Notices | 2258 |

Applications Received and Notices Given

| | November | | December | | January | |
|--|----------|------|----------|------|---------|------|
| | 2011 | 2012 | 2011 | 2012 | 2012 | 2013 |
| Grant of a Premises Licence | 2 | 0 | 3 | 2 | 1 | 1 |
| Grant of Club Premises Certificate | 0 | 1 | 0 | 0 | 0 | 0 |
| Variation of a Premises Licence | 0 | 0 | 0 | 0 | 0 | 0 |
| Transfer of a Premises Licence | 4 | 3 | 1 | 2 | 3 | 3 |
| Change of Designated Premises Supervisor | 7 | 8 | 4 | 5 | 6 | 6 |
| Minor Variations | 1 | 0 | 0 | 1 | 1 | 1 |
| Grant of a Personal Licence | 10 | 7 | 7 | 8 | 5 | 6 |
| Temporary Event Notices given | 26 | 28 | 6 | 11 | 25 | 45 |

Gambling Act 2005Licences Issued and Notices Given

| | |
|--|----|
| Club Machine Permit | 8 |
| Licensed Premises Gaming Machine Permits | 7 |
| Occasional Use Notices | 19 |
| Premises Licences | 17 |

| | |
|---|-----|
| Prize Gaming Permits | 0 |
| Society Lotteries | 204 |
| Temporary Use Notices | 0 |
| Unlicensed Family Entertainment Centres | 4 |
| Notification of 2 or less Gaming Machines | 60 |

Applications Received and Notices Given

| | November | | December | | January | |
|--|----------|------|----------|------|---------|------|
| | 2011 | 2012 | 2011 | 2012 | 2012 | 2013 |
| Applications for a Permit | 0 | 0 | 0 | 0 | 0 | 0 |
| Application for a Licence | 2 | 0 | 0 | 0 | 0 | 0 |
| Notification of Intent to have Gaming Machines | 0 | 0 | 0 | 0 | 0 | 1 |
| Occasional Use Notice | 0 | 0 | 0 | 0 | 4 | 0 |
| Lottery registration | 3 | 2 | 0 | 0 | 0 | 2 |

TaxisLicences Issued

| | |
|---|-----|
| Hackney Carriages | 163 |
| Private Hire Vehicles | 31 |
| Hackney Carriage & Private Hire Drivers | 237 |
| Private Hire Operators | 29 |

Applications Received

| | November | | December | | January | |
|---|----------|------|----------|------|---------|------|
| | 2011 | 2012 | 2011 | 2012 | 2012 | 2013 |
| Hackney Carriage Licence (including renewals, | 11 | 10 | 5 | 10 | 6 | 7 |
| Hackney Carriage & Private Hire Drivers Licence | 22 | 18 | 10 | 14 | 11 | 14 |
| Private Hire Vehicle Licence | 2 | 3 | 2 | 1 | 2 | 2 |
| Private Hire Operator Licence | 0 | 1 | 0 | 0 | 1 | 1 |

Street TradingConsents & Permits Issued

| | |
|-------------------------|----|
| Street Trading Consents | 44 |
| Pavement Café Permits | 16 |

Applications Received

| | November | | December | | January | |
|---------------------------|----------|------|----------|------|---------|------|
| | 2011 | 2012 | 2011 | 2012 | 2012 | 2013 |
| New Consents | 3 | 2 | 0 | 1 | 0 | 0 |
| New pavement café permits | 0 | 0 | 2 | 1 | 0 | 0 |

Animal Licensing

Licences Issued

| | |
|--------------------------------|----|
| Zoo Licences | 0 |
| Pet Shop Licences | 13 |
| Dog Breeding Licence | 2 |
| Animal Boarding Licence | 12 |
| Riding Establishment Licences | 10 |
| Dangerous Wild Animal Licences | 1 |

Applications Received

| | November | | December | | January | |
|--|----------|------|----------|------|---------|------|
| | 2011 | 2012 | 2011 | 2012 | 2012 | 2013 |
| Zoo Licences (including renewals) | 0 | 0 | 0 | 0 | 0 | 0 |
| Pet Shop Licences (including renewals) | 3 | 4 | 1 | 1 | 2 | 0 |
| Dog Breeding Licence (including renewals) | 0 | 1 | 1 | 0 | 0 | 0 |
| Animal Boarding Licence (including renewals) | 1 | 5 | 8 | 4 | 2 | 0 |
| Riding Establishment Licences (including | 3 | 0 | 3 | 5 | 1 | 0 |
| Dangerous Wild Animal Licences | 0 | 0 | 0 | 0 | 0 | 0 |

Other Licensing

Licences, Registrations and Permits Issued

| | |
|----------------------------------|-----|
| Caravan Site Licences | 42 |
| House to House Collection Permit | 101 |
| Motor Salvage Operator | 6 |
| Scrap Metal Dealer Registration | 31 |
| Sex Shop Licences | 2 |
| Skin Piercing Registrations | 198 |
| Street Collection Permits | 251 |

Applications Received

| | November | | December | | January | |
|----------------------------------|----------|------|----------|------|---------|------|
| | 2011 | 2012 | 2011 | 2012 | 2012 | 2013 |
| Caravan Site Licences | 0 | 0 | 0 | 0 | 0 | 0 |
| House to House Collection Permit | 6 | 7 | 4 | 2 | 0 | 1 |
| Motor Salvage Operator | 0 | 0 | 0 | 0 | 0 | 1 |
| Scrap Metal Dealer Registration | 1 | 1 | 0 | 9 | 0 | 3 |
| Sex Shop Licences | 1 | 0 | 0 | 0 | 0 | 0 |
| Skin Piercing Registrations | 2 | 0 | 1 | 2 | 0 | 0 |
| Street Collection Permits | 6 | 9 | 8 | 3 | 4 | 1 |

Appendix 6

A request was received from Councillor Coles, Vice Chair of this Committee for consideration to be given to the inclusion of a Cumulative Impact Policy within the Council's Statement of Licensing Policy. This update report sets out for Members what Cumulative Impact is and provides information on the current situation within Taunton Deane.

What is Cumulative Impact?

"Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. It is not mentioned specifically in the 2003 Act only within the Guidance issued under Section 182. It is recognition of the fact that in some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises.

These problems are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

What is a Cumulative Impact Policy?

A Cumulative Impact Policy introduces a rebuttable presumption that all new licence applications and variations in that area will normally be refused if the licensing authority receives a relevant representation stating that the application will add to the cumulative impact. However each application must still be considered on its own merits and the licensing authority may still grant the application if it is satisfied that the application will not contribute to the cumulative impact.

How is the need for a Cumulative Impact Policy established?

The guidance issued under the Licensing Act 2003 requires that there is an evidential basis for introduction of a cumulative impact policy and sets out 5 steps that must be followed.

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

What other measures exist to control Cumulative Impact?

The adoption of a cumulative impact policy is not always necessary or the best solution and the guidance indicates other measures that can be used to positively support the licensing objectives including

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs). See Chapter 16.

Current situation within Taunton Deane

The current situation within Taunton Deane is that although there are sporadic concerns expressed to the Licensing Department regarding potential negative impact on the Licensing Objectives no clear evidence of a consistent pattern within a particular area can be established. Furthermore through liaison with partner agencies, insufficient evidence of crime & disorder or nuisance exists that would clearly identify boundaries of an area where problems are being caused by the customers of licensed premises to such a degree as would warrant the implementing of a cumulative impact policy.

With support from partner agencies the Licensing Team are actively pursuing the application of other measures, most prominent being the use of education and mediation, to limit detrimental impact on the licensing objectives within the area.

Conclusion

Overall in the opinion of the Licensing Manager there are no areas within the district where the number, type or density of premises selling alcohol is high or exceptional and pleasingly at the present time no evidence of serious problems of nuisance and disorder has been identified.

In view of this, as Licensing Manager I do not feel that the necessary evidential basis for a special policy could be established and the best way forward is the continuation of the current partnership approach of education and mediation across the Borough.

There are no indications that this approach will not continue to be successful however should monitoring of intelligence, statistics and concerns indicate otherwise a further report on this matter will be brought back to the Committee for consideration.

Licensing Committee – 6 March 2013

Present: Councillor Hunt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Beaven, Brooks, Mrs Hill, Mrs S Lees, Meikle,
Mrs Reed, Gill Slattery, Swaine, Mrs Waymouth and A Wedderkopp.

Officers: Ian Carter (Licensing Manager), John Rendell (Licensing Officer) and Emma Hill
(Corporate Support Officer)

(The meeting commenced at 6.15 pm)

1. Apologies/Substitution

Apologies: Councillor Miss Durdan, R Lees, Miss James and Nottrodt.

Substitution: Councillor A Wedderkopp for Councillor R Lees.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 19 December 2012 were taken as read and were signed.

3. 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. Councillor Mrs Allgrove declared a personal interest as the Vice-Chairman of the Somerset Association of Local Councils.

4. Licensing Update Report

Considered report previously circulated, which provided 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. This report was produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

Summary of activity relating to the Licensing Act 2003:-

- Application numbers had remained consistently high for this quarter.
- There had been an increase of 20 Temporary Event Notices (TEN's) during January compared to last year. This might be due to groups and organisation planning ahead.

Applications under the Gambling Act 2005, including renewals, had stayed fairly similar to the same period in both 2011 and 2012.

With regard to taxis, reported that the number of drivers (237) was lower than this point last year when the figure stood at 251.

There had been very little change in the number of permits held within Taunton Deane relating to Animal Welfare Licensing, Street Trading and Pavement Cafes.

Summary of activity relating to Other Licensing:-

- There had been a big increase in the number of Scrap Metal Dealer registrations compared with the same period last year.
- Permits and Licences issued for Caravan Sites, Motor Salvage Operators, Scrap Metal Dealer Registrations and Sex Shop Licences had remained similar to the same period in 2012.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Had the Licensing Department had any problems with TEN's?
Most were agreed without problems. There would be more information to follow with regard to Central Government proposing to de-regulate areas of the Licensing Act around Community Groups.

Cumulative Impact Policies (CIP)

“Cumulative impact” meant the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The current situation within Taunton Deane was that although there were sporadic concerns expressed to the Licensing Department regarding potential negative impact on the Licensing Objectives, no clear evidence of a consistent pattern within any particular area could be established.

With support from partner agencies the Licensing Team was actively pursuing the application of other measures, most prominent being the use of education and mediation, to limit any detrimental impact on the licensing objectives within the area.

In conclusion, the overall opinion of the Licensing Authority was that there were no areas within the district where the number, type or density of premises selling alcohol was high at the present time. It was felt that the necessary evidential basis for a special policy could not be established and the best way forward would be the continuation of the current partnership approach of education and mediation across Taunton Deane.

There were no indications that this approach would not continue to be successful. However, should monitoring of intelligence, statistics and concerns indicate otherwise a further report on this matter would be brought back to the Committee for consideration.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Could the Council base the need for a CIP on concentration in a particular part of the town – for example East Street and East Reach rather than on a numerical basis? *The Council would need evidence before using a CIP.*

Until evidence of problems was produced in certain areas then the Licensing Officer would be unable to re-act. The Licensing Act dealt with impact.

- Concerns were raised in connection with how stretched out the Town Centre of Taunton was. This would be part of the problem for a CIP. Would the Council still operate a No re-admittance Policy? *This policy was welcomed by local businesses and enforced by the Police. The policy was flexible in relation to smokers requiring to leave the premises to smoke outside. The Council had been trying to concentrate new premises as part of the town centre regeneration encouraging people and businesses to take up already available plots.*
- A suggestion was made about using 'Mystery Drinkers' to investigate how businesses handled people being admitted or not?

Taxis Forum Update

The Licensing Officer gave a verbal update in relation to the recent taxis forum held on 5 March 2013.

- There were five members of the trade present at the meeting.
- The Council had secured 60 places on a new BTEC qualification available through the Government.
- A review of the Council's Compliance Policy would be undertaken with the inclusion of taxis trades and test stations in the consultation.
- An update on the project to move the Taxi Rank on Corporation Street to Hammet Street had also been discussed.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Would the Council be approaching individual members of the trade with regard to the review of the Compliance Policy? Concerns were expressed over the suggestions that might be received.
- Would the Council actively encourage members of the taxi trade in the Taunton Deane area to take up the BTEC qualification? Should obtaining the qualification become mandatory? *The advantages of making the qualification mandatory were acknowledged and would be considered further by the Committee and the Council.*
- Could a badge or sticker be issued to those drivers that had taken qualification?
- A full appraisal should be presented to the committee before considering making the qualification mandatory. Making this mandatory could mean that drivers would increase their fares meaning they might become too expensive for poorer residents of Taunton.
- The Council should encourage drivers to become professional by either making it mandatory or highly recommended before obtaining a licence in Taunton Deane. *The officers would put together a report with all the options available to the Committee. The Committee would need to consider how this would affect 'Grandfather Rights'.*
- The mandatory route would mean that drivers would need to qualify before getting a licence so this should not affect fares.

The qualification could be a mandatory element for new drivers only. Licenses were currently only valid for one or three years. The mandatory element could therefore be introduced in stages.

- Was there any evidence of non-professional drivers? Had the department had complaints? Was there any need to re-train or alter the current requirements if the Council did not have any reason to? Managers and owners of businesses dealt with any issues, complaints and problems internally.
- Members were encouraged by the opening of second testing station. What had been the up take of this new testing station?
The Licensing Department reviewed all certificates returned to the Council from the testing stations and there had been some uptake of the new station.

Street Traders Policy and Consultation Update

The Licensing Officer dealing with this project had met and consulted with all current street traders for comments, suggestions and opinion on the new Street Traders Policy. This policy had also been circulated to other responsible bodies and organisations. They were generally happy with the current situation connected to the Street Traders.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Would the new policy be able to do something about 'Chuggers' or Face to Face Detail Collectors? Could it enforce some rules and regulations or even stop them completely? *This was a perennial interest. The Council had no powers over these groups of 'traders'. Some Local Authorities had created and introduced Street Management Agreements but this was only a voluntary agreement.*
- Concerns were raised around the placement of pitches in relation to current permanent businesses such as County Stores or Hatchers and that the Council needed more control around Street Traders and 'Chuggers'.
Taunton Deane currently did not operate a pitch system for Street Traders.
- The bottom of the High Street felt a bit congested and blocked with the number of Street Traders. With the introduction of the Street Traders Policy a single lines of 'pitches' could be introduced to free up the bottom end of High Street.
- Street Traders might not want to move to permanent premises due to the cost of doing so. This would mean a loss of income.
- Concerns were raised about allowing permanent businesses dictating what was outside their businesses. What the Council needed to do would be to control the number and type of Street Trading businesses within the Town Centre. The Council also needed to consider what suited Taunton in the way of Street Traders. *The Council had suggested to the Government that a review should take place before bringing in the legislation. The control of Street Traders needed to be with local government.*

Resolved that:-

- (1) The update report be noted;

- (2) It be recommended that Taxi Drivers be actively encouraged to take up the available places for the BTEC qualification and that a report be submitted to the next meeting for the Committee to review and consider future options relating to this qualification and whether it should become mandatory; and
- (3) A six monthly update report on the Cumulative Impact Policy in the Taunton Deane area be submitted to the Committee.

(The meeting ended at 8:00 pm)