

The Council's Vision:
To enable people to live, work and prosper

LICENSING COMMITTEE

AGENDA

23 July 2013 at 4.30 pm

Council Chamber, Williton

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

4. **Update on Schedule of Policy Review and New Legislation in Licensing**

To consider Report No. WSC 93/13 to be presented by the Licensing Officer – **SEE ATTACHED.**

The purpose of the report is to update members on recent changes to legislation, to seek authority to review the Statement of Licensing Policy 2011-2014, to seek authority to work in partnership with Taunton Deane Borough Council to investigate the use of joint policies and procedures in licensing.

5. **Update on the Current Working Arrangements to Deliver the Licensing Service**

To consider Report No. WSC 94/13 to be presented by the Licensing Officer - **SEE ATTACHED.**

The purpose of the report is to update the members of the Licensing Committee on the current situation in the licensing team at West Somerset Council and the working arrangements with Taunton Deane Borough Council.

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6. Licensing Update

Members are requested to note the update on the current status of licence applications received for 2012-2013 and 2013-2014 - **SEE ATTACHED.**

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Respect
- Fairness
- Trust

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

Report Number: WSC 93/13
Presented by:
Author of the Report: Erica Lake, Environmental Health & Licensing Manager
Contact Details:
 Tel. No. Direct Line 01984 635242
 Email: ellake@westsomerset.gov.uk

Report to a Meeting of: Licensing Committee
To be Held on: Tuesday 23rd July 2013
Date Entered on Executive Forward Plan 23 July 2013
Or Agreement for Urgency Granted:

UPDATE ON SCHEDULE OF POLICY REVIEWS AND NEW LEGISLATION IN LICENSING

1. PURPOSE OF REPORT

- 1.1 To update members on recent changes to legislation, to seek authority to review the Statement of Licensing Policy 2011-2014, to seek authority to work in partnership with Taunton Deane Borough Council to investigate the use of joint policies and procedures in licensing.

2. CONTRIBUTION TO CORPORATE PRIORITIES

NO DIRECT CONTRIBUTION TO CORPORATE PRIORITIES

3. RECOMMENDATIONS

- 3.1 Members note the attached draft schedule of policy reviews (Appendix 1) including the Statement of Licensing Policy 2011 – 2014 and authorise the Environmental Health and Licensing Manager to undertake the consultation process. Members authorise the Environmental Health and Licensing Manager to review WSC licensing policies and procedures alongside the licensing team in Taunton Deane Borough Council to improve the effectiveness and the resilience of the service provided to the public and local businesses.
- 3.2 Members note recent changes in legislation specifically the introduction of the Scrap Metal Dealers Act 2013 and changes to the Licensing Act 2003 concerning the Deregulation of Regulated Entertainment.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure to have an up-to-date Licensing Act 2003 policy will lead to lack of clarity and consistency	4	4	12
<i>The amended policy provides clarity and consistency in decision making.</i>	2	3	6

Failure to improve policies and procedures	3	3	9
<i>Working with colleagues in Taunton Deane BC will provide expert advice and resilience to the service.</i>	2	2	4
Failure of West Somerset Council to keep up-to-date with current legislation	3	3	6
<i>Staff training, clarification and consistency</i>	2	2	4

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

5. **BACKGROUND INFORMATION**

- 5.1 The West Somerset Council Statement of Licensing Policy is dated 2011 – 2014. Before determining its policy for another 3 year period, West Somerset Council as the licensing authority is required to consult a number of authorities such as the police and fire authority and also local premises and club premises license holders, personal licence holders and representatives of businesses and residents in the district. The policy sets out the licensing authority's general approach to the making of licensing decisions and the document should be consistent with the Licensing Act 2003. West Somerset Council has a duty to review its licensing policy. New legislation such as the Deregulation of Regulated Entertainment has recently been introduced and therefore the policy updated to reflect this and other recent changes such as responsible authority.
- 5.2 A schedule of review of licenses and policy reviews has been drafted to enable the Environmental Health and Licensing team to use this programme of work to plan ahead and determine the level of resources required. This programme of work is being developed jointly with licensing colleagues at Taunton Deane Borough Council. A partnership has been developed between licensing colleagues at WSC and TDBC to achieve consistency across the licensing functions. This partnership has resulted in an opportunity to examine in more detail prospects for consistency of approach across the two closely located Councils and has identified areas where duality of policy may benefit those businesses that operate in both areas, particularly Taxi firms with the possibility of 'dual plating' of vehicles. The partnership between the Councils has provided real benefits in improving resilience and finding solutions to common problems identified within both Councils' Licensing Services.
- 5.3 Update on new legislation and guidance – the Scrap Metal Dealers Act 2013 is due to come into force in October 2013. Guidance has been issued and a verbal update will be delivered to committee. The Licensing Act 2003, Schedule 1 – Provision of Regulated Entertainment As amended by Live Music Act 2012 & The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 – a verbal update will be delivered at committee. *Further info to come from John/Olivia.*

6. **FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The schedule of policy review can be seen in appendix 1, this programme of work is being drafted in partnership with the Taunton Deane Borough Council licensing team and will set a work programme for the next two years. The Statement of Licensing Policy 2011 – 2014 has been included as well as Street Trading Policy and Hackney Carriage/Private Hire policy. It is intended that this schedule will form a work programme so that resources can be allocated to these reviews.
- 6.2 The Main implications are on staff resources but it should be noted that as legislation changes and government seeks to reduce the burden on businesses fee income and whether it is equitable is likely to be further examined.

7. SECTION 151 OFFICER COMMENTS

- 7.1 It is good practice to keep our policies up to date and this exercise ensures that the Authority is complying with this.
- 7.2 Although there are no direct financial implications other than staff resources at the present time, it should be noted that changes in legislation could affect the level of income the Authority receives in the future.

8. EQUALITY & DIVERSITY IMPLICATIONS

Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 The issues in this area will be considered in each review and reported to members as part of that process.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 The Licensing Policies do link into a range of issues around crime and disorder. As they are reviewed how they assist partners such as the Police in managing issues locally will need to be taken into account.

10. CONSULTATION IMPLICATIONS

- 10.1 The policies are all subject to consultation requirements which will be undertaken as part of the review process. These will be reported back to members at the time of each review.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 There are no specific issues linked to this report

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 [Click here and type text]

13. LEGAL IMPLICATIONS

- 13.1 The council needs to ensure that all of it`s licensing policies are kept up to date as part of our statutory duties.
- 14.1 It will therefore be essential to ensure that each policy is reviewed carefully and gives clarity to members and customers about the authorities requirements in order that compliance with the law is achieved.

APPENDIX 1**DRAFT SCHEDULE OF LICENSING POLICY REVIEWS**

TYPE OF POLICY	DATE OF REVIEW	CONSULTATION DATES	COMMITTEE DECISION
STATEMENT OF LICENSING POLICY 2011 -2014	AUTUMN 2013	AUG-OCT 2013	NOV 2013
STREET TRADING POLICY	SPRING 2014		
HACKNEY CARRIAGE/PRIVATE HIRE REGULATIONS	2014-2015		

Report Number: WSC 94/13
Presented by:
Author of the Report: Erica Lake, Environmental Health and Licensing Manager
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Report to a Meeting of: Licensing Committee
To be Held on: Tuesday 23 July 2013
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not applicable

UPDATE ON THE CURRENT WORKING ARRANGEMENTS TO DELIVER THE LICENSING SERVICE

1. PURPOSE OF REPORT

- 1.1 To update the members of the licensing committee on the current situation in the licensing team at West Somerset Council and the working arrangements with Taunton Deane Borough Council.

2. CONTRIBUTION TO CORPORATE PRIORITIES

NO DIRECT LINK TO CORPORATE PRIORITIES

3. RECOMMENDATIONS

- 3.1 Members note the current arrangements to deliver the licensing service.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure of the licensing service in West Somerset Council	5	4	20
<i>Establish working arrangements to cover the service with a partner organisation. Provide resilience to the team and the ability to provide an effective and efficient service to businesses and members of the public.</i>	3	3	9

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

5. BACKGROUND INFORMATION

- 5.1 Due to the long term absence of the West Somerset Licensing officer the council has been forced to explore other ways of delivering the licensing service. The post holder was the specialist lead for the council and her absence in combination with the maternity leave of another experienced officer has created significant challenges in service delivery.
- 5.2 A range of solutions was explored to deliver the service which culminated in the working arrangement with Taunton Deane Borough Council. They have assisted the Environmental Health and Licensing team since January 2013.
- 5.3 On a day to day basis advice is available over the telephone which combines with a licensing officer from TDBC being based at Williton one day per week to assist the team in dealing with more complex problems. This level of assistance combined with the use of existing staff has enabled the service to continue.
- 5.4 The working arrangements have developed over the last 6 months as has the knowledge and skills of the environmental health and licensing team. The close working with Taunton Deane officers has enabled the team to continue to provide an efficient and effective service to businesses and members of the public in West Somerset. The partnership has also provided resilience to the team and the reassurance that support and expertise is available.
- 5.5 This is an excellent example of where joint working can allow Council's to identify common problems and jointly create solutions. Assisting West Somerset has benefited the officers of Taunton Deane by providing the opportunity to bolster their already substantial skill set through the formal and informal training of staff within West Somerset.
- 5.6 As work has matured there is now an opportunity to examine the consistency of approach across the two areas. This should provide greater consistency for businesses especially those that operate in both council areas. A good example of this may be where Taxi firms could explore possibility of 'dual plating' of vehicles. This has yet to be explored fully and will of course require consultation with the trade.
- 5.7 Overall the arrangements between the two Councils have provided real benefits in improving resilience and increasingly in identification of solutions to common problems. As mentioned in paragraph 5.2 other solutions would have been to employ an experienced licensing officer through an agency or employ a licensing officer to cover sickness leave on a short term basis. Neither of these would provide consistency nor improve the resilience of the team. They also cost significantly more than the current arrangement which is the basic cost of one officer for the day that they attend the WSC offices.
- 5.8 Members should note that we are now exploring the following work items:
1. The redrafting of policies to achieve relevance & standardisation across the two councils.
 2. The creation of procedures for each application type using resources from both authorities to streamline processes to match the staffing resources that are available.
 3. The training of staff to improve the service provided to businesses and members of the public and also Councillors in new legislation or guidance issued.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 The working arrangements between West Somerset Council and Taunton Deane Borough Council allow West Somerset to have access to experienced licensing officers throughout the week along with an officer being available one day per week to meet applicants and

provide expert advice and training to officers in the environmental health and licensing team.

- 6.2 It has been agreed that WSC would pay officer time for staff from Taunton Deane visiting West Somerset Council and also mileage costs for travel from Taunton. It is estimated that since April 2013 Taunton Deane have spent a total of 78 hours at West Somerset Council which costs £1205.00 plus mileage costs.

7. SECTION 151 OFFICER COMMENTS

- 7.1 The cost of the current arrangement will be monitored as part of the overall budget monitoring exercise and therefore will be included in the quarterly performance reports presented to Members throughout the financial year.

8. EQUALITY & DIVERSITY IMPLICATIONS

Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 There are no perceived equality and diversity implications in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 This partnership has enabled the environmental health and licensing team to continue to provide an effective and efficient licensing service, liaise and develop partnerships with the police and deal with issues concerning crime and disorder such as noise nuisance.

10. CONSULTATION IMPLICATIONS

- 10.1 No consultation is required in respect of this report.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 There are no perceived asset management implications in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 There are no perceived environmental impact implications in respect of this report.

13. LEGAL IMPLICATIONS

- 13.1 The development of this working arrangement between West Somerset Council and Taunton Deane Borough Council has enabled the Environmental Health and Licensing team to continue to deliver on the statutory requirements around licensing.
- 13.2 As outlined above other methods could be found but this method of delivery has ensured on going delivery of the service.

LICENCE APPLICATIONS & FEES – 2012/2013

Licence Type	No apps Q1	Fees Q1	No apps Q2	Fees Q2	No apps Q3	Fees Q3	No apps Q4	Fees Q4	Total apps	Total Fees
Animal Welfare										
Animal Boarding					3	£340.50	4	£454.00	7	£794.00
Pet Shops							1	£113.50	1	£113.50
Riding Establishment	4	£476.00	2	£212.00			1	£106.00	7	£794.00
Zoos										
Hackney/Private Hire										
Private Hire Vehicle	1	£168.50	2	£65.00			3	£387.00	6	£620.50
Private Hire Operator	2	£300.00							2	£300.00
Hackney Carriage Vehicle	31	£5,263.50	1	£50.00	1	£50.00	6	£645.50	39	£6009.00
Hackney/P Hire Driver	33	£3,957.00	1	£129.00	3	£330.00	1	£170.00	38	£4586.00
Licensing Act										
Premises/Club Licences	20	£1,908.00	17	£424.50	14	£487.00	20	£1109.00	71	£3928.50
Personal Licences	13	£338.00	23	£3771.50	12	£364.50	17	£496.50	65	£4970.50
Notice of Interest			1	£21.00			1	£21.00	2	£42.00
Temporary Event Notices	85	£1,785.00	95	£1,995.00	34	£714.00	47	£987.00	261	£5481.00
Gambling Act										
Small Society Lotteries	8	£180.00	12	£240.00	30	£620.00	12	£280.00	62	£1320.00
Occasional Use Notices	1	0	1	0			1	0	3	0
Betting										
Adult Gaming Centre							1	£1045.50	1	£1045.50
Family Entertainment Perm							6	£1800.00	6	£1800.00
Family Entertainment C							1	£820.00	1	£820.00
LP Gaming Mach Notific			1	£50.00	1	£50.00	1	£50.00	3	£150.00
LP Gaming Mach Permit			1	£100.00			1	£100.00	1	£100.00
Club Machine Permit										
General Miscellaneous										
Street Trading	9	£826.50	7	£923.50	4	£495.00	6	£923.50	22	£3168.50
Street Collections	13	0	10	0	12	0	14	0	38	0
House to House Collection	12	0	13	0	22	0	5	0	52	0
Camp Sites (tent/tourer)	2	0	4	0			5	0	11	0
Caravan Sites			1	0			1	0	2	0
Ear Piercing/Tattooing etc			1	£50.00					1	£50.00
Motor Salvage/Scrap Metal			1	0	2	£92.00			1	£92.00
Temporary Markets					1	£25.00			1	£25.00
Harbour Moorings							19	£5002.50	19	£5002.50
Totals	204	£15202.00	174	£8031.50	139	£3568.00	170	£14510.50	723	£41212.50

LICENCE APPLICATIONS & FEES – 2013/2014

Licence Type	No apps	Fees £	No apps	Fees £	No apps	Fees £	No apps	Fees £	Total apps	Total Fees £
	Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4		
Animal Welfare										
Animal Boarding										
Pet Shops										
Riding Establishment	3	£370								
Zoos										
Private Hire										
Private Hire Vehicle	19	£3,201.50								
Private Hire Operator	5	£350								
Hackney Carriage Vehicle	36	£6,066								
Hackney/P Hire Driver	27	£2,340								
Licences										
Premises/Club Licences	15	£904								
Personal Licences	19	£570.50								
Notice of Interest										
Temporary Event Notices	84	£1,764.00								
Other Licences										
Small Society Lotteries	5	£120.00								
Occasional Use Notices	3	0								
Betting										
Adult Gaming Centre										
Family Ent Perm										
Family Ent Centre										
LP Gaming Mach Notifica										
LP Gaming Mach Permit										
Club Machine Permit										
Other Applications										
Street Trading	7	£768.00								
Street Collections	8	0								
House to House Collection	15	0								
Camp Sites (tent/tourer)	4	0								
Caravan Sites										
Ear Piercing/Tattooing etc										
Motor Salvage/Scrap Metal	1	£92.00								
Temporary Markets	5	£125.00								
Harbour Moorings	11	£2,247.05								
Totals	267	£18,918								