

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)