

Licensing Committee – 6 November 2007

Present:- Councillors Mrs Allgrove, Beaven, Coles, Mrs Court-Stenning, Floyd, Guerrier, Mrs Hill, House, Mrs Lees, McMahon, Meikle, Murphy, Watson and Woolley

Officers:- Mr J Barraah (Chief Environmental Health Officer), Mr J Hunter (Operations Manager (Public Safety)), Mr I Taylor (Chief Solicitor) and Mr Bryant (Democratic Support Manager)

(The meeting commenced at 6.15 pm).

1. Appointment of Chairman

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

2. Appointment of Vice-Chairman

RESOLVED that Councillor House be elected as Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

3. Minutes

The minutes of the meeting held on 12 July 2006 were taken as read and were signed.

4. The roles and duties of the Licensing Unit

The Operations Manager (Public Safety), Jim Hunter, explained that he was responsible for the management of the Licensing Unit which comprised one Senior Licensing Officer, two Licensing Officers and a Clerical Support Officer.

The Unit was part of Environmental Health and its purpose was to ensure public safety, prevent fraud and prevent harm to animals. It issued 50 different types of licences, permits or consents.

The busier more contentious areas of Licensing were licensed premises for the sale of alcohol or provision of regulated entertainment, gambling premises, taxis and sex shops. Other functions included animal welfare licensing, tattoo and piercing, street trading and charity collections.

Reported that much of the legislation relating to Licensing permitted the decision to grant, refuse or revoke licences or consents to be delegated to officer level. However certain Acts, such as the Licensing Act, stipulated that decisions were to be made by the Committee or a sub-Committee.

Decisions that were likely to be contentious or had political ramifications would also normally be referred to the Committee. Noted that some matters

such as fees and charges or the adoption of new policy was referred to the Executive or Council for approval.

Mr Hunter went on to outline some of the recent successes of the Licensing Unit. These included:-

- The Licensing Act 2003 where every premises within Taunton Deane which sold alcohol, provided regulated entertainment or late night refreshment all had to be licensed within a six month period ending on 6 August 2005. Despite the receipt of late guidance from the Government, Taunton Deane was one of very few Council's across the country where 100% of licences were issued on time. This feat had been recognised by the Government who had asked Taunton Deane to become a "Scrutiny Council" to overview the workings of the Licensing Act. One significant area the Council had been involved with since becoming a Scrutiny Council were the necessary changes made to the licensing of village halls;
- Being part of STARC (Somerset Tackling Alcohol Related Crime). Through this initiative a number of measures were being introduced including ways to stop underage sales;
- Producing with South Somerset District Council "My Guide to Licensing" – a step by step guide for anyone wishing to apply for a licence. Several hundred of these guides had already been sold; and
- Helping organise a "Meet the Regulators" event at Haynes Motor Museum which attracted representatives from over 500 licensed premises in the area.

Topics which the Licensing Unit would be fully involved with in the near future included:-

- Taxi vehicle conditions which were due to be changed following consultation;
- Regulating charity direct debit sellers – the "chuggers";
- Changes to the Skin Piercing Regulations; and
- The licensing of school contract or hospital transport vehicles which were currently not licensed.

Following a lengthy question and answer session which was of particular benefit to the new members of the Committee, the report was noted.

The Committee thanked Mr Hunter and the Licensing Unit for the work it did particularly with regard to the Licensing Act which had put Taunton Deane firmly on the map.

5. **Consultation on the revised Licensing Policy drafted in accordance with the Licensing Act 2003**

The Licensing Act 2003 required each Local Authority to produce a Licensing Policy to be used to assist in determining licensing applications. Taunton Deane's policy was adopted in December 2004.

Reported that the Act required each Licensing Authority to review its policy at least every three years.

Submitted for the attention of members the revised draft Licensing Policy. The aims and objectives of the Licensing Policy were to provide guidance on what would normally be approved in relation to an application for a licensed premises. This guidance would not be restricted to the applicant but would also provide advice for other interested parties such as nearby residents and businesses.

The key differences between the existing Policy and the draft revised Policy were that:-

1. The revised Licensing Policy did not duplicate legislation or the Secretary of State's guidance; and
2. The revised Policy did not include any references to the transitional arrangements included in the original document as they were no longer available.

Noted that the specific changes in the Policy were:-

- The revised Licensing Policy placed a presumption that there would be a last time of entry (1 a.m.) to licensed premises; and
- The revised Policy encouraged applicants to give more consideration to noise related issues, glass related injuries, smokers, smoking outside their premises and underage sales.

Reported that all stakeholders, including licensed premises and responsible authorities had been advised there would be a twelve week consultation process ending on 2 November 2007. Only one representation had been received during this period from the British Beer and Pub Association, details of which were submitted together with Taunton Deane's responses thereto.

As a result, the draft revised Policy had been amended as follows:-

- (a) Paragraph 2.1.2 – alter first bullet point to read “sale of alcohol from “on” and “off” licensed premises to underage drinkers” and amend fourth bullet point to read “nuisance and disturbance from smokers immediately outside premises.”
- (b) Re-word paragraph 2.1.4 to read:-
“Crime statistics locally indicate that a last time of entry condition is assisting in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1 a.m.”
- (c) Delete the words “and so applications for such premises to operate past midnight are more likely to be successful” from the last sentence of paragraph 2.3.4.

RESOLVED that:-

- (1) The draft revised Licensing Policy, as amended above, be supported; and
- (2) The Executive be recommended to approve the draft revised Licensing Policy.

(The meeting ended at 7.35 pm).