

LICENSING COMMITTEE

Minutes of the Meeting held on 15 March 2017 at 3.00pm

In The Council Chamber, West Somerset House, Williton

Present:

Councillor R P Lillis Chairman

Councillor I Aldridge
Councillor R Thomas
Councillor K Turner

Councillor S Goss
Councillor N Thwaites
Councillor D Westcott

Officers in Attendance:

Licensing Manager (J Rendell)
Licensing Officer (L Fumagalli-Roberts)
Licensing Officer (F Avis)
Democratic Services Officer (C Rendell)

LEP1 Apologies for Absence

Apologies were received from Councillors Davies, Jones and Parbrook.

LEP2 Minutes of the meeting held on 29 November 2016

(Minutes of the Meeting of the Licensing Committee held on 29 November 2016 – circulated with the Agenda.)

RESOLVED that the Minutes of the Licensing Committee held on 29 November 2016 be noted.

LEP3 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor I Aldridge	All	Williton Parish Council	Spoke and voted
Councillor S Goss	All	Stogursey Parish Council	Spoke and voted
Councillor R Thomas	All	Minehead Town Council	Spoke and voted
Councillor N Thwaites	All	Dulverton Town Council	Spoke and voted
Councillor K Turner	All	Brompton Ralph Parish Council	Spoke and voted
Councillor D Westcott	All	Watchet Town Council	Spoke and voted

LEP4 Public Participation

No members of the public had requested to speak on any item on the agenda.

LEP5 Licensing Update Report

The purpose of the report was to keep the Council's statutory Committee up to date on the activities of the Council's Licensing Service, changes to legislation, current consultations and other general licensing matters.

The Licensing Manager presented the report which contained details of the Licensing Service's activities since the last meeting of the Committee as well as updating Members on the backlog of applications and on the staff appointments that had been made.

A summary of the activity and performance of the Licensing Service since the last meeting of the Committee was as follows:-

- The performance of the Licensing Service was measured against the number of applications that were completed within 14 days of them being determined. The target was 95%.
- This target had been reached between 1 October and 31 December 2016.
- The performance of the service over the last quarter was especially pleasing given the reduction in staffing levels during the period. Since the last Committee meeting, two members of staff had been appointed to the vacant posts.

Members were provided with a comparison of the numbers of applications received for each of the regimes administered by the Licensing Team between October and December and the numbers of licences in force and notices given as at 27 February 2017.

Further reported that the Department for Environment, Food and Rural Affairs (DEFRA) had announced plans to tighten up dog breeding licensing legislation.

The new rules would mean that smaller establishments and commercial breeders would have to meet strict welfare criteria before receiving a licence. The rules would also be updated and made fit for the modern age with anyone trading commercially in pets online needing to be properly licensed.

It was anticipated that the above changes would coincide with the modernisation of the other animal licensing regimes, concerning riding establishments, pet shops, dangerous wild animals, zoos and animal boarders.

The Policing and Crime Bill had received Royal Assent on Monday 31 January 2017. Within the Act were a number of proposed changes to licensing legislation, specifically the Licensing Act 2003, which regulated alcohol, entertainment and late night refreshment.

There were particular changes which would affect personal alcohol licences. The 2017 Act would allow licensing authorities to suspend or revoke a personal licence where they became aware that the licence holder had been convicted of a relevant offence or was required to pay an immigration penalty.

The list of relevant offences, which already included offences involving alcohol, drugs, violence and psychoactive substances, had been expanded to include the following:-

- Using someone to mind a weapon.
- Manufacturing, importing and the sale of realistic imitation firearms.
- Offences listed under Section 41 of the Counter Terrorism Act 2014, which included encouragement of terrorism, preparation and training for terrorism.
- An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences), which included kidnapping, false imprisonment and threats to kill.

Noted that it had recently been announced that Sections 165 and 167 of the Equality Act 2010 were to be commenced from 1 April 2017.

This would give local authorities the ability to publish lists of 'designated vehicles'; taxis or private hire vehicles that wheelchair users could get into and out of safely and could travel in with reasonable comfort and safety, whether they used a wheelchair or not.

Where local authorities had published lists of designated taxis and private hire vehicles, the drivers of such vehicles then automatically had certain legal duties:-

- To carry the passenger whilst they were in their wheelchair and not make any additional charge for doing so.
- If the passenger chose to sit in a passenger seat, to carry the wheelchair.
- To take such steps as were necessary to ensure that the passenger was carried in safety and reasonable comfort.
- To give the passenger such mobility assistance as was reasonably required, which included helping them to get into and out of the vehicle and loading their luggage.

There was the ability to issue exemption certificates to those drivers who, for medical reasons, could not perform the above mentioned duties.

During the discussion the following points were raised:-

- It was confirmed that the Council dictated the specifications used for the vehicles accepted for Hackney Carriages and private hire use.
- A suggestion was made that other Authorities had a list available for taxi operators to check what vehicles would be accepted before they purchased their fleet. This was not looked at as an option because the specifications were so general and they did not want to exclude any vehicles. There were some small differences in the policies for West Somerset and Taunton Deane, and these would be brought into line over time.
- Concern was raised on the omissions produced by diesel vehicles and it was suggested that a policy should be brought in to restrict taxi operators to only petrol or hybrid vehicles. Some Members were mindful that they did not want to alienate any of the operators in the area, so would need to research the options for lowering omissions.
- Clarification was given to the Committee on the rules for dropping off and picking up fares outside the District the licence was issued from.

- Concern was raised on whether the breed of dog was checked prior to a licence being granted?
An inspection would be carried out and if an illegal breed was found, the licence would not be granted and it would be reported to the Police.
- A query was raised on whether it was the dog, owners or premises that was licensed under the dog breeders section and how was this monitored?
It was the premises that was licensed but the owner would be held responsible. Annual checks would be carried out and the department would also rely upon intelligence from the public.
- Members requested clarification on the term 'to sell'. It was confirmed this was at the point of transaction, when money changed hands, but would need to be after the puppies were eight weeks old.
- Did the Authority issue Temporary Event Notice (TENs) certificates electronically?
All TENs had to be issued on paper and sent to the applicants. They could have an electronic version as well, but had to have a hard copy to display.

RESOLVED that the update report be noted.

LEP6 Licensing Training Presentation

The Licensing Manager presented an update from the Safety Advisory Group (SAG).

The SAG was made up of core members from both District Councils and County Council, the Police, the Fire and Rescue Service and the Ambulance Service. Its primary role was to promote and encourage high standards of public safety and wellbeing at events held in the area and did this by providing event organisers with appropriate advice, sign-posting and guidance at regular meetings.

LEP7 Minutes of the Licensing Sub-Committees

(Minutes of the Meeting of the Licensing Sub-Committee held on 14 December 2016 – circulated with the Agenda.)

RESOLVED that the Minutes of the Licensing Sub-Committee held on 14 December 2016 be noted for information.

LEP8 Forward Plan

The Democratic Services Officer introduced the Licensing Forward Plan to the Committee and requested that any items Members would like to be brought to future meetings be highlighted and would be added to the Forward Plan.

RESOLVED that a Licensing Forward Plan be established and circulated to the Committee Members.

(The meeting closed at 4.25pm.)