

Licensing Committee - 1 June 2010

Present Councillors Mrs Allgrove, Beaven, Brooks, Coles, Critchard, Mrs Floyd, Guerrier, House, Mrs Lees, Meikle, Murphy, Watson and A Wedderkopp

Officers: Mr I Carter (Licensing Manager), Mrs J Jackson (Legal Services Manager), Miss H Mockridge (Administrative Officer – Democratic Services), Mr J Rendell (Licensing Officer) and Miss O Walton (Licensing Officer)

Others: Councillors Henley, R Lees and Mrs Wilson

(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 appointed Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

3. Apologies/Substitutions

Apologies : Councillors Mrs Hill and McMahan

Substitutions : Councillor A Wedderkopp for Councillor Mrs Hill
Councillor Watson for Councillor McMahan

4. Minutes

The minutes of the meeting held on 19 November 2009 were taken as read and were signed.

5. Declaration of Interests

Councillors Brooks and Mrs Waymouth declared interests as County Councillors. Councillor Coles declared an interest as a Director of Southwest One.

6. Licensing Update

Considered report previously circulated, regarding an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other licensing matters.

Licensing Act 2003

- The report included the total number of licences issued and notices given at the end of the last quarter; and
- All applications and notices decided since the last meeting, without the need of a formal hearing.

Gambling Act 2005

- The total number of licences issued and notices given at the end of the last quarter; and
- All applications and notices decided since the date of the last meeting without the need of a formal hearing.

Taxis

- The total number of licences issued at the end of the last quarter; and
- A summary of the three sub-committee hearings held since the last meeting. The hearings considered the applications of drivers who had complied with the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, because of previous convictions.

Street Trading

- The total number of licences issued and notices given at the end of the last quarter;
- All applications and notices decided since the last meeting without the need of a formal hearing; and
- Licensing Officers involvement in consultations to secure the presence of a regular Farmer's Market in Wellington. An application was expected in the near future.

Animal Licensing

- The total number of licences, consents and permits issued at the end of the last quarter; and
- All applications and notices decided since the date of the last meeting without the need of a formal hearing.

Other Licensing

- The total number of licences, consents, registrations and permits issued at the end of the last quarter; and
- All applications and notices decided since the last meeting, without the need for a formal hearing taking place.

Members were concerned about the lack of taxi ranks in Taunton. The Licensing Manager agreed to progress matters and would contact Somerset County Council.

Resolved that the contents of the report be noted

7. Consideration of maintaining the Knowledge Test for grant application for a Hackney Carriage and Private Hire Driver's Licence

Considered report previously circulated, concerning the requirement for applicants of a Hackney Carriage/Private Hire Driver Licence to complete a Knowledge Test.

A copy of the current Knowledge Test was submitted for the information of the committee. The Knowledge Test had been in place for several years and the questions had remained unchanged. Details of the Test criteria and process which was undertaken were submitted. This had been considered alongside the best practice of other Local Authorities.

It was felt that the Knowledge Test could deter applicants who were not as committed to becoming a taxi driver as others might be. If the Committee decided to keep the Knowledge Test as part of the process of applicants gaining their Hackney Carriage/Private Hire Drivers' Licence, it was felt by the Licensing Team that a new test should be devised to include a greater selection of questions from the Hackney Carriage, Private Hire Drivers Vehicle and Operator Handbook.

Members felt that since the increased use of satellite navigation systems, it was not necessary for drivers to take the 'route test'. They also felt that too much emphasis was placed on the routes drivers should take. However, they agreed that the questions included in the Knowledge Test should cover the most essential requirements.

Resolved that a revised Knowledge Test be produced to include Section two of the existing test and questions added from the Hackney Carriage and Private Hire Drivers Vehicles and Operators Handbook.

8. Licensing Act 2003

Considered report previously circulated, concerning a change to the Licensing Act 2003 whereby elected members of Licensing Authorities could act as interested parties in their own right.

At present elected Members were only able to make representations on licence applications or request reviews if they lived or had a business in the vicinity of the premises, or if they had been asked to represent a constituent who lived or had a business in the vicinity.

Section 33 of the Policing and Crime Act 2009 amended S.13 (3) of the Licensing Act 2003 and changed the status of elected Members of a licensing authority so that they could now be considered as 'interested parties'.

Section 33 of the Policing and Crime Act came into force on 29 January 2010. This changed the definition of 'interested parties' under the Licensing Act 2003 by adding a new category 'a Member of the relevant licensing authority'. All elected Members of the licensing authority could now make representations or seek a review. They were not required to live in the vicinity or the same ward as the licensed premises/club or required to have been requested to act by any other person or body.

The term 'Member of a licensing authority' referred only to elected Councillors not officers or employees.

However, there were limitations. Representations or applications for a review could only be made against the following licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm; and
- Representations or applications for a review had to be accompanied by evidence. There had to be a causal link to the premises in question.

If the elected Member wanted to make a representation regarding a premises, the Licensing Team would expect the following:

The representation or application had to:

- Be in writing showing the name and address of the person making it;
- Clearly set out the likely effects either the grant of the licence or the existing licence was having on the promotion of one of the licensing objectives;
- Present evidence in support of the representation or review;
- Clearly relate to the premises for which the representation/application was being made.

The Licensing Manager would have delegated authority to decide whether any representation was relevant.

Resolved that the contents of the report be noted.

(The meeting ended at 7.05pm)