
LICENSING AND REGISTRATION COMMITTEE15 JULY 2015

Present:- Councillor M E Platt (Chairman), Councillor R Callender (Vice-Chairman), Councillor C D Amos, Councillor B E Brown, Councillor M A Brown, Councillor A Davis, Councillor V E Guglielmi, Councillor J Henderson, Councillor M C Newton, Councillor R E Raby, Councillor M Skeels, Councillor K P Watson, Councillor J F White, Councillor E F Whitmore, Councillor C P Winfield

In Attendance:- Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Solicitor (Linda Trembath) and Senior Democratic Services Officer (Ian Ford)

(7.30 p.m. - 7.51 p.m.)

1.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

2. MINUTES OF THE LAST MEETING OF THE FORMER LICENSING COMMITTEE

The minutes of the last meeting of the former Licensing Committee held on Tuesday 16 December 2014 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none.

4. MINUTES OF THE MEETING OF THE PREMISES AND PERSONAL LICENCES SUB-COMMITTEE 'A' HELD ON 8 APRIL 2015

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'A' held on 8 April 2015.

5. MINUTES OF THE MEETING OF THE PREMISES AND PERSONAL LICENCES SUB-COMMITTEE 'C' HELD ON 20 APRIL 2015

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'C' held on 20 April 2015.

6. MINUTES OF THE SPECIAL MEETING OF AN AD HOC PREMISES AND PERSONAL LICENCES SUB-COMMITTEE HELD ON 25 JUNE 2015

The Committee received and noted, for information only, the minutes of the special meeting of an ad hoc Premises/Personal Licences Sub-Committee held on 25 June 2015.

7. FRAMEWORK OF LIKELY AGENDA ITEMS FOR THE CONSIDERATION OF FUTURE LICENSING & REGISTRATION COMMITTEE MEETINGS

The Committee gave consideration to a report of the Corporate Director (Public Experience) which:

- (1) Advised it of the likely programme of work that would be brought before it for consideration during 2015/2016;
- (2) Sought its agreement to a flexible work plan based on that programme; and

(3) Invited Members' views on any other matters that they might wish to see included in the work plan.

The proposed work plan was attached at the Appendix to item A.1 of the Report of the Corporate Director (Public Experience).

The Licensing Manager (Simon Harvey) undertook to take into account, when progressing the work programme, the following suggestions made, respectively, by Councillors Amos and Henderson:

- (a) that Essex Police be invited to attend a future meeting of the Committee to discuss what Essex Police would like to achieve through any introduction of a 'Taxiwatch' scheme; and
- (b) that the Harwich/Dovercourt area be considered for inclusion in any roll out of the 'Reducing the Strength' campaign.

Having considered and discussed the proposed work plan it was unanimously RESOLVED that:

- (a) the contents of the report be noted; and
- (b) the proposed work plan, as set out in the Appendix to item A.1 of the Report of the Corporate Director (Public Experience), be approved.

8. REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY FOR PUBLIC CONSULTATION

The Committee was advised that the Gambling Act 2005 placed a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities including:

(a) Consideration of applications for premises licences for:

- Casinos
- Bingo premises
- Betting premises and Race tracks
- Adult gaming centres
- Family entertainment centres

(b) Consideration of applications for permits for:

- Gaming machines in alcohol-licensed premises, such as pubs
- Gaming machines for private Members' Clubs
- Gaming in Members' Clubs
- Unlicensed family entertainments centres (category D machines only – i.e. those that had the lowest level of stakes and prizes)
- Prize gaming

(c) Temporary use notices;

(d) Occasional use notices;

(e) Provisional Statements; and

(f) Registration of small society lotteries.

Each Local Authority was legally required to formulate its own Gambling Licensing Policy Statement. That Policy had to be based on the three licensing objectives, which were:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;

- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable people from being harmed or exploited by gaming.

The Committee was made aware that Section 349 of the Gambling Act 2005 required the Council to review its Statement of Gambling Policy every three years and to consult on that review with responsible authorities and other interested parties. The Council's current Statement of Gambling Policy had been in place and in force since 31 January 2013 and so the new Policy would be required to be agreed, published and in place by 31 January 2016 in order to avoid the Council being ultra vires in respect of any Gambling Act 2005 applications submitted after that date. This proposed draft and review of the Policy would therefore be the fourth that had taken place since the first policy had been adopted in 2006.

The Licensing Manager (Simon Harvey) further reported that the framework of the Policy had originally been initiated and designed by the Essex Licensing Officers' Forum so that applicants and existing businesses in the betting and gaming industry that had outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex. It had also ensured a framework of generic best practice amongst all Essex Authorities and had further ensured that any necessary regulatory requirements did not unnecessarily burden businesses (such as a betting shop chain) who had applications to make for licensed outlets across Essex.

The draft Statement of Gambling Licensing Policy proposed for statutory and public consultation purposes was set out as the Appendix to item A.2 of the Report of the Corporate Director (public Experience). The Officers' proposed revisions to the original text in the policy were shown in bold and contrasting colour with the original text still in place and crossed through for ease of reference for Members where changes had been made.

As the proposed draft amendments to the Gambling Policy were insubstantial, administrative and non-contentious in nature and predominantly updated the Policy to reflect current legislation and Gambling Commission advice, it was suggested to Members that the standard twelve week consultation period be reduced to six weeks.

Members are informed that further administrative changes might need to be made to the Policy following its adoption as a result of revised Guidance to Local Authorities given by the Gambling Commission. It was therefore suggested by Officers that the Committee gave authority for any future non-contentious administrative, or legislative, changes to the Policy that could result from any revised Gambling Commission guidance to be made by Officers, in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee, without the need and expense of the Policy being returned to the full Committee and subject to further public consultation.

The Chairman (Councillor Platt), on behalf of the Committee, thanked Mr Harvey and his Licensing Team for all the hard work and commitment that had gone into producing the draft Statement.

Having considered and discussed the draft Statement of Gambling Licensing Policy it was unanimously RESOLVED that:

(a) the Council's draft Statement of Gambling Licensing Policy, as submitted by the Officers be approved for statutory and public consultation purposes, subject to the inclusion of "vulnerable persons" under the third bullet points in Sections 26.2 and 28.1.

(b) the programme and timetable for consultation, review, approval, publication and implementation of the revised Statement of Gambling Licensing Policy be as set out in the Officers' report.

(c) authority be delegated to the Corporate Director (Public Experience), in consultation with the Chairman, or failing him the Vice-Chairman, of the Committee, to make any future non-contentious administrative, or statutory, changes to the Policy that could result from any revised Gambling Commission guidance or legislation.

9. LOCAL DEVELOPMENT SCHEME 2015 - 2018

The Committee had before it a report of the Head of Planning that sought the Committee's agreement to publish a new Local Development Scheme (LDS) in order to update the proposed timetable for preparing the new Tendring District Local Plan and other planning documents.

Members were reminded that the LDS was designed to set out the process for producing the Local Plan, Community Infrastructure Levy (CIL) and other planning documents. It included the anticipated timetable of consultation periods, examinations and expected dates of adoption. Publishing the LDS also ensured that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate were kept aware of the timetable the Council was working to and to organise their time and resources accordingly.

It was reported that the current LDS had been published in 2014 and needed to be updated to reflect the progress to date and the timetable for implementation of the Local Plan and CIL going forward.

The Committee was made aware that the updated LDS proposed a revised timetable for the Local Plan and the CIL. It also deleted a proposed Supplementary Planning Document on Aspirational Housing because local standards were no longer able to be applied for space and energy standards for housing. National space standards, water and energy efficiency standards would be considered in the Development Management policies of the Local Plan, subject to relevant and required viability analysis.

It was moved by Councillor Turner, seconded by Councillor Platt and:

RESOLVED that the Local Plan Committee approves the Local Development Scheme 2015 – 2018, as attached as the Appendix to item A.3 of the Report of the Head of Planning, and agrees to its publication on the Council's website.

10. PUBLIC SPEAKING SCHEME – RECOMMENDATION TO COUNCIL

The Committee considered whether to recommend to Council that Council Procedure Rule 38 of the Council's Constitution (which permitted a public speaking scheme for the Planning Committee) be extended so that the Local Plan Committee could also have a formal public speaking scheme.

It was moved by Councillor Stock, seconded by Councillor Land and:

RECOMMENDED TO COUNCIL that:

Rule 38 of the Council Procedure Rules, as set out in the Constitution, be amended to read as follows:

“SCHEMES TO PERMIT MEMBERS OF THE PUBLIC TO SPEAK AT MEETINGS OF THE LOCAL PLAN AND PLANNING COMMITTEES

The Local Plan Committee and the Planning Committee will each have a scheme providing a limited right for speaking by members of the public in relation to applications or other

matters of business. The schemes shall be in such a form as the Monitoring Officer determines after consulting with the Head of Planning Services and the Chairman of the relevant Committee.”

11. HOUSING SITES AND HOUSING TRAJECTORY

With the Chairman's agreement, the following members of public spoke: Mrs Carol Bannister (Vice-Chair, Weeley Parish Council) informed the Committee that Weeley Parish Council was reflecting the views of its residents and although it was compiling a large petition against the allocation of housing for the Weeley area, this was not ready to be presented to the Committee; Mr Martyn Rayner informed Members that generally Mistley Parish Council was supportive of the proposals, however, it was requested that the area of Mistley, Manningtree and Lawford, while treated as one area for the Local Plan, was in fact three separate areas which wished to maintain its individuality as three separate communities, with no infilling between them; Mr Joseph Greenhow representing an Almshouse Charity promoting land for development in Elmstead Market, spoke against the sites for housing in the village and urged that the Parish Council's preference for the inclusion of his client's site to be considered; Mr David Barnes, a Planning Consultant, spoke about the difficult decisions the Council would have to make and suggested the Officers be allowed to go away and do the necessary work for the public consultations; Mr Sam Metson, a Planning Consultant from Bidwells who were acting on behalf of promoters for the land at St Andrews Close, Alresford, spoke against the deletion of the site from the Local Plan; and Councillor Gary Scott (a non-member of the Committee) who spoke in support of the deletion of St Andrews Close from the Local Plan.

The Planning Officer (Gary Ashby) spoke about the need for the provision of extra housing over a 17 year period (1 April 2014 to 31 March 2031) to meet assessed housing needs and to comply with the requirements of Government Planning Policy and he stated the recommendations had been based on all the evidence available at this time. Mr Ashby highlighted recommended changes from the last Draft Local Plan and he also highlighted the additional new sites which had been recommended including those that were already in the planning process with planning permission or under construction.

Mr Ashby detailed numbers for each proposed site and at this time Councillor Hawkins left the meeting as the map for Harwich showed a site where he had previously declared a pecuniary interest.

Mr Ashby continued through the maps highlighting the sites which were proposed for each area and giving details of the proposed housing numbers.

Councillor De-Vaux Balbirnie spoke against the increase in the development of the site proposed for the Oakwood Park area and the recommended allocation, for housing, at the boot sale site off Centenary Way on the boundary between Clacton-on-Sea and Little Clacton and asked that this be reconsidered, along with a view to maintaining a greenfield wedge between the two settlements near Little Clacton. He also suggested that further consideration be given, as an alternative, to the redevelopment of the Nursery site off Earls Hall Drive, Clacton and on land in the centre of Little Clacton which might help to bring the two halves of the village together.

It was RESOLVED that the Local Plan Committee provisionally agreed:

- (a) the recommended wording for the planning policies (and supporting text) on 'Housing Supply (Appendix A5(a)) as attached to item A.5 of the Report of the Head of Planning; and
- (b) the sites recommended for inclusion in the new Local Plan for housing and mixed-use development (shown on the maps attached to Appendix A5(c) in the afore-mentioned

report; and

(c) Officers report back to the Committee on the results of any further public engagement before it made a decision to consult on the preferred options draft of the Plan.

In accordance with the provisions of Corporate Procedure Rule 18.5 Councillors Shearing and Broderick required that they be recorded in the minutes as having voted against the motion.

Councillor Hawkins then returned to the meeting.

12. GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT

With the Chairman's agreement, Mrs Carol Bannister (Vice-Chair, Weeley Parish Council) spoke broadly in support of the recommendation but highlighted a suggestion for consideration by the Committee on the possibility of a transit or permanent site for Travellers so that, in the event of unauthorised encampments, there was somewhere for them to be moved to.

The Chairman informed the Committee that he and the Planning Policy Manager (Gary Guiver) had gone to County Hall to receive the latest 'Gypsy and Traveller Accommodation Assessment (GTAA) for Essex' which had been made in conjunction with all of the other Essex Authorities to meet the projected future need for pitches for gypsies and travellers.

Mr Guiver informed the Committee that Tendring District Council has one of the lowest requirements for pitches in Essex and five of the projected requirement of ten pitches had already been subject to planning decisions leaving only five pitches required.

Councillors McWilliams, De-Vaux Balbirnie, Shearing and Howard raised concerns on:

1. Not expanding current pitches, but consider locating them to other parts of the District;
2. A transit camp was not needed as could encourage more travellers to the District;
3. Did not believe the District should take any more pitches for Travellers and asked if the Officers had considered placing pitches on existing camp sites and holiday parks; and
4. Clarification of whether it was five pitches or five sites.

The Chairman clarified that the requirement was for five pitches not sites and this was to be addressed during the period 2014 – 2033.

It was RESOLVED that:

(a) the Local Plan Committee noted the findings of the new Essex Gypsy and Traveller Accommodation Assessment which had been attached as Appendix A6(a) to the A.6 Report of the Head of Planning and the recent update report attached as Appendix A6(b) attached to the afore-mentioned Report; and

(b) the Local Plan Committee agreed that the number of additional pitches, for which allocations in the new Local Plan would be needed, was 5.

NOTE: In accordance with the provisions of Council Procedure Rule 18.5, Councillor Shearing required that he be recorded in the minutes as having voted against the motion and Councillor Broderick required that she be recorded in the minutes as having abstained

from voting on the motion.

13. EXCLUSION OF PRESS AND PUBLIC

It was RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Chairman