
LICENSING COMMITTEE1 NOVEMBER 2011

Present:- Councillors Caines, De-Vaux Balbirnie, A J Mitchell, G L Mitchell, D Oxley, Platt, Powell, Pugh, Shearing, Skeels, White.

In Attendance:- Streets and Seafronts Manager, Solicitor (WRR), Licensing Officer, Senior Democratic Services Officer.

(7.30 p.m. – 8.48 p.m.)

10. CHAIR

In the absence of both the Chairman and the Vice-Chairman of the Committee, it was moved by Councillor De-Vaux Balbirnie, seconded by Councillor White and:-

RESOLVED – That Councillor Powell be elected Chairman for this meeting.

11. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Casey, Fawcett and V E Guglielmi.

12. MINUTES

The minutes of the meeting of the Committee held on 19 July 2011 were approved as a correct record and signed by the Chairman.

13. TO RECEIVE THE MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 2 SEPTEMBER 2011

The Committee received the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 2 September 2011, which had previously been circulated and noted the decisions contained therein.

14. TO RECEIVE THE MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'A' HELD ON 30 SEPTEMBER 2011

The Committee received the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'A' held on 30 September 2011, which had previously been circulated and noted the decisions contained therein.

15. TO RECEIVE THE MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B' HELD ON 24 OCTOBER 2011

The Committee received the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'B' held on 24 October 2011, which had previously been circulated and noted the decisions contained therein.

16. TO RECEIVE THE MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C' HELD ON 10 OCTOBER 2011

The Committee received the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'C' held on 10 October 2011, which had previously been circulated and noted the decisions contained therein.

17. LICENSING ACT 2003 – APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee noted the contents of a report on Premises Licence/Club Premises Certificate and Personal Licence applications which had been approved under Delegated Powers during the period 5 July 2011 – 19 October 2011, which report was submitted for information only.

18. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES AND DRIVERS: A PROPOSED REVISION OF ACCEPTANCE CRITERIA

Further to minute 8 of the meeting of the Committee held on 19 July 2011 the Committee was informed of the results of the consultation on the proposed criteria for acceptance as a Hackney Carriage/Private Hire vehicle or driver with a view to determining whether to adopt the proposed revised criteria.

The Committee also considered whether to adopt a proposed Policy on CCTV in Hackney Carriage/Private Hire vehicles.

It was moved by Councillor Shearing, seconded by Councillor De-Vaux Balbirnie and:-

RESOLVED – (a) That the following acceptance criteria be adopted:-

- (1) All new drivers to obtain a BTEC, or its equivalent, in passenger handling prior to making an application.
- (2) All new drivers are to pass a DVSA Driver's Test.
- (3) All new drivers are to pass an enhanced Knowledge Test.
- (4) Interviews for new applicants and prior questionnaire are to be conducted.
- (5) Character references are to accompany new applications.
- (6) Introduction of positive publicity for taxis by means of ideas such as a 'Best Driver/Best Taxi' competition, to be judged by Members, whereby the winner would receive a free vehicle/driver's licence and/or other suitable reward(s).
- (7) The introduction of a 'Higher Quality Award' for taxis with associated privileges as part of the transformation of the taxi business from a trade to a profession.
- (8) A minimum dress code to include collared shirts, tailored trousers/shorts, plain jumpers/jackets, blouses with tailored skirt or trousers for women, no hoodies, no inappropriate slogans or adverts on clothing, and appropriate footwear i.e. no flip-flops or unsafe footwear.
- (9) Introduction of regular meetings with the Trade.
- (10) A taxi newsletter and regular customer engagement/consultation (both public and taxi drivers).
- (11) Improved licence administration including MOT/Safety Testing.
- (12) A partnership with Essex Police and other Agencies providing intelligence on crime and to help support vulnerable people.

(13) New vehicles licensed by this Authority to be of a standard design of white with the bonnet and boot/rear panel coloured in the Tendring corporate green with the Council crest to be displayed on the front doors of the vehicle.

(14) The introduction of a Knowledge Test for all new Private Hire applicants.

(b) That an inception date of 3 January 2012 be set.

(c) That the policy criteria for the installation of CCTV in licensed vehicles, as set out in Appendix 'B' to item A.2 of the Report of the Interim Head of Customer Services, be adopted.

19. FORTHCOMING CHANGES TO THE LICENSING ACT 2003 INTRODUCED BY THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The Committee was made aware of the forthcoming changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011. Those changes were:-

- The Licensing Authority will be a Responsible Authority.
- The Primary Care Trust will be a Responsible Authority.
- The definition of 'Interested Parties' is deleted.
- Individual members of the Licensing Authority are no longer classed as 'Interested Parties'.
- Notices of applications will have to be advertised by the Licensing Authority in a way to be prescribed in new Regulations.
- Rather than Authorities having to make decisions when 'necessary' to promote the Licensing Objectives, the test will be 'appropriate'.
- The Police and Environmental Health Officers will be able to object to Temporary Event Notices (TENs) on any of the Licensing Objectives.
- In certain circumstances conditions can be attached to the TENs.
- Late TENs will be introduced.
- Three working days will be allowed for objections to TENs.
- Power for Licensing Authorities to introduce Early Morning Restriction Orders.
- Power to set fees for applications under the Licensing Act 2003, subject to new Regulations.
- Power to charge a Late Night Levy.
- Power to suspend a Premises Licence if the annual fee is not paid.
- The legislation governing Alcohol Disorder Zones has been repealed.

It was reported that those changes had no effect until a Commencement Order was issued which was expected to be either April or October 2012.

It was moved by Councillor A J Mitchell, seconded by Councillor Pugh and:-

RESOLVED – That the contents of the report be noted.

20. CONSULTATION ON THE PROPOSED CHANGES TO THE LICENSING ACT 2003: TO SEEK MEMBER APPROVAL OF THE RESPONSE

The Committee's approval was sought in respect of the Council's proposed response to the Department for Culture, Media and Sports (DCMS) consultation document on proposed changes to the Licensing Act 2003.

Members were made aware that, in September 2011, the DCMS had issued a consultation document concerning the proposed de-regulation of most of Schedule 1 of the Licensing Act 2003 which governed regulated entertainment, with the exceptions of boxing, wrestling and any performance of dance that might be classed as sexual

entertainment but was exempt from separate sexual entertainment venue regulations where the premises capacity would not exceed 4,999 persons. A copy of that document was before Members, as set out in Appendix 'A' to item A.4 of the Report of the Interim Head of Customer Services, for their consideration.

If adopted, only premises with a capacity of 5,000 persons or more would need to be licensed when having:-

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A performance of live music;
- Any playing of recorded music; and
- A performance of dance.

The DCMS had also indicated events that were in need of de-regulation including:-

- Private events where a charge is made to raise money for Charity.
- School plays and productions.
- Punch and Judy performances.
- Travelling Circuses.
- Children's films shown to toddler groups.
- Music performance to hospital patients.
- Brass bands playing in the local park.
- School discos where children are charged ticket price to support the PTA.
- Costumed story tellers.
- Folk duos in pubs.
- Pianists in restaurants.
- Magician shows.
- Performances by street artists.
- Performances by Barber Shop Quartets.

It was the opinion of Officers that, whilst there was a need to extend the exemption to be licensed to garden parties and the like, a blanket de-regulation would not be appropriate as it would disenfranchise local residents from the application process and result in an increase in the number of noise nuisance complaints received. The Officers felt instead that a targeted approach to exempt some or all of the above from the requirement to be licensed under the Licensing Act 2003 would achieve the aims of the consultation without disenfranchising the local community. The Officers had therefore produced a draft response to the consultation which was attached as Appendix 'B' to the afore-mentioned report for the Committee's consideration.

It was moved by Councillor Platt, seconded by Councillor A J Mitchell and:-

RESOLVED – That the proposed response, attached as Appendix 'B' to item A.4 of the Report of the Interim Head of Customer Services, be approved and be submitted to the Department for Culture, Media and Sport as this Council's formal response to the consultation on the de-regulation of regulated entertainment, as defined in Schedule 1 to the Licensing Act 2003.

21. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor White, seconded by Councillor A J Mitchell and:-

RESOLVED - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they

involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

22. SPECIAL MINUTES

The special minutes of the meeting of the Committee held on 19 July 2011 were approved as a correct record and signed by the Chairman.

23. TO RECEIVE THE SPECIAL MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 2 SEPTEMBER 2011

The Committee received the special minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 2 September 2011, which had previously been circulated and noted the decisions contained therein.

Chairman