
MINUTES OF THE MEETING OF THE LICENSING COMMITTEE**HELD ON WEDNESDAY 9 APRIL 2014 AT 7.30 P.M.****IN THE COUNCIL CHAMBER, WEELEY**

Present: Councillors Fawcett (Chairman), Sambridge (Vice-Chairman), Caines, Casey, Colbourne, De-Vaux Balbirnie MBE, Mitchell, D Oxley, Powell, D C Skeels, M J D Skeels, Winfield and Wood

Also Present: Councillors Brown, McWilliams (Well-being and Partnerships Portfolio Holder), Richardson, Turner (Deputy Leader of the Council and Environment and Coast Protection Portfolio Holder) and White

In Attendance: Corporate Director (Public Experience) (June Clare), Environmental Services Manager (John Fox), Legal Services Manager (Lisa Hastings), Licensing Manager (Simon Harvey), Community Safety Partnership Manager (Leanne Thornton), Senior Democratic Services Officer (Ian Ford) and Solicitor (Linda Trembath)

Also In Attendance: Acting Inspector Danielle Booth (Essex Police), Donna Farmer (Public Health Worker), Police Constable Gary Coe (Essex Police)

15. ELECTION OF VICE-CHAIRMAN OF THE COMMITTEE

The Committee was aware that there was a casual vacancy in the office of its Vice-Chairman following the replacement of Councillor Platt, its former Vice-Chairman, as a member of the Committee by Councillor Wood.

It was moved by Councillor Fawcett, seconded by Councillor Mitchell and:

RESOLVED that Councillor Sambridge be elected Vice-Chairman of the Committee for the remainder of the municipal year.

16. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

An apology for absence was submitted on behalf of Councillor Shearing. There was no substitute.

17. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on Thursday 31 October 2013 were approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST

Councillor Colbourne declared a disclosable pecuniary interest in respect of item A.3 of the Report of the Corporate Director (Public Experience) [as detailed in Minute 22 below] as he was a taxi proprietor.

Councillor Winfield declared a non-pecuniary interest in respect of item A.3 of the Report of the Corporate Director (Public Experience) [as detailed in Minute 22 below] as he personally knew Mr Bryan Place, the Secretary of the Tendring District Taxi Association.

Councillor Sambridge declared a non-pecuniary interest in respect of item A.5 of the Report of the Corporate Director (Public Experience) [as detailed in Minute 24 below].

19. MINUTES - LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 25 November 2013 and 27 February 2014.

20. 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 22 October 2013 to 28 March 2014, which report was submitted for information only.

21. PROPOSAL TO INTRODUCE A 'REDUCING THE STRENGTH' INITIATIVE INTO CLACTON TOWN CENTRE AND ITS PERIPHERAL AREAS

The Committee considered whether to give its support to a joint Tendring District Council Community Safety Partnership, Licensing, Essex Police and Health Agencies' proposal to introducing a 'Reducing the Strength' style initiative into Clacton Town Centre and its periphery alcohol off sale outlets.

The Licensing Manager (Simon Harvey) reported that 'Reducing the Strength' was about Responsible Authorities, Health Agencies and enforcement agencies persuading and working in partnership with all responsible alcohol off sale retailers to remove high/super strength but low cost beers, ciders and lagers from their shelves that had an Alcohol by Volume (ABV) of 6.5% or more. It was those 'super strength' very low cost beers, ciders and lagers that contributed greatly to the problems of street drinking and the alcohol related crime and anti-social behaviour perpetrated by street drinkers. Those problems had been especially prevalent in Clacton Town Centre and its Seafronts in the summertime.

Members were made aware that the significant success of a 'Reducing the Strength' campaign in Ipswich by Ipswich Borough Council, Suffolk Police, NHS Suffolk, Suffolk County Council and the East of England Co-operative Society had seen a number of other Local Authorities including this Council wishing to implement similar measures and a similar campaign in their area. The success of the initiative in Ipswich had been achieved not just by partnership, persuasion and enforcement, but also by personal interventions directly to the street drinkers themselves made by health outreach workers to help those persons who were willing to seek and accept professional medical help to reduce their alcohol consumption and dependence. There would also be ongoing enforcement by the Police and accredited Council officers in the Designated Place of Public Order (DPPO) areas to address anti-social behaviour.

The Committee was informed that benefits could include:

- (a) Reducing accident and emergency service time and costs and hospital admissions for street drinkers;
- (b) Reducing Police, Court and probation services time and costs in dealing with often very petty alcohol related crime and anti-social behaviour;
- (c) Reducing time and costs spent on street drinkers and associated problems by social services;

- (d) Reducing time and costs for Council cleansing services and enforcement in respect of street drinking incidents including licensing enforcement;
- (e) Reducing the time and costs spent by health and outreach alcohol and drug workers dealing with the problems of street drinkers; and
- (f) The significant image boost that a reduction in the street drinking problem the campaign could give to the town and the District as a whole in how it was seen by its residents, visitors and businesses. If this resulted in more visitors for the town and its seafronts and the town was viewed as even more family friendly by visitors this could only have a positive effect for local businesses and for the local economy.

The Licensing Manager advised the Committee that himself and Leanne Thornton, the Council's Community Safety Partnership Manager had also been to talk to the wider business community in Clacton about the initiative through the Clacton Town Centre Partnership, who had warmly welcomed the 'reducing the strength' proposal and who had anecdotally advised that they and their staff and customers regularly experienced abuse and anti-social behaviour from street drinkers.

The Licensing Manager paid tribute to the hard work put in and the significant contribution made to this project by Leanne Thornton, the Community Safety Partnership Manager, Donna Farmer and Inspector Danielle Booth. He also thanked Councillor McWilliams (Well-being and Partnerships Portfolio Holder) and Councillor Turner (Deputy Leader of the Council and Environment and Coast Protection Portfolio Holder) for their support for this project.

Acting Inspector Danielle Booth (Essex Police), Donna Farmer (Public Health Worker) and Leanne Thornton (Community Safety Partnership Manager) attended the meeting and answered Members' questions on this project.

The Chairman, on behalf of the Committee, recorded its appreciation of Danielle Booth's, Donna Farmer's and Leanne Thornton's hard work and contributions to the project, wished it as much success as had been achieved in Ipswich and also thanked them for their attendance. The Committee gave them a round of applause.

Having considered the comprehensive report of the Corporate Director (Public Experience) including the proposed next steps it was:

RESOLVED that the Committee notes the contents of the report and gives its support to the implementation of a 'Reducing the Strength' initiative into Clacton town centre and its peripheral areas, as detailed in the area plan shown as Appendix 1 to item A.2 of the Report of the Corporate Director (Public Experience).

22. TO DETERMINE A REQUEST SUBMITTED BY THE TENDRING DISTRICT TAXI ASSOCIATION TO INCREASE THE MAXIMUM UPPER AGE LIMIT WHICH A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE CAN BE LICENSED

Councillor Colbourne declared a disclosable pecuniary interest in this matter insofar as he was a taxi proprietor and withdrew from the meeting during the consideration thereof and the voting thereon.

Councillor Winfield declared a non-pecuniary interest in respect of this item as he personally knew Mr Bryan Place, the Secretary of the Tendring District Taxi Association.

The Committee considered a request submitted by the Tendring District Taxi Association (TDTA) for an amendment to the Council's current policy on the maximum upper age limit for licensed vehicles.

It was reported that the TDTA had asked for an increase to the upper age limit which a Hackney Carriage or Private Hire vehicle could be licensed from ten to twelve years for saloon, estate and MPV (people carrier) type vehicles and from twelve years to fourteen years for London style taxis (e.g. Black Cabs such as the TX range). Currently, the Council's policy stood at a maximum upper age limit of ten years for saloon, estate and MPV (people carrier) type vehicles and at twelve years for a purpose built London style Taxi such as an FX4 and TX1, TXIV etc.

Mr Bryan Place, the Secretary of the TDTA, addressed the Committee, spoke in support of the TDTA's request and answered Members' questions.

Having considered the request and the report of the Corporate Director (Public Experience) it was moved by Councillor Fawcett, seconded by Councillor De-Vaux Balbirnie and:

RESOLVED that the Committee approves:

- (a) the amendment of the current policy to allow saloon, estate and MPV type hackney carriage and private hire vehicles to be licensed up to, and including, a maximum of twelve years from the date that the vehicle was first registered provided that the vehicle was mechanically and bodily sound and was capable of passing the Council's hackney carriage and private hire vehicle inspection requirements;
- (b) the amendment of the current policy to allow purpose built wheelchair accessible hackney carriage and private hire vehicles and 'London black cab' style purpose built wheelchair accessible Taxi's such as the TX1's to TXIV range etc. to be licensed up to, and including, a maximum of fifteen years from the date that the vehicle was first registered provided that the vehicle was mechanically and bodily sound and was capable of passing the Council's hackney carriage and private hire vehicle inspection requirements; and
- (c) the adoption of a procedure, at a future meeting of this Committee, of visual inspection to be carried out by licensing officers for the interior and exterior of licensed hackney carriage and private hire vehicles at the time of renewal on the tenth and eleventh years for saloon, estate and MPV type vehicles and between the twelfth and fourteenth years for purpose built wheelchair accessible vehicles and 'London style' black cabs and to build in an appeal hearing process to the Licensing (General Purposes) Sub Committee for licence holders in the event of a refusal by licensing officers to renew a vehicle licence beyond its tenth year in respect of saloon, estate and MPV type vehicles and twelfth year for purpose built wheelchair accessible vehicles and 'London style' black cabs.

23. RESPONSE TO HOME OFFICE CONSULTATION ON FEES UNDER THE LICENSING ACT 2003

The Committee's approval was sought to a response prepared by the Licensing Manager to the Home Office's consultation document entitled 'A consultation on fees under the Licensing Act 2003'. The document sought views on the Government's proposals to allow Councils to set local fees under the Licensing Act 2003 in relation to premises licences, club premises certificates and temporary events on a cost recovery basis.

Having considered the Home Office's consultation document and the Licensing Manager's draft response to the consultation, which was before Members as Appendix 2 to item A.4 of the Report of the Corporate Director (Public Experience):

It was moved by Councillor Fawcett, seconded by Councillor Wood and:

RESOLVED that the draft response prepared by the Licensing Manager in respect of the Home Office's consultation document titled 'A consultation on fees under the Licensing Act 2003' be approved and be submitted to the Home Office as the Licensing Committee's formal response, on behalf of the Council, to that consultation document.

24. LIMITED RE-DESIGNATION OF PROHIBITED STREET TRADING STREETS TO STREET TRADING CONSENT STREETS IN CLACTON TOWN CENTRE

Councillor Sambridge declared a non-pecuniary interest in respect of this item.

Further to minute 9 (31.10.13) the Committee considered the results of the public consultation on the proposal to allow a limited re-designation of Prohibited Street Trading Streets to Street Trading Consents Streets within Clacton Town Centre in accordance with the requirements of Section 2 paragraphs (2) to (13) of the Local Government (Miscellaneous Provisions) Act 1982.

Having considered the result of the public consultation it was:

RESOLVED that

- (a) the Committee agrees to re-designate those streets detailed in the public notice, as attached as Appendix 2 to item A.5 of the Report of the Corporate Director (Public Experience), from prohibited street trading streets to street trading consent streets; and
- (b) a final notice of intent to re-designate the streets, as detailed in Appendix 4 to the aforementioned report be published in a local newspaper in accordance with the requirements of Section 2 paragraphs (2) to (13) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

25. VACANCY ON PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C'

It was reported that on 11 March 2014 and in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to the Chief Executive, Councillor Wood had been appointed to serve on this Committee in place of Councillor Platt.

The Committee was aware that the provisions of the Licensing Act 2003 mandated that a member of a Premises/Personal Licences Sub-Committee must also be a member of the Licensing Committee. In the light of the above change to the membership of this Committee, Councillor Platt was no longer eligible to continue to be a member of Premises/Personal Licences Sub-Committee 'C' and therefore a vacancy existed on that Sub-Committee.

Members were reminded that the Premises/Personal Licences Sub-Committees were not subject to the Widdicombe Rules on political balance of membership of Committees and Sub-Committees. However, as stated above, a Member of a Premises/Personal Licences Sub-Committee must also be a serving Member of the Licensing Committee. That Member must also have received training in relation to matters pertaining to the Licensing Act 2003 and the Gambling Act 2005 under a continuing programme arranged by the Council.

It was moved by Councillor Mitchell and seconded by Councillor Wood that Councillor Sambridge be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'C' for the remainder of the municipal year.

It was then moved by Councillor Casey and seconded by Councillor D Oxley that Councillor Caines be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'C' for the remainder of the municipal year.

On being put to the vote it was:

RESOLVED that Councillor Sambridge be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'C' for the remainder of the municipal year.

26. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

27. 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.

28. EXEMPT MINUTES - LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received and noted, for information only, the exempt minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 25 November 2013 and 27 February 2014.

The meeting was declared closed at 9.18 p.m.

Chairman