



LICENSING AND REGISTRATION COMMITTEE

DATE:	Wednesday, 30 January 2019
TIME:	7.30 pm
VENUE:	Council Chamber - Council Offices, Thorpe Road, Weeley

MEMBERSHIP:

**Councillor Cossens
Councillor Callender
Councillor Amos
Councillor B Brown
Councillor Davis
Councillor V Guglielmi**

**Councillor J Henderson
Councillor Watson
Councillor White
Councillor Whitmore
Councillor Winfield**

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573

DATE OF PUBLICATION: Tuesday, 22 January 2019

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Meetings of the Committee held on 18 July and 7 November 2018 (Pages 1 - 10)

To confirm and sign as correct records, the minutes of the meetings of the Committee, held on 18 July and 7 November 2018.

3 Minutes of the Meeting of the Miscellaneous Licensing Sub-Committee held on 9 November 2018 (Pages 11 - 12)

The Committee is to receive and note, for information only, the above minutes.

4 Minutes of the Meeting of the Miscellaneous Licensing Sub-Committee held on 26 November 2018 (Pages 13 - 14)

The Committee is to receive and note, for information only, the above minutes.

5 Minutes of the Meeting of the Premises/Personal Licences Sub-Committee held on 14 December 2018 (Pages 15 - 20)

The Committee is to receive and note, for information only, the above minutes.

6 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

7 Questions on Notice pursuant to Council Procedure Rule 37

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

8 A.1 Report of Corporate Director (Operational Services) Licensing Act 2003 - Applications approved under Delegated Powers (Pages 21 - 24)

The Committee noted the contents of a report (A.1) on the number of applications approved under delegated powers as at 7 January 2019, which was submitted for information only.

9 A.2 Report of Corporate Director (Operational Services) - Hackney Carriage and Private Hire Vehicle Licensing - Reduction in Licence Fee for Environmentally Friendly (Lower Emission) Vehicles (Pages 25 - 26)

To extend the life of a Hackney Carriage/Private Hire Vehicle from 12 to 13 years on the condition that the vehicle is in good condition as inspected by the Council's Mechanics.

10 Exclusion of Press and Public

To pass the following resolution:-

"That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act".

11 Exempt Minutes of the Meeting of the Miscellaneous Licensing Sub-Committee held on 9 November 2018 (Pages 27 - 32)

The Committee is to receive and note, for information only, the above exempt minutes.

12 Exempt Minutes of the Miscellaneous Licensing Sub-Committee held on 26 November 2018 (Pages 33 - 38)

The Committee is to receive and note, for information only, the above exempt minutes.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Licensing and Registration Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 7.30 pm on Wednesday, 10 April 2019.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON WEDNESDAY, 18TH JULY, 2018 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Callender (Vice-Chair, in the Chair), Amos, B Brown, Davis, V Guglielmi, J Henderson, Raby, Watson, White, Whitmore and Winfield.
In Attendance:	Mark Westall (Head of Customer and Commercial Services), Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Charlotte Cooper (Leadership Support Officer).

46. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Cossens (with Councillor Raby substituting).

47. CHAIR

In the absence of the Chairman (Councillor Cossens), the Chair was occupied by the Vice-Chairman (Councillor Callender).

48. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 11 April 2018 were approved as a correct record and signed by the Chairman.

49. DECLARATIONS OF INTEREST

There were none.

50. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

51. MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committees held on 24 May and 4 June 2018.

52. MINUTES OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 4 June 2018.

53. **REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS**

The Committee noted the contents of a report (A.1) on the number of applications approved under delegated powers as at 11 June 2018, which was submitted for information only.

54. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - HACKNEY CARRIAGE FARES**

The Committee recalled that at its meeting held on 11 April 2018, minute 41 refers, Members considered a request from the Tendring District Taxis Association (TDTA) to grant an increase to the table of fares.

After due consideration of the request the Committee had decided to pass the following resolutions:-

- a) *The Committee is minded to grant the Tendring District Taxi Association's request for an increase in the Hackney Carriage Fare Scale, subject to two amendments to the comparison fare table whereby:
 - (i) Each subsequent 196 yards or part thereof be amended to read "Each subsequent 200 yards or part thereof"; and
 - (ii) Waiting time of 54 seconds be amended to read "Waiting time of 1 minute".*
- b) *Public Notice to be given of the intention of the Council to increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the request made by the Tendring District Taxi Association (as amended by the meeting);*
- c) *That any representations received in response to the said public notice be considered at the next meeting of the Committee; and*
- d) *That if no representations are received to the said public notice, or if all representations that are received are in favour of the fare increase, the Licensing Manager in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee be authorised to implement the new Hackney Carriage Fare Scale within the District with effect from 28 days following the end of the public consultation period.*

It was reported that one representation had been received as a result of the public notice having been placed in the local press. A copy of that letter was attached as Appendix B to item A.1 of the Report of the Corporate Director (Operational Services).

The Committee then asked questions of the Licensing Manager and having duly considered the letter of objection it was moved by Councillor Watson, seconded by Councillor Brown and:

RESOLVED that:

The new fare scale be brought into operation with effect from 28 days following this meeting.

55. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY FOR PUBLIC CONSULTATION

It was reported that the Council was required to review and renew its Statement of Gambling Policy every three years in accordance with the Gambling Act 2005. The review and renewal of the policy was subject to public consultation and must be adopted by Full Council on recommendation from the Licensing and Registration Committee.

Section 349 of the Gambling Act 2005 53 prescribed that:-

- (1) A licensing authority shall before each successive period of three years—
 - (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
 - (b) publish the statement.
- (2) A licensing authority shall—
 - (a) review their statement under this section from time to time,
 - (b) if they think it necessary in the light of a review, revise the statement, and
 - (c) publish any revision before giving it effect.
- (3) In preparing a statement or revision under this section a licensing authority shall consult—
 - (a) either—
 - (i) in England and Wales, the chief officer of police for the authority's area, or
 - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

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:-

- 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 members clubs
 - Gaming in members clubs
 - Unlicensed family entertainments centres (category D machines only – i.e. those that have the lowest level of stakes and prizes)
 - Prize gaming
- c) Temporary use notices
- d) Occasional use notices
- e) Provisional Statements
- f) Registration of small society lotteries

Each Authority was legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years.

The policy must 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;**
- **Protecting children and other vulnerable people from being harmed or exploited by gaming.**

The Committee was informed that the Council's current Statement of Gambling Policy had been in place and in force since 31 January 2016. This proposed draft and review of the policy will be the fifth that has taken place since the first policy was adopted in 2006.

Members were made aware that the frame work of this 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 have outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex. It also ensured a framework of generic best practice amongst all Essex Authorities and ensured that any necessary regulatory requirements did not unnecessarily burden businesses who had applications to make for licensed outlets across Essex such as a chain of betting shops for example.

This had also enabled the development of a robust and practical policy through partnership for how the Gambling Act 2005 would be administered and compliance was managed for applicants and licence and permit holders alike.

The policy framework had then been augmented by local requirements and local strategy since 2006 to reflect the Authority's own area as influenced by public consultation and Tendring District Council's Licensing Committee Members.

Councillor Whitmore queried why under Part B Premises Licences, item 15.16 referred to "protecting children and other vulnerable persons from being harmed or exploited by

gambling”, whereas in in Part C Permits/Temporary or Occasional Use Notices/Registrations item 26.3 simply referred to children and not vulnerable persons. The Licensing Manager explained that this was what the legislation stated, and that the definition of “vulnerable person” was not defined within the Gambling Act 2005.

Having considered and discussed the draft Statement of Gambling Policy it was moved by Councillor Amos, seconded by Councillor B E Brown and **RESOLVED** that:

- (a) Members take time to digest the new Policy and come back to the next meeting of the Committee with any further questions to the Licensing Manager.
- (b) the Council’s draft Statement of Gambling Policy, as submitted by Officers be approved for statutory and public consultation purposes, subject to amendments in Part C to include “vulnerable persons”
- (c) the programme and timetable for consultation, review, approval, publication and implementation of the revised Statement of Gambling Policy be as set out below:-

Signpost	Outcome
Licensing & Registration Committee 18 July 2018	Committee review and agree proposed draft of Gambling policy and agree it goes out to public consultation commencing 1 August 2018 and ends 24 October 2018
Licensing & Registration Committee 7 November 2018	Committee review outcome of consultation and agree final content of policy and recommend adoption of policy to Full Council.
Full Council 22 January 2019	Full Council agrees Licensing & Registration Committees recommendation to adopt revised policy
Policy to be published on Council’s web site by 28 January 2019	Policy published on website
Public Notice of adoption to be published in local newspaper by 28 January 2019	Public Notice published in newspaper
Commencement of new three year policy from 31 January 2019	Policy runs from 2019 to 2022 (with any future administrative amendments as required by legislation or gambling commission guidance).

- (d) authority be delegated to the Head of Customer and Commercial Services and/or Licensing Manager, 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.

The meeting was declared closed at 8.10 pm

Chairman

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Licensing and Registration Committee

7 November 2018

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON WEDNESDAY, 7TH NOVEMBER, 2018 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors Cossens (Chairman), Callender (Vice-Chair), Amos, B. Brown, Davis, White and Winfield
Also Present:	
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance), Karen Townshend (Licensing Manager), Charlotte Cooper (Leadership Support Officer)

56. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors V Guglielmi, J Henderson, Watson and Whitmore, with no substitutions.

57. MINUTES OF THE LAST MEETING

The signing of the minutes of the previous meeting was postponed to occur at the next meeting of the Committee on 30 January 2019.

58. DECLARATIONS OF INTEREST

There were none.

59. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

60. MINUTES OF THE PREMISES/PERSONAL LICENSES SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meetings of the Premises / Personal licences Sub-Committee held on 3 August 2018 and 14 September 2018.

Councillor White raised the question of whether officers could provide more information, during the next training session, on how to proceed with cases where there is an overlap between licensing and planning permission.

**61. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1-
LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED
POWERS**

The Committee noted the contents of a report (A.1) on the number of applications approved under delegated powers as at 22 October 2018, which was submitted for information only.

62. **REPORT OF THE CORPORATE DIRECTOR - A.2 - REVIEW OF DRAFT STATEMENT OF GAMBLING POLICY AFTER PUBLIC CONSULTATION.**

The Committee had before it a report which asked it to consider the responses received from the public consultation that had taken place for the review of the Council's statement of Gambling Policy and decide whether to amend its draft policy in light of the responses received before agreeing a final policy and recommending its adoption by the full Council. The draft policy had been approved by the Committee at its meeting on 18 July 2018.

The Licensing Manager (Karen Townshend) reported that the draft policy went out to public consultation for a period of twelve weeks from the 1 August to the 24 October 2018. This had encompassed and engaged a large and diverse range of consultees, such as faith groups, local schools, Children's Safeguarding service, voluntary groups, premises licence holders, business representatives, betting and gambling representatives and organisations that work with problem gamblers like Gamblers Anonymous to seek a wide variety of comment and views on the revised draft policy. A list of those groups, agencies, authorities, organisations and businesses who were written to was detailed on page 25 of the revised draft policy.

After some deliberation amongst the Committee, it was moved by Councillor White and Seconded by Councillor Amos and **RESOLVED** that;

- a) The final draft statement of Gambling Policy attached to this report which includes any amendments thought necessary to the policy after consideration of the consultation responses received;
- b) That the Chairman of the Licensing Committee recommends this final draft of the revised policy to Full Council for adoption by the Council at its meeting 22 January 2019 and its publication in accordance with the timetable previously agreed by members at their meeting of the 18 July 2018;
- c) That any future amendments to the revised adopted and published policy that are minor or administrative only in nature can be delegated to the head of Customer and Commercial services and the Licensing Manager in consultation with the Chairman and/or the Vice Chairman of the Licensing and Registration Committee; without the need to publicly consult again or readopt the policy by the Committee and Full Council.

63. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING -REDUCTION IN LICENCE FEE FOR ENVIRONMENTALLY FRIENDLY (LOWER EMISSION) VEHICLES**

The Committee had before it a report which asked it to consider whether it is reasonable to allow a reduced annual licence fee to be charged in respect of lower emission vehicles and, if so, agree that this review should be subject to public consultation and scrutiny.

Mr Colin Bennet submitted the request for the Council to consider a reduced annual licence fee to be charged, as an incentive to help contribute towards reducing greenhouse gas emission and air pollution on our roads. Mr Bennet was invited by the Chairman to discuss his request with the Committee.

After much deliberation by the Committee, it was moved by Councillor Callender and seconded by Councillor Winfield and **RESOLVED** that;

- a) Members are asked to give their view as to whether they consider it appropriate to encourage greater use of environmentally friendly (lower emission) vehicles as Hackney Carriage and Private Hire Vehicles, by extending the life of the vehicle from 12 to 13 years on the condition that the vehicle is in good condition as inspected by the Council's Mechanics.
- b) If Members agree with (a) above, public consultation is undertaken over a 28 day period, and the results reported back to Members for definitive decision at the next scheduled meeting.

The meeting was declared closed at 8.30 pm

Chairman

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON FRIDAY, 9TH NOVEMBER, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present:	Councillors Cossens (Vice-Chair, in the Chair), B Brown, Watson, Whitmore and Winfield
In Attendance:	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance)) and Debbie Bunce (Legal and Governance Administration Officer)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted from Councillors V Guglielmi, J Henderson and R Callender (with no substitutes).

10. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Sub-Committee held on 4 June 2018, were approved as a correct record and signed by the Chairman.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

13. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENCES

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage and Private Hire drivers, vehicles and operators, licensed by the Council as at 10 October 2018, which was submitted for information only.

14. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Watson, seconded by Councillor Brown, and:-

RESOLVED - That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

Reports of Corporate Director (Operational Services)

- B.1 - Application for the Renewal of a Hackney Carriage/Private Hire Drivers' Licence
- B.2 - Application for the Grant of a Hackney Carriage/Private Hire Driver's Licence

B.3 - Application for the Review of a Hackney Carriage/Private Hire Driver's Licence.

15. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.1 - APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee considered an application for the renewal of a Hackney Carriage/Private Hire Driver's Licence. The Sub-Committee's resolution is detailed in the exempt minutes of this meeting.

16. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.2 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee considered an application for the grant of a Hackney Carriage/Private Hire Driver's Licence. The Sub-Committee's resolution is detailed in the exempt minutes of this meeting.

17. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.3 - APPLICATION FOR THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee reviewed a named individual's Hackney Carriage/Private Hire Driver's Licence. The Sub-Committee's resolution is detailed in the exempt minutes of this meeting.

The meeting was declared closed at 11.25 am

Chairman

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON MONDAY, 26TH NOVEMBER, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, WEELEY**

Present:	Councillors Cossens (Vice-Chair), B Brown, Callender, J Henderson, Watson, Whitmore and Winfield
In Attendance:	Mark Westall (Head of Customer and Commercial Services), Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Assistant) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	Ian Taylor (Head of Public Realm)

18. CHAIR

In the absence of the Chairman of the Sub-Committee (Councillor V E Guglielmi), the Chair was occupied by the Vice-Chairman (Councillor Cossens).

19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted from Councillor Guglielmi (with no substitute).

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Whitmore, seconded by Councillor Winfield, and:-

RESOLVED - That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

Reports of Corporate Director (Operational Services)

B.1 - Application for the Review of a Hackney Carriage/Private Hire Driver's Licence.

22. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.1 - APPLICATION FOR THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee had before it a report (B.1) which gave details of a request for a review of an individual's Hackney Carriage Driver's Licence.

It was moved by Councillor Callender, seconded by Councillor Watson and

RESOLVED that the individual's licence be suspended for the maximum time allowed of three months. This would come into effect 21 days after service of the Decision Notice from the Licensing Office.

The meeting was declared closed at 11.20 a.m.

Chairman

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 14TH DECEMBER, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors Cossens, Watson, White and Davis
Also Present:	Mr Craig Newnes (Franchisee for McDonalds), Mr Freddie Humphries (Barrister, Shoosmiths)
In Attendance:	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

21. CHAIRMAN FOR THE MEETING

It was moved by Councillor White, seconded by Councillor Watson and:-

RESOLVED – That Councillor Cossens be elected Chairman for the meeting.

22. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Licences Sub-Committee held on 14 September 2018 were approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

Councillor Davis declared a Personal Interest in the item in that she had been a Management Trainee for McDonalds many years ago.

24. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

25. A.1 REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TEARDROP SITE, WILLIAMSBURG AVENUE, HARWICH, ESSEX CO12 4GA

The Chairman (Councillor Cossens) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Corporate Director (Operational Services), an application for the Grant of a Premises Licence at the Teardrop Site, Williamsburg Avenue, Harwich.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:

Mondays to Sunday 0000 hours to 2359 hours.

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that two e-mails and one letter of representation/objection had been received in relation to this application.

It was reported that no Responsible Authorities had made representations on the application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance;
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control.

The Chairman stated that he wished to give an equal amount of time to both the applicant and the objectors to make their cases. He proposed 15 minutes for each side.

Mr Craig Newnes, Franchisee for McDonalds gave a brief summary of his employment with McDonalds, with whom he had begun employment in 1990. He had been an Operations Manager for 16 years, responsible for 50 restaurants across Essex and East London. He had been a franchisee for a number of McDonalds' restaurants including some that were open 24 hours. He was now a franchisee for several McDonalds in the area including Clacton, Weeley and Colchester and also owned the Sudbury Restaurant. In 2017 Colchester Borough Council had asked him to be one of 6 Ambassadors for the town, and he was now a Colchester Ambassador as well as being part of Colbac, the Colchester against Crime group. He had joined Sudbury Chamber of Commerce from day one, and he was also involved in Sudbury in Bloom and Weeley in Bloom. He had recently been involved in a "community litter event" where, over 6 hours in the rain, he and others had collected 50 bags of rubbish. He was also involved with the Clacton Town Partnership and he had recently been approached to sit on the Town Centre Working Party. He was proud that Harwich would now have a McDonald's restaurant: they had hired 100 new staff to work there. He stated that Mr Daryl Burley who was also in attendance at the meeting would be the Manager of the Harwich Restaurant.

Mr Freddie Humphries, Barrister at Shoosmiths who were representing McDonalds then gave representations to the Sub-Committee.

He stated that Mr Newnes was already operating five restaurants with 24 hour opening, with two of those located in the Tendring area. Mr Newnes had heavy experience in dealing with issues but there had been no complaints about those restaurants since Mr Newnes had taken them over in March.

He stated that Mr Daryl Burley had 2 years' experience as manager at the Weeley restaurant, and so had experience for the Harwich restaurant.

He stated that he thought that there had been some confusion over the planning permission and the operating times for the site. The site comprised of a Costa Coffee at one end of the site and McDonalds at the other end of the site – the overhead plan, at page 31 of the Officers' report, did not show the position of the Costa Coffee building, and he then proceeded to show everyone present where on the plan Costa Coffee was. The planning permission had made a condition in respect of the Costa Coffee that they were only allowed to open until 11.00 p.m. in the evening, whereas the McDonalds site had no such restrictions. The Costa Coffee shop was nearer to the residential area of Williamsburg Avenue. He stated that there was no need for the users of McDonalds to travel into the residential area in order to gain access to McDonalds. He said that it was not likely there would be an issue with the noise of cars etc. as the roundabout already took the area's traffic and he did not think vehicles using McDonald's would add any further noise.

He reiterated the comments made on the application form in respect of CCTV in that the CCTV was of evidential quality if it was needed to show evidence of any incidents in the area. Whilst 12 cameras would be acceptable for premises of this size and layout, there were 24 cameras on-site in the interests of staff and customers' safety. The cameras were 24 hour cameras at the site. The restaurant also operated the Staffsafe system which had audio and visual monitoring capabilities which could be activated by either fixed or mobile panic buttons. This system linked to a CCTV operator and they could then send outside help if there were any incidents at the Restaurant.

He stated that staff also had appropriate training to deal with any situations including the manager who had security and conflict resolution training.

He spoke about the issues of littering which had been raised by objectors. He said that the Restaurant did a litter pick every day. All litter regardless of where it originated from would be picked up on a daily basis from The Avenue. There were six bins in the car park and also 'target' bins at the entrances to the car park and that they aimed to keep the local area tidy and free from litter as much as possible. The Company were only responsible for what it could control, and kept its own areas as clean and tidy as it could.

The Chairman then asked the Sub-Committee whether they had any questions for Mr Newnes and Mr Humphries.

Councillor Watson asked whether you had to drive from McDonalds to Costas and Mr Humphries stated that the car park was a shared car park with McDonalds at one end and Costas at the other.

Councillor Cossens said that he was concerned about cars coming into the car park late at night, and particularly “hot hatches”. Mr Newnes stated that the majority of customers drove in and that during the night time hours it was mainly the Police/Ambulance Service that used the Restaurant.

Councillor White asked whether any boats came in during those hours. Mr Newnes said that no boats were coming into Harwich overnight, the last came in at midnight and the next boat was after 5 am so this would not increase the amount of cars coming and going in the car park.

Mr Newnes stated that there had only been one complaint at the Colchester Restaurant about 3 years ago about a noisy driver and this had been dealt with by the Police and the offender had been prosecuted. Any issues with the late night opening were addressed by the restaurant as far as possible.

Councillor White asked whether there was a need for late night refreshment and it was stated that Drive-Thru’s tended to have less noise and had so far not been a problem for them.

Councillor Cossens said that he was concerned about the litter as he had noticed a lot of litter in connection with the Weeley restaurant although this had been better of late and asked how the Restaurant dealt with litter further away from the restaurant.

Mr Newnes said that in the past he had been approached by a resident regarding litter from the restaurant in Great Bentley and he accompanied the gentleman, Councillor Zoe Fairley’s father, to see where the problem was. A litter pick was undertaken. Mr Newnes stated that if a problem of littering was brought to his attention then he would always do his best to try and resolve the problem. He said that additional signage had been put up at the Weeley Restaurant to try and stop any littering issues. Mr Newnes said that if he was in Harwich and learned that there was a “hot spot” they would go and address the issue and also said that Moses was doing a great job at Weeley walking around the site in a yellow jacket.

The Chairman then asked the objector, Terry Rogers if he had any questions for Mr Newnes or Mr Humphries. Mr Rogers stated that Harwich Town Council had recently passed a resolution to employ two PCSO’s for the area to deal with problems in the area. He said that he felt that McDonalds would only exacerbate the problems there with low level crime and asked how they related their statements to Harwich appointing two PCSO’s. It was pointed out that neither the Committee nor the Applicant knew the basis upon which Harwich Town Council had decided to appoint two PCSO’s.

Ms Thompson, who was also objecting to this application asked how many of the Restaurants that Mr Newnes ran were on the edge of residential housing estates.

Mr Newnes said that he operated five drive-thru restaurants. Colchester McDonalds in Cowdray Avenue was opposite a housing estate, and that near the stadium was also close to a residential area, and the new Clacton restaurant had housing nearby. With this newly opened restaurant he had had a complaint regarding an illuminated sign and his solution had been to switch the sign off during the night.

The Chairman then asked the objector, Ms Thompson to present her representations to the Sub-Committee.

Ms Thompson said that she welcomed business to the area and it brought many good things, and would do the right things on its own site but any problems from the restaurant would be a nuisance for the residents nearby particularly if cars visiting the restaurant went into the nearby residential areas which were mostly a lot of small roads.

The Chairman then asked the objector, Mr Rogers to present his representations to the Sub-Committee.

Mr Rogers said that although an applicant did not have to provide a basis for their application or set out any benefits, any objectors must meet the criteria set down in the Licensing Objectives. He felt that his objections came under the licensing objective of preventing public nuisance. He stated that the planning application decision stated that the restaurants could not open outside of the hours 02300-0500 hrs for noise and disturbance reasons and keeping them to a minimum. He felt that the Planning Authority had considered this and decided that residential amenity took priority. He said that although McDonalds was not yet operational it was hard to know what the issues would be, and it was impossible to extrapolate evidence from elsewhere. He felt that the Sub-Committee should reject the application and McDonalds make another application in twelve months' time to gauge if there were any issues during that time.

Mr Humphries stated that the condition on the planning permission in respect of operating times was only in respect of the Costa Coffee site and not the McDonalds site. There were no restrictions on operating times on the McDonalds site. The only requirement was for them to apply for a Late Night Refreshment Licence to serve hot food after 11.00 p.m.

Mr Rogers stated that the planning conditions were not at all clear and asked should the Planning Decision Notice relate to both sites given the proximity of Costa and McDonalds to each other.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

Application No: 18/00615/PREMGR – Application for the Grant of a Premises Licence in respect of McDonald's Restaurants Ltd, Teardrop Site, Williamsburg Avenue, Harwich, Essex CO12 4GA.

1. The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents along with the

Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.

2. The decision of the Sub-Committee is to **GRANT** this application in full.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court.

This Decision was made today, 14 December 2018 and will be confirmed in writing to all parties."

The meeting was declared closed at 11.29 am

Chairman

LICENSING AND REGISTRATION COMMITTEE

30 JANUARY 2019

REPORT OF THE CORPORATE DIRECTOR [OPERATIONAL SERVICES]

A.1 LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS

[Report prepared by Emma King]

(i) **Premises Licences/Club Premises Certificates**

Set out in Appendix A to this report are details of licences that have been approved under Delegated Powers during the period 22 October 2018 to 7 January 2019.

(ii) **Personal Licences**

A total of 2084 Personal Licences have been approved under Delegated Powers since 7 February 2005, the 'First Appointed Day'.

(iii) **Gambling Licences/Permits**

Below is a table showing the number of gambling licences and permits that are licensed with this Authority.

Type of Licence	Number of Licences as at (7 January 2019)
Adult Gaming Centres	25
Betting Premises	14
Bingo Premises	9
Family Entertainment Centres	4
Unlicensed Family Entertainment Centres	31
Prize Gaming Permits	2
Club Gaming & Club Machine Permits	26
Licensed Premises Gaming Machine Permits	18
Licensed Premises Machine Notifications	128
Small Society Lottery Permits	110

(iv) **Hackney Carriage/Private Hire Licence**

Below is a table showing the number of drivers, vehicles and operators that are licensed with this Authority.

Type of Licence	Number of Licences as at (7 January 2019)
Hackney Carriage Driver	315
Private Hire Driver	249
Hackney Carriage Vehicle	11
Private Hire Vehicle	29
Private Hire Operator	24

RECOMMENDED: That Members note the contents of this report.

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Uniform Ref No	Organisation	Address	Grant/Conversion/Conversion and Variation	Date Delegation Exercised
18/00631/PREMTR	Blackrock Restaurant Ltd - Previously Burger Base	Basement of Number 2 Marine Parade West Clacton On Sea Essex CO15 1RH	Premises Licence Transfer	14/11/2018
18/00632/PREMTR	Quality Diner	47 Rosemary Road Clacton-on-Sea Essex CO15 1PB	Premises Licence Transfer	14/11/2018
18/00632/PREMTR	Quality Diner	47 Rosemary Road Clacton-on-Sea Essex CO15 1PB	Premises Licence Transfer	14/11/2018
18/00631/PREMTR	Blackrock Restaurant Ltd - Previously Burger Base	Basement of Number 2 Marine Parade West Clacton On Sea Essex CO15 1RH	Premises Licence Transfer	14/11/2018
18/00552/PREMGR	McDonald's - Brook Park West	Hartley Brook Road Brook Park West Clacton On Sea Essex CO16 9FZ	Premises Licence Grant	14/11/2018

18/00566/PREMGR	Hamford View	Hamford View Vintage Tea Room and Activity Centre Clacton Road Little Oakley Harwich Essex CO12 5JJ	Premises Licence Grant	14/11/2018
18/00587/PREMVA	London Road Service Station	Miller Motor Group Ltd 2 - 10 London Road Clacton-on-Sea Essex CO15 3SN	Premises Licence Variation	14/11/2018
18/00621/PREMGR	Great Bentley Cricket Club	The Pavilion The Green Great Bentley Colchester Essex CO7 8LY	Premises Licence Grant	12/12/2018
18/00615/PREMGR	McDonald's Restaurant Limited	Teardrop Site Williamsburg Avenue Harwich Essex CO12 4GA	Premises Licence Grant	14/12/2018

**A.2 Hackney Carriage and Private Hire Vehicle Licensing –
Reduction in Licence Fee For Environmentally Friendly (Lower Emission) Vehicles**
(Report prepared by Emma King)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To extend the life of a Hackney Carriage/Private Hire Vehicle from 12 to 13 years on the condition that the vehicle is in good condition as inspected by the Council's Mechanics.

EXECUTIVE SUMMARY

At your meeting held on 07 November 2018, minute 63 refers, Members were asked to consider it appropriate to encourage greater use of environmentally friendly (lower emission) vehicles as Hackney Carriage and Private Hire Vehicles, by introducing a reduced licence fee for the vehicles.

After due consideration of the request, the Committee decided to pass the following resolutions:-

- a) Members are asked to give their view as to whether they consider it appropriate to encourage greater use of environmentally friendly (lower emission) vehicles as Hackney Carriage and Private Hire Vehicles, by extending the life of the vehicle from 12 to 13 years on the condition that the vehicle is in good condition as inspected by the Council's Mechanics.
- b) If Members agree with (a) above, public consultation is undertaken over a 28 day period, and the results reported back to Members for definitive decision at the next scheduled meeting.

No representations have been received as a result of the public notice having been placed in the local press.

RECOMMENDATION(S)

- (a) That the resolution to extend the life of Hackney Carriage and Private Hire Vehicles from 12 to 13 years on the condition that the vehicle is in good condition as inspected by the Council's mechanics be brought into operation with effect 28 days following the decision of this committee.**

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