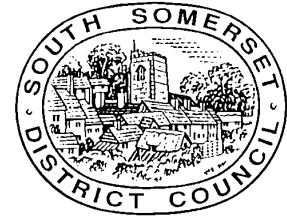


South Somerset District Council

Notice of Meeting



Licensing Committee

Making a difference where it counts

Tuesday 13th March 2018

10.00 am

**Council Chamber B
Council Offices
Brympton Way
Yeovil
BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris, Case Services Officer (Support Services) - 01935 462055**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 5 March 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk



Licensing Committee Membership

The following members are requested to attend the meeting:

Chairman: David Recardo
Vice-chairman: Crispin Raikes

Clare Aparicio Paul
Jason Baker
Neil Bloomfield
Dave Bulmer
Nigel Gage

Val Keitch
Tony Lock
David Norris
Wes Read
Garry Shortland

Alan Smith
Linda Vijeh
Martin Wale

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district.

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

Members Questions on reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Information for the Public

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Meetings of the Licensing Committee are held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

Licensing Committee

Tuesday 13 March 2018

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 10th October 2017 and Various Licensing Sub Committee Meetings**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

4. Public Participation at Committees

a) Questions/comments from members of the public

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

Items for Discussion

- 5. Licensing Act 2003 - Updates** (Pages 5 - 7)
- 6. Enforcement Update** (Pages 8 - 9)
- 7. Date of Next Meeting** (Page 10)

Agenda Item 5

Licensing Act 2003 – Updates

Executive Portfolio Holder: Angie Singleton
Director: Martin Woods – Service Delivery
Lead Officer: Anita Legg, Licensing Officer
Contact Details: anita.legg@southsomerset.gov.uk or (01935) 462137

Purpose of the Report

The report provides an update on some of the activities of the Licensing Service under the Hypnotism Act 1952, the Licensing Act 2003 and the Gambling Act 2005.

Recommendation

That the Committee note the report.

Report Detail

Hypnotism Act 1952

We have received an application for a hypnotism permit, our first, since the Licensing Act 2003 came into force¹. The Hypnotism Act 1952 as amended² provides that:

“No person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place unless the controlling authority have authorised that exhibition, demonstration or performance.”

The Controlling Authority is the Licensing Committee exercising its power under the Licensing Act 2003. Under the scheme of delegation (Licensing Function 68) the decision to determine such applications have been delegated to the Licensing Manager.

The Food Safety team (who deal with health & safety issues) were advised of the application. No comments were received, hence the permit was granted.

Licensing Act 2003

Eighteen applications have been received to date for a new premises licence where one or more representations were received for the period 01 April 2017 to 31 March 2018; of those applications:

- Eleven were successfully negotiated, which resulted in the applicant amending their operating schedule and the Responsible Authority and/or Other Party withdrawing their representations.
- Four resulted in a hearing; three of which were granted subject to conditions consistent with the operating schedule and those conditions that were modified to promote the licensing objectives; one application was refused.

¹ 24 November 2005

² Licensing Act 2003 (c. 17), s. 201(2), Sch. 6 para. 27(a) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art.

- Two applicants failed to advertise their application correctly and both had received representations against the grant of those applications, which would have either been negotiated or been determined at a hearing. Neither applicant proceeded with their application.
- The final application is likely to result in a hearing; however at the time of writing, this is uncertain.

We have been informed that an appeal has been lodged with South Somerset Magistrates' Court regarding one of the applications determined and granted by the Licensing Sub-Committee; the outcome is awaited and will be communicated to the Licensing Committee as soon as it is known.

Two applications to vary a premises licence have been received to date, where one or more representations were received for the period 01 April 2017 to 31 March 2018; both were successfully negotiated.

Objections were received relating to five temporary event notices for the period 01 April 2017 to 31 March 2018. One was modified by the police with the consent of all parties, which resulted in the event going ahead; Two were determined by the Licensing Sub-Committee and refused; the objections were withdrawn for the other two.

An application for a new premises licence was received from Yeovil Football and Athletic Club Ltd for a new premises licence. Lengthy negotiations were held with the Responsible Authorities prior to the submission of the application. No representations have been received; hence it was granted, albeit some subsequent changes were made to the operating schedule to include further conditions. The person capacity has increased from 6,000 to 9,565 and the intention is to hold up to five concerts per annum at the premises where the capacity is 4,000 persons or more. It is understood that the two premises licences already held – one for the marquee and one for the rest of the premises will be surrendered.

Gambling Act 2005

Six unannounced visits were made to betting shops with the Gambling Commission. Most of the issues found were relatively minor and consisted of the following:

- Not displaying the rules for betting in at least a font 11 size in accordance with our policy
- Not being able to view all of the gaming machines due to obstructions

We did find some examples of good practice which were:

- Providing information on getting help for problem gaming in several different languages
- Providing additional staff at key locations during the more popular races such as the Grand National and Cheltenham Gold Cup

Further future unannounced joint visits are in the process of being planned.

Office Cover

There will be no Licensing Officers available on 19th April 2018 as they will be attending an all-day course on "Working on Safety Advisory Groups".

Legal Implications

None

Financial Implications

Unfortunately the cost of hearings is borne by the Licensing Authority as the fees charged under the Licensing Act 2003 do not cover the actual costs; however these fees are fixed by legislation and cannot be changed by the district council.

No fee is charged for a Hypnotism permit, so again the administration is borne by the Licensing Authority.

Fees charged under the Gambling Act 2005 are slightly different in that the council can set the fees up to maximum statutory amount; these do cover the costs involved to a cost neutral basis.

Implications for Corporate Priorities

High quality cost effective services are provided where possible subject to the financial implications as detailed above and through negotiation especially with partners, most authorisations do not require a hearing, hence this cost is saved.

Health and Communities – we work with partners to keep our communities safe and ensure that licensable activities take place in accordance with legislation, statutory guidance and relevant codes of practice

Carbon Emissions & Climate Change Implications

None

Equality and Diversity Implications

None

Agenda Item 6

Enforcement Update

Executive Portfolio Holder: Angie Singleton
Director: Martin Woods – Service Delivery
Lead Officer: Colin Chown, Licensing Enforcement Officer
Contact Details: colin.chown@southsomerset.gov.uk or (01935)462135

Purpose of the Report

To update members on the work of the licensing enforcement team and the various issues they are currently involved with.

Recommendation

That the report is noted.

Background

Officers carry out a number of enforcement activities under the various legislative provisions that relate to licensing, in particularly with regard to taxi's and private hire drivers/vehicles, street trading and scrap metal dealers. This report seeks to brief members on the current issues that are being dealt with by the enforcement team.

Report Detail

Taxis & Private Hire Vehicles

General

The Enforcement Officer carried out weekly day time checks and several late night checks during the past six months. The checks were carried out in and around the centre of Yeovil and the purpose of them was to ensure compliance with the Council's Private Hire and Hackney Carriage Policy and Bylaws.

During the previous six months, one taxi and private hire joint agency vehicle enforcement check with the Police, HMRC & DVSA was completed. Advice was given to drivers on various issues.

Monthly taxi checks continue to be carried out at the Pen Mill, Yeovil Junction, Crewkerne and Castle Cary railway stations in order to ensure that vehicles which tend to use the ranks in and around the main towns are also subject to ad hoc inspections.

Thirty six taxi/private hire related complaints were received in the past six months, which resulted in the issuing of five suspension notices, three for vehicle damage, two for tyres at or below minimum tread level.

The Enforcement Officer has issued penalty points on twenty two occasions for more minor issues in line with the Taxi Licensing Policy & Guidance:

One for using mobile phones whilst driving
Four for failing to declare DVLA endorsements
One for failing to display Private Hire side plates correctly

One for failing to notify licensing of change of address
Two for not having two badges whilst working
One for having Private Hire vehicle on a taxi rank
One for smoking in a licensed vehicle
Seven for not using a taximeter
Three for using a dirty vehicle
One for failing to comply with a reasonable request from an authorised officer

Two drivers appeared before the Licensing Sub Committee for accumulating twelve or more points under the Councils penalty points scheme.

Fifty five vehicles were suspended for failing to comply with licensing conditions.

Safeguarding Children

A joint visit to Tattoo Parlours and late night refreshment premises was carried out with a member of staff from The Children's Society to raise awareness surrounding child sexual exploitation and what to look out for.

Street Trading

There are twelve permanent street traders; twenty one consents for casual street trading were issued in the past six months.

Scrap Metal Dealers

Due to police restructuring, the assistance of a dedicated Police Officer to accompany and assist the Enforcement Officer on these inspections is no longer available.

SSDC currently licence fourteen sites and four collectors.

Financial Implications

None

Implications for Corporate Priorities

Ensure safe, sustainable and cohesive communities and increase economic vitality and prosperity

Other Implications

None

Background Papers: None

Agenda Item 7

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 12th June 2018 at 10.00am in the Council Offices, Brympton Way, Yeovil.
