

LICENSING AND REGULATION COMMITTEE

14 June 2012

Attendance:

Councillors:

Mather (Chairman) (P)

Bodtger (P)
Collin
Green (P)
Izard (P)
Johnston
Laming (P)

Mason (P)
Pearce (P)
Phillips (P)
Prowse (P)
Southgate (P)
Wright (P)

Deputy Members

Councillor Clear (Standing Deputy for Councillor Johnston)

1. **VICE-CHAIRMAN**

RESOLVED:

That Councillor Southgate be appointed Vice-Chairman for the 2012-13 Municipal Year.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 11 November 2011, be approved and adopted.

3. **PUBLIC PARTICIPATION**

The Licensing and Registration Manager read a statement from Mr Fairey (Meon Valley Services Ltd, an operator that specialised in private hire vehicles for school contracts), who was unable to attend the meeting. In summary, Mr Fairey recommended that the Council reconsider its policy which required that all new private hire vehicles to the fleet should be no more than three years old. Although operators were able to run older vehicles once they had been registered with the Council (subject to checks), Mr Fairey considered that the three year maximum age limit placed an unreasonable financial burden on operators. He highlighted that most new cars were leased for the first three years of their life and that older cars could often be perfectly acceptable for the task.

Following a debate, the Committee requested that a report be prepared for the next meeting examining the issues raised by Mr Fairey (taking into account the Law Commission's relevant proposed changes to private hire and hackney carriage hire licensing).

4. **PROPOSED CONTROLS OVER PREMISES OFFERING ACUPUNCTURE, TATTOOING, BODY PIERCING AND ELECTROLYSIS**

(Report LR386 refers)

The Report proposed the application in the District of powers which would enable the Council to control businesses which offered these services and to charge a registration fee.

The Head of Health Protection gave a presentation to the Committee which illustrated examples of tattoos and body piercings, where the treated area on the customer had become infected. Having reviewed the presentation, the Committee agreed to the recommendations as set out in the Report (and as amended in italics below).

RESOLVED:

1. That Sections 14 to 17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 120 and Schedule 6 of the Local Government Act 2003) be *applied to the Winchester District from 1 August 2012* and that notice of resolution be advertised and sent to businesses affected by the changes.

2. That the charges set out in paragraph 5.1 of the Report be agreed and adopted.

3. That the Head of Legal Services be authorised to make and advertise the model byelaws under sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 120 and Schedule 6 of the Local Government Act 2003) and to apply to the Secretary of State for confirmation of the byelaws.

5. **REFORMING THE LAW OF TAXIS AND PRIVATE HIRE SERVICES – CONSULTATION PAPER**

(Report LR380 refers)

The Head of Legal Services explained that the Law Commission had published a consultation paper on reforming the law on taxis and private hire services. The paper proposed many possible changes, including introducing national basic standards for vehicles (with the possibility of introducing higher standards for hackney carriages on a local basis), but retaining the distinction between private hire and hackney carriage licences and also suggested the introduction of schools-only or other, limited hours, services.

At the conclusion of debate, Members agreed to forward their comments to the Head of Legal Services as part of the Council's response to the consultation.

RESOLVED:

That the Report be noted and detailed comments on the paper be forwarded to the Head of Legal Services by 31 July 2012.

6. **CHANGES TO THE LICENSING ACT 2003**
(Report LR376 refers)

The Licensing and Registration Manager summarised the principal changes to the Licensing Act, which the Government's consultation paper had proposed. This included designating the Licensing Authority as a responsible authority under the terms of the Act. During discussion, it was noted that the probability of such reviews would be rare, given that most would still be triggered by the other responsible authorities. The question of whether the Council as Licensing Authority could deal with a review called for by the Council as a responsible authority was discussed, and it was noted that this would be a similar situation to that where the Council determines its own planning applications. If such a case were to arise, it would be necessary to ensure a separation of officer roles.

The consultation also proposed; removing interested parties as a designation in the Act, requiring that licensing conditions should be "appropriate" rather than "necessary", changes to the procedures and rules for temporary event notices, and amendments to the rules on regulated entertainment (live music).

The Committee also discussed the proposed Early Morning Alcohol Restriction Orders (EMAROs). This was a levy that Councils could decide to charge (which would then be applicable to all establishments in an area that sold alcohol after midnight, with exclusions for New Years Events and hotels etc). At least 70% of the money raised would have to be transferred to Police. It was explained that Institute of Licensing Officers had objected to this proposal, which they considered would be harmful to the night-time economy and likely to encourage most establishments to close before midnight.

RESOLVED:

That the Report be noted.

7. **GAMBLING ACT STATEMENT OF PRINCIPLES – CONSULTATION DRAFT**
(Report LR377 refers)

The Committee noted that the Council was required to review and publish its Statement of Principles for consultation every three years and that the revised Statement (set out in the Report) contained no significant changes to the current Statement.

RESOLVED:

- 1 That the draft Statement of Principles attached at Appendix 2 be approved for publication as a consultation draft.
2. That the consultation process for the draft Statement of Principles set out in Section 5 of this report be agreed.

8. **LICENSING SUB-COMMITTEE MINUTES**
(Reports LR382, LR383, LR384 & LR385 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee meetings held 5 January (less exempt appendix), 26 January 2012, 1 May 2012 and 25 May 2012 (less exempt appendix) be approved and adopted.

9. **EXEMPT BUSINESS**

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
) Information relating to any individual. (Para 1 Schedule 12A refers)
) Information which is likely to reveal the identity of an individual (Para 2 Schedule 12A refers)
##	Exempt minutes of the Licensing Sub-Committees held 5 January 2012 and 25 May 2012) Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para 3 Schedule 12A refers)

10. **EXEMPT MINUTES OF LICENSING SUB-COMMITTEES HELD 5 JANUARY 2012 AND 25 MAY 2012**

(Reports LR382 and LR385 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee meetings held 5 January 2012 and 25 May 2012 be approved and adopted.

The meeting commenced at 6.30pm and concluded at 7.50pm

Chairman