

LICENSING AND REGULATION COMMITTEE

17 March 2016

Attendance:

Councillors:

Mather (Chairman) (P)

Bodtger

Burns (P)

Green (P)

Huxstep

Izard (P)

Johnston (P)

Laming (P)

Lipscomb

Mason (P)

Newman-McKie (P)

Thacker

Twelftree

Wright

Deputy Member:

Councillor Southgate (Standing Deputy for Councillor Twelftree)

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 14 January 2016, be approved and adopted.

2. **PUBLIC PARTICIPATION**

Nat Belderson and Natalie Fellows, representing the South Downs National Park Authority (SDNPA), addressed the Committee during the consideration of Report LR468 and their comments are summarised in the relevant item below.

3. **REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS – COMMENTS FOLLOWING CONSULTATION (ADDITIONAL INFORMATION)**

(Report LR466 refers)

The Committee considered the Report which contained additional information following the comments made by Members at the previous meeting, held 14 January 2016, in relation to specifications of wheelchair accessible vehicles. At this meeting Members requested further information in respect of the M1 specification for vehicles and whether this related to vehicles that were adapted for the carriage of wheelchairs after first registration. The Committee's attention was drawn to an updated copy of Appendix 1 to the Report which incorporated, in track changes, the proposed amendments to the Statement of

Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operator, following consultation with all Hackney Carriage and Private Hire Drivers and Operators, since the Committee approved the draft at its meeting on 8 October 2015.

It was reported that clarification had been sought from the DVLA and the Department for Transport (DfT) to establish if there were any further British or European Standards that wheelchair accessible vehicles must meet, other than the M1 specification. In response, the DVLA had confirmed that any vehicle that was registered as a wheelchair accessible vehicle and listed on the V5 logbook as such, must meet M1 specification standards. The Committee noted that the DVLA had also suggested that the Licensing Authority may wish to request that a Voluntary Individual Vehicle Approval (IVA) application be made for any vehicle converted after first registration, accessible via the GOV.UK website. As a result, additional wording had been incorporated within the Policy, as set out in Appendix 3 of the Report, for the Committee to consider adopting.

Response had also been received from the DfT who had confirmed that other than the M1 specification, they would not expect there to be a 'standard specification' for wheelchair accessible vehicles. This was due to the fact that not all wheelchairs were the same dimensions, the demands of the wheelchair users may vary and that the Private Hire industry should look to accommodate the needs of the wheelchair user with the use of a size appropriate vehicle which would be assessed on a case by case basis.

RESOLVED:

That the draft Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators, as set out in Appendix 1 to the Report (Report LR462 refers), including the amendment set out in Appendix 3 to the Report, be approved and adopted.

4. **REVIEW OF STATEMENT OF LICENSING POLICY 2016 – COMMENTS RECEIVED FOLLOWING CONSULTATION**

(Report LR468 refers)

At the invitation of the Chairman, Nat Belderson and Natalie Fellows of the South Downs National Park Authority (SDNPA) addressed the Committee in relation to comments made by the SDNPA following consultation on the Review of the Statement of Licensing Policy 2016, for inclusion.

In summary, they drew Members attention to the minor changes made by the SDNPA, set out in paragraph 3.2 of the Report and incorporated in the draft review of the Licensing Policy, as set out in Appendix 1 to the Report. They also referred to the two recommended changes, which suggested that the Council include references to the SDNPA in relation to the points raised, as set out within 3.4 of the Report and outlined the reasons why changes were sought to Page 25, paragraph C.4 and Page 47, paragraph 7, respectively.

The Committee considered an updated copy of Appendix 1 to the Report which incorporated the minor amendments made by Committee at its previous meeting held on 14 January 2016 and the minor amendments received from the SDNPA, arising from their letter dated 4 March 2016, set out in Appendix 2 to the Report, during the consultation period.

The Licensing Manager drew Members' attention to the various amendments made by SDNPA following the consultation process, for consideration by the Committee, prior to adoption by Council.

During debate, several Members raised concern that implementing these two amendments, set out in 3.4 of the Report, could result in a detrimental impact on future planned events in the SDNPA area. However, the Committee were assured that by adding the two requested amendments to the Policy, it would be an area for the applicant to consider and that it was intended that these amendments would contribute towards shaping events and raising awareness among landowners/applicants to mitigate any issues in these areas.

RESOLVED:

1. That the Licensing Policy including the minor amendments, set out in Appendix 1, be recommended to the Council for adoption, subject to the inclusion of the following amendments suggested by the SDNPA, outlined in bold as follows:-:

- (i) That the wording to Page 25, paragraph C.4 be amended to read: 'Stricter conditions with regard to noise control will be expected in those areas of the District which have denser residential accommodation or low levels of background noise, **such as the South Downs National Park which seeks to protect and enhance tranquillity**, but this will not limit opening hours without regard to the individual merits of any application.'; and
- (ii) That the wording to Page 47, paragraph 7 be amended to read: 'Flashing or particularly bright lights on or outside licensed premises should not cause a nuisance to nearby properties, **particularly in the South Downs National Park and in areas proximate to that, in order to protect tranquillity**. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

RECOMMENDED:

THAT THE COUNCIL'S STATEMENT OF LICENSING POLICY 2016, AS AMENDED ABOVE, BE APPROVED FOR ADOPTION BY COUNCIL ON 13 APRIL 2016

5. **MINUTES OF LICENSING SUB-COMMITTEE HELD 25 FEBRUARY 2016**
(Report LR469 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 25 February 2016, be received (as attached as Appendix A to the minutes).

6. **STREET TRADING CONSENTS – ADMINISTRATION OF APPLICATIONS**
(Report LR471 refers)

The Committee noted that Report LR471 had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda as a matter requiring urgent consideration to enable authority to be given where appropriate for the processing of applications for street trading consents.

The Committee considered the Report which seeks to clarify who would process applications for street trading consents on certain consent streets. The Committee were reminded that, at the meeting held on 28 March 2011, it had resolved to designate a list of streets within the Winchester District as 'Consent Streets' under paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. At this time, the Committee had also resolved that the Head of Estates and the Head of Legal Services be authorised to determine applications for street trading consents under the Act, as set out in Appendix 1 to the Report.

The Licensing Manager informed the Committee that she had recently met with the Head of Estates, Head of Legal and Democratic Services and the Head of Environmental Health and Licensing to discuss the processing of applications for consent streets, to consider how to improve the process for applicants and to avoid the duplication of work among the departments of the Council that deal with various aspects of street trading consents.

Following discussion by officers, it was considered that the Estates Team should largely manage Street Trading Consent applications for the market and on the following consent streets: High Street, The Square, Market Street and Middle Brook Street. The Licensing team would continue to issue consents for larger events on consent streets and queries outside of the consent streets used by the market and the Committee were asked to give consideration to this matter.

RESOLVED:

That the Head of Estates process applications for street trading consents for Consent Streets where the Winchester Market occurs.

The meeting commenced at 6.30pm and concluded at 7.20pm.

Chairman