

Minutes

Licensing Committee

14th September 2006



Present:

Councillors	Present	Councillors	Present
M J Banthorpe	Yes	M Lynch	Apologies
K E Bigden	Yes	A F Millam [Chairman]	Yes
J C Collar	Yes	Lady Newton	Yes
J H G Finbow	Yes	Mrs J A Pell	Apologies
M J Green	Apologies	D E A Rice	Yes
R M Haslam	Yes	Mrs J W Schmitt	Yes
P J Hughes	Yes	Mrs K E Tearle	Yes
E R Lynch	Apologies		

At the beginning of the meeting, the Chairman advised the Committee of the sad news that Malcolm Seaman, Facilities Duty Officer, who had always been so helpful to Members, passed away suddenly on Saturday last. The Committee expressed its condolences.

17 DECLARATIONS OF INTEREST

INFORMATION: There were no interests declared.

18 PUBLIC QUESTION TIME

There were no questions asked or statements made.

19 MINUTES

DECISION: That the minutes of the meeting of the Committee held on 6th July 2006 be confirmed as a correct record and signed by the Chairman.

20 REVIEW OF HACKNEY CARRIAGE FARES.

INFORMATION: The Committee considered an application from the Braintree District Taxi Association for a permanent fare increase. It was noted that the application was for an increase to the starting rate charge from £2.30 to £2.60.

On discussing the report, Members considered the increase to be fair when taking into account the increase in petrol prices. It was acknowledged that the proposed revised fare structure would have to be published in the local press for a two-week period in order to consult users, before the increase could be implemented.

DECISION: That the application from the Braintree District Taxi Association for an increase to the starting rate charge from £2.30 to £2.60 be approved.

INFORMATION: Members were reminded that, at their last meeting, they had been presented with a report on additional items for inclusion in the Constitution. The recommendations, which members approved, only referred to Appendix 1 and 2.

Members were therefore requested to consider further inclusions in the Constitution and these were as follows:-

- (1) To amend the drivers panel functional responsibilities to include the following:

To make decisions on the continuation of any Private Hire/Hackney Carriage/Dual Drivers Licence following serious complaints against the driver.

- (2) To approve the following delegation to Officers and Full Council set out below:

Delegation to Officers

Authority to suspend licences for Hackney Carriage and Private Hire vehicles under the relevant statutory provisions when vehicles are found to be un-roadworthy or fail other aspects of the test such as a taximeter check.

Delegation to Full Council

Authority to approve in respect of Hackney Carriage and Private Hire vehicles, new and revised conditions and pre-licensing standards which have universal application, but do not deprive any licence holder of their livelihood, but are introduced in the interest of the public safety and the raising of standards.

- (3) To approve the following changes to the general licensing functions within the Council's Constitution following recent changes in legislation:

To delete the following activities under point 85 of the constitution (Part 3 – Responsibility for Functions)

Determination of applications for grant or renewal of licences and permits for or registration of:

- Cinemas
- Theatres and Stage Plays
- Theatrical Agents
- Public Entertainments (renewal, transfers and occasional licences) including the registration of Door Staff

To add the following activities under point 85 of the Constitution (Part 3 – Responsibility for Functions)

Determination of applications for grant or renewal of licences and permits for or registration of:

Licensing Act 2003

- Premises Licence/ Club Premises Certificate
- Personal Licence

- Provisional Statements
- Variation of Premises Licence/ Club Premises Certificate
- Variation of Designated Premises Supervisor
- Request to be removed as Designated Premises Supervisor
- Transfer of a Premises Licence
- Interim Authorities
- Review of Premises/Club Premises Certificate
- Temporary Event Notice

Gambling Act 2005

- Premises Licence
- Variation of a Premises Licence
- Transfer of a Licence
- Provisional Statement
- Temporary Use Notices
- Club Gaming and Club machine permits
- Amusements with Prizes machines and any other permits for machines
- Review of a Premises Licence
- Cancel Licensed Premises gaming machine permits

DECISION: That it be **Recommended to Council** that the inclusions to the Council's Constitution, as set out above, be approved.

22 REVIEW OF HEARING PROCEDURES.

INFORMATION: At the last meeting of the Committee, Members had requested that a review be carried out of the procedures for a licensing hearing. The Solicitor to the Council considered this request and recommended that no amendments be made to the procedures at this time. Her reasons for this were set out in the report contained in the agenda. She also recommended that further training be made available to Members on the use of the existing procedures and also for chairing the hearings.

On discussing this issue, Members welcomed the proposed training and asked that it be set on a day that would enable most Members of the Committee to attend. It was suggested that this training be held immediately after the business of the Licensing Committee at its next meeting scheduled for 9th November 2006. Members also welcomed the review of the procedures scheduled for January 2007, which would enable them to carefully consider some of the issues which have been highlighted during one or two of the most recent hearings, although it was acknowledged that the training would go a long way in addressing any areas of uncertainty.

DECISION:

- (1) That no amendments be made to the hearing procedures;
- (2) That the Solicitor to the Council, in consultation with the Chairman, be requested to organise a training session comprising a mock hearing and a question and answer session on the use of the procedures;
- (3) That Members of the Licensing Committee who wish to chair hearings attend a training course on chairing quasi –judicial meetings.

23 DRAFT PAVEMENT PERMITS POLICY.

INFORMATION: Members were reminded that, at an earlier meeting of the Licensing Committee, they had instructed officers to provide guidance on the definition of local,

regional and national importance, in respect of making decisions to permit a tables and chairs to remain outside a premises beyond 18:00hrs. It was noted that, following discussions with Senior Management and Cabinet Members it was agreed that a less exacting terminology should be used, as the Council would like to be seen to be encouraging the provision of street cafes in the town centres of Witham, Braintree & Halstead and the larger villages, the reason being that they make a positive contribution to the vitality of a town and boost the local economy. It was also felt that the Council required a criteria based policy covering pavement permits which would help businesses understand where street cafes might be encouraged and the general conditions which would apply in all cases. In addition the policy would aid officers and members in the decision making process. The draft policy, which included revised criteria for the determination of extending the permitted hours beyond 18:00 hrs and the general conditions that will apply in all cases, was considered by the Committee.

It was noted that the draft policy would be put out to consultation for comments by the Town Strategy Groups, traders and other interested parties before being recommended to Council for approval.

Following a lengthy debate by Members, it was felt that, whilst the use of toughened material was welcomed in cases where there might be problems, it should not compromise the standard expected by diners. A number of questions were raised on the legalities of the use of the public highway and these were responded to at the meeting by the Legal Advisor and the Chief Environmental Health Officer.

DECISION: That the policy on Pavement Permits be redrafted, where necessary, to take into account the points made by Members and that the policy, as amended, be put out to consultation before being reconsidered by the Licensing Committee at its meeting in January 2007.

24 LICENSING HEARING.

INFORMATION: Members received the minutes of the hearing held on 24th August 2006 in relation to the application for a premises licence for Notley Bowl, Notley Green.

DECISION: That the minutes of the hearing held on 24th August 2006 in relation to the application for a premises licence for Notley Bowl, Notley Green be approved.

25 BRAINTREE AND DISTRICT TAXI ASSOCIATION LIAISON PANEL.

INFORMATION: Members received the minutes of the meeting of the Braintree and District Taxi Association Liaison Panel held on 21st August 2006, a copy of which had been previously circulated.

DECISION: That the minutes of the meeting of the Braintree and District Taxi Association Liaison Panel held on 21st August 2006 be received and noted.

The meeting commenced at 7.15pm and closed at 8.23pm

A F MILLAM
(Chairman)