

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 6 JUNE 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, BATH ROAD, DEVIZES SN10 2AT.

Present:

Cllr Peggy Dow, Cllr Rod Eaton, Cllr Jon Hubbard (Substitute), Cllr George Jeans, Cllr Jacqui Lay, Cllr Bill Moss, Cllr Pip Ridout, Cllr Bill Roberts and Cllr Jonathon Seed (Chairman)

13 Apologies and changes to committee membership

Apologies were received from Cllrs Desna Allen (substituted by Cllr Jon Hubbard), Richard Beattie and Jose Green.

The following changes to the committee membership were noted:

- Cllr Pip Ridout to replace Cllr Nina Philips as member of the committee.
- Cllr Mary Douglas to replace Cllr Pip Ridout as substitute member of the committee.
- Cllr Jose Green appointed as Vice Chairman.

14 Chairman's Announcements

There were no Chairman's Announcements.

15 Declarations of Interest

There were no Declaration of Interest.

16 Public Participation

Two members of the public wished to speak in relation to the Increase of Taxi Tariff - South Zone. The Chairman invited them to do so before the item was discussed and determined by the Committee.

17 Increase of Taxi Tariff - South Zone

Firstly the Chairman invited Kate Golledge (Public Protection Manager - Safer Communities and Licensing) to clarify how the proposed implementation date of

7 June 2012 would be achieved. She explained that, should any changes be approved to the Taxi Tariff – South Zone, the decision would be published on the Wiltshire Council Website this day and changes to the fare meters, tariff displays, etc would have to be implemented within 21 days.

Kate Golledge (Public Protection Manager - Safer Communities and Licensing) then introduced her report which set out the responses to the proposed increase of the taxi tariff in the South area of Wiltshire Council following public consultation

Key points raised included:

- The background to this proposal with the first request made in March 2011;
- The request to increase the Taxi Tariff – South Zone had been made by the trade;
- That after three rounds of consultation Licensing Officers and the trade had been unable to reach a compromise;
- That if the system of “extras / surcharges” was kept in the South Zone it would prevent harmonisation of tariffs across the whole of Wiltshire;
- That the modified tariff should enable the trade to make a living whilst ensuring that the needs of the customers were taken into account.

She pointed out that the Committee currently had at least three options before it:

- To maintain the existing Taxi Tariff for the South Zone;
- To implement the Licensing officer’s proposal;
- To implement the trade’s proposal.

Following questions from committee members it was established that a fourth option would be available:

- To implement a modified tariff in-between the existing, the Licensing officer’s proposal and the trade’s proposal.

Mr David Haynes, representing a considerable group of taxi drivers in the South Zone, gave a presentation to explain the rationale behind the trade’s proposal.

Mr Dave Griffin explained the difficulties faced by taxi drivers in the South Zone, due to both the global financial situation and Salisbury’s particular topography.

Members of the Committee then asked technical questions and a discussion ensued regarding the information contained in the agenda pack, public representations on the issue, further information from the Public Protection Manager and the public speakers’ comments on the day.

After a lengthy debate and taking into account the rationale behind the trade’s proposal but also supporting the concept of harmonised tariffs in the future and discussing the details of a potential “fourth option” it was,

Resolved:

1. To implement the following tariff from 7 June 2012:

Tariff One 6am to 10pm	First 352 yards (1/10 th of a mile or 161m) or part thereof £3.20	Each subsequent 176 yards (1/10 th of a mile or 161m) or part thereof 20p	Waiting time for each 48 seconds (=£15 per hour) 20p
Tariff Two 10pm to 6am and on all Public Holidays with the exception of those covered by Tariff 3	First 352 yards (1/10 th of a mile or 161m) or part thereof £4.50	Each subsequent 176 yards (1/10 th of a mile or 161m) or part thereof 30p	Waiting time for each 60 seconds (=£18 per hour) 30p
Tariff Three Christmas Day and New Years Day	First 352 yards (1/10 th of a mile or 161m) or part thereof £6.00	Each subsequent 176 yards (1/10 th of a mile or 161m) or part thereof 40p	Waiting time for each 60 seconds (=£24 per hour) 40p
Soiling charge - whether taxi or seating is soiled or defecated by any passenger or animal, which necessitates cleaning before the vehicle can be used again for public hire.			£100
<u>Mileage Charges</u>			
	1 st Mile	2 nd Mile	Each sub mile
Tariff One 6am to 10pm £3.20 + £1.80	£5.00	£7.00	£2.00
Tariff Two 10pm to 6am £4.50 + £2.70	£7.20	£10.20	£3.00
Tariff Three Christmas Day and New Years Day £6.00 + £3.60	£9.60	£13.60	£4.00

2. To not apply any “extras” or surcharges to the agreed tariff above.

18 **Increase in Taxi fees**

Kate Golledge (Public Protection Manager - Safer Communities and Licensing) introduced the report and pointed out that the licensing of vehicles and drivers under the Local Government (Miscellaneous Provisions) Act 1976 was a self financing service and Wiltshire Council was legally unable to make a profit from the service. She explained that due to rising costs the fees had to be raised to avoid a reduction in the service given to the trade and potentially placing public safety at risk.

She also pointed out that the proposed increased fee for vehicle licences was still £70 cheaper than they had been for the North zone proprietors before the formation of Wiltshire Council.

After a short debate it was,

Resolved:

To increase the fees, with effect from 01 July 2012, to:

- **£180 for vehicle licenses;**
- **£91 for newly licensed drivers; and**
- **£30 for each knowledge test carried out.**

19 **Change to Scheme of Delegation**

Kate Golledge (Public Protection Manager - Safer Communities and Licensing) introduced the report and explained that due to changes in the primary legislation additions and amendments needed to be made to the scheme of delegation in relation to the Licensing Act 2003 and the Town Police Clauses Act 1847 as amended by the Local Government (Miscellaneous Provisions) Act 1976.

Members sought and were offered reassurance that issues that had been brought to sub-committees under the previous scheme of delegation would still be considered by sub-committees.

After a short debate it was,

Resolved:

1. **To approve the additions and amendments (highlighted in bold in the table) to the scheme of delegation as attached to these minutes.**
2. **To commend the changes in the scheme specific to the Licensing**

committee to Full Council on 10 July.

20 Dates of Future Committee Meetings

The dates of the next meetings were confirmed as follows all to commence at 10.30am:

Friday 14 September 2012 - Committee Room A, Monkton Park, Chippenham

Monday 12 November 2012 – Council Chamber, Monkton Park, Chippenham

21 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 am - 12.05 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713 597, e-mail marie.gondlach@wiltshire.gov.uk

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Minute Item 19

Proposed Amended Scheme of Delegation

Specific to Licensing

Licensing Act 2003

Table of delegations of Licensing functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notices		All cases	
Determination of an Environmental Health representation to a temporary event notice		All cases	
Determination of application to vary premises license at Community premises to include alternative license conditions		If police object	All other cases
Decision whether to consult other responsible authorities on minor variation applications.			All cases
Determination of minor variation application			All cases
Decision to suspend club premises certificate or premises license for nonpayment of annual fee.			All cases
Making a representation on behalf of the Licensing Authority			Licensing Manager and Senior Licensing officers
Initiating a review on behalf of the Licensing Authority			Licensing Manager and Senior Licensing Officers
Determination of Minor Variations			All cases

Gambling Act 2005

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers Public Protection Licensing Manager
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers (Public Protection Licensing Manager)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an interested party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

Table of Delegated Functions

Matter to be dealt with	Full Committee	Sub – Committee	Officers
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any new application or existing application where objections have been received	The Licensing Committee or Sub Committee will determine any application	To determine renewals where no objections have been received
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases

<p>Powers to suspend/revoke or refuse to renew licenses under the following legislation: Town Police Clauses Act 1847 as amended Section 50 Local Government (Miscellaneous Provisions) Act 1976 –Section 60,61 and 62</p> <p>Powers to determine applications for licenses and permits under the following legislation:</p> <p>Town Police Clauses Act 1847 as amended Sections 40,46 Local Government (Miscellaneous Provisions) Act 1976 - Section 48,51,55</p> <p>Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear Piercing and electrolysis)</p> <p>Performing Animals (regulation) Act 1925</p> <p>Zoo Licensing Act 1981</p> <p>House to house collections Act 1939</p> <p>Pet Animals Act 1951</p> <p>Animal Boarding Establishments Act 1963</p> <p>Riding Establishments Act 1964 and 1970</p> <p>Breeding of Dogs Act 1973</p>	<p>For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates’ Court</p> <p>The Licensing Committee will determine any application made by an officer or member of the Council.</p>	<p>For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates Court</p>	<p>Licensing Manager.</p> <p>All other cases.</p>
<p>Breeding and Sale of Dogs (Welfare) Act 1999</p> <p>Scrap Metal Dealers Act 1964</p> <p>Dangerous Wild Animals Act 1976</p> <p>Lotteries and Amusements Act 1976</p> <p>Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982</p>			

Matter to be dealt with	Licensing Committee	Sub-Committee	Officers
Breeding and Sale of Dogs (Welfare) Act 1999 Scrap Metal Dealers Act 1964 Dangerous Wild Animals Act 1976 Lotteries and Amusements Act 1976 Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982			

Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006

Table of Delegations of Licensing Functions

Matter To Be Dealt With	Full Council	Licensing Committee or Sub-Committee	Officers (Service Director Public Protection Services)
Making Designated Public Places Orders (DPPOs)		X	