

LICENSING COMMITTEE 27 NOVEMBER 2012

Present :- Councillor Nick Cope (Chairman)
Councillors Mary Blandon, Dave Harris, Julia Havis,
Pauline Hazell, Margaret Kimberley, Michael Lilley and
Colin Mudie

13. Minutes

The minutes of the meetings held on 8 August and 24 September 2012 were confirmed as a correct record.

14. Scheme of Delegation to Committee and Officers // Hypnosis

The Committee considered a report on an amendment to the Scheme of Delegation to Officers from the Licensing Committee to the Head of Environmental and Protective Services to bring into effect the obligations placed upon the Council under the Hypnotism Act 1952.

The Hypnotism Act 1952 empowered Licensing Authorities, for public entertainments under the Local Government (Miscellaneous Provisions) Act 1982, to attach conditions to a public entertainment licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted. Following the introduction of the Licensing Act 2003 it was no longer possible for the Licensing Authority to impose blanket conditions to regulate the performance of hypnotism. The Home Office issued guidance concerning this which stated that no exhibition, demonstration or performance of hypnotism shall be given on any person at the licensed premises or under the provisions of a temporary event notice except the written consent of the licensing authority and in accordance with any conditions attached to the consent.

The report outlined the application process and the conditions that would be applied to the grant of any licence. If no objections were received in respect of an application the licence would be granted but if objections were received the matter would be referred to the Licensing Committee for determination. This practice was in line with other licensing processes.

RESOLVED that the scheme of delegation from the Licensing Committee to the Head of Environmental and Protective Services be amended to include the granting of authorisation for the exhibition, demonstration or performance of hypnotism where no objections are received. In the event that objections are received the matter to be brought before the Committee for determination.

15. Gambling Policy Review

The Head of Environmental and Protective Services presented a report on the re-publication of the Statement of Gambling Policy. The Licensing Authority was required under the terms of the Gambling Act 2005 to republish its Statement of Gambling Policy every three years, the next publication being due by 31 January 2013. It was intended to fully review the Policy in the near future and therefore only minor changes had been made to the introduction of the policy to update the statistics. A full review of the Policy and full consultation on any proposed changes would be carried out towards the middle of 2013 when the outcome of changes being considered by the Government would be known.

RESOLVED that the minor changes to the Gambling Policy be approved and the Statement of Gambling Policy be re-advertised by 31 January 2013.

16. Taxi and Private Hire Conditions

The Committee considered a report by the Head of Environmental and Protective Services on a proposed new policy and revised conditions and scheme of penalty points for Hackney Carriage and Private Hire Vehicles, Operators and Drivers. The current conditions had been in place for some time and needed to be updated to bring them into line with developments in legislation, case law and technology.

It was acknowledged that the government was looking at a major overhaul of Hackney Carriage and Private Hire licensing but this was likely to be at least two years away and it was considered necessary to proceed with the changes set out in the appendix to the report. Many of the changes were likely to be consistent with the Government proposals and other changes were necessary to ensure that the Council's licensing regime did not contravene legislation such as the convention on the rights of the individual.

Mr McAuley, Chairman of the Hackney Carriage Association attended the meeting and in response to a question from the Chairman commented that he was broadly happy with the proposals albeit this was based on limited information as conveyed at the meeting and not on a full reading of the policy.

RESOLVED that the Hackney Carriage and Private Hire Licence Policy and Conditions be approved for consultation purposes and that the outcome of the consultation exercise be reported to the Committee in January 2013.