

LICENSING COMMITTEE 23 NOVEMBER 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors Mary Blandon, John Bouckley, Nick Cope,
Christopher Garnett, Dave Harris, Mike Hogg,
Michael Lilley, Colin Mudie and Ann Quarrie

10. Minutes

RESOLVED that the minutes of the meeting held on 5 October 2011 were confirmed as a correct record.

11. Police Reform and Social Responsibility Act 2011

The Committee considered a report by the Head of Environmental and Protective Services on the provisions contained within the Police Reform and Social Responsibility Act 2011 which received Royal Assent on 15 September 2011. Amongst the key changes introduced by the Act would be the inclusion of Licensing Authorities and Primary Heath Trusts as responsible authorities; the removal of the vicinity test enabling persons living and working in the borough and who were likely to be affected by the application, to make a representation; a late night levy; the power to suspend a licence for non-payment of the annual fee; and changes to the legislation concerning temporary event notices. It was anticipated that the provisions would be introduced in 2012 in two phases but that most would come into effect after the Olympic Games. Following the publication of the regulations a further report would be made to the Committee seeking its views on various aspects such as the late night levy.

There was considerable discussion on the removal of the vicinity test and concern that this would encourage vexatious litigants to make representations and therefore substantially increase the workload for officers and members of the Committee. The Head of Licensing and Enforcement responded that officers would be watching out for habitual complainants and would respond accordingly. The Head of Protective Services Manager highlighted that the proposed changes would enable those residents on the corridor routes from Town and who currently suffered public nuisance and crime and disorder to make representations against applications in the Town Centre which he believed was a positive step in getting their voices heard.

RESOLVED that the report be noted.

Councillor Hogg (in respect of being a personal licence holder) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

12. Government consultation on deregulation of Schedule One to the Licensing Act 2003 (Regulated Entertainment)

The Head of Environmental and Protective Services submitted a report on the consultation document “The De-regulation of Schedule 1 to the Licensing Act 2003 (Regulated Entertainment)”. The document sought views on the proposal to deregulate most of Schedule 1 of the Licensing Act which related to public entertainment. Regulated entertainment included the provision of plays, films, boxing and wrestling, indoor sporting events, live music, recorded music, dancing, and the provision of facilities for music and dancing. Under the existing legislation any regulated entertainment must be licensed by way of either a temporary event notice, premises licence or club premises certificate if it was provided for the public or for a fee and with a view to making a profit.

Under the provisions set out in the consultation paper almost all regulated entertainment would become deregulated. The only events which it was proposed would continue to be regulated were boxing and wrestling; sex entertainment venues; and entertainment provided for an audience in excess of 5000 persons. The sale of alcohol was unaffected by the proposals and would continue to be regulated. The implications of the changes would mean that venues in the borough would be able to provide unrestricted entertainments such as live and recorded music. It was anticipated that the proposals if approved would have a significant adverse impact on the quality of life of residents in the borough.

Appended to the report was a summary of the consultation document setting out the Council’s proposed responses to the questions raised. A copy of the responses received in relation to the consultation carried out by the Council with local residents’ associations and Parish and Town Councils were also made available to the Committee at the meeting.

The Committee considered at length the proposals and the likely inevitable consequences of an almost total deregulation and expressed its concern at the likely escalating problems for residents. In response to questions, the Licensing and Enforcement Manager confirmed that alcohol would continue to be regulated and so a measure of control would be retained in relation to those premises that supplied it. However, in relation to noise nuisance the Council would have to rely on other legislation to deal with any issues and in general this legislation carried a greater burden of proof and was more lengthy and costly than pursuing a breach of licensing conditions. There was likely to be a considerable impact on officer time if the deregulation of regulated entertainment was approved.

RESOLVED that-

(i) the draft response circulated to the Committee be approved for submission to the Department for Culture, Media and Sport.

(ii) final approval of the Council’s response to the consultation document be delegated to the Licensing and Enforcement Manager following consultation with the Chairman of the Licensing Committee.

The Chairman agreed to consider the following item as a matter of urgency because of the need to advertise the revised charges to bring into effect the Committee decision of 31 August 2011.

13. Urgent Item // Increase in Waiting Time Charges

The Committee considered a report by the Head of Environmental and Protective Services on the request by the Hackney Carriage Association to increase the waiting time for Rates 2 and 3.

On 31 August 2011 the Committee considered and approved a request from the Hackney Carriage Association to increase, from £12.00 to £16.00, the fare charged to customers of Hackney Carriages for “waiting time” for Rate 1. The Hackney Carriage Association’s letter asking for the change did not request that the increase also be applied to Rates 2 and 3 and therefore this was not approved by the Committee. The Hackney Carriage Association has subsequently requested that the increase be proportionately applied to Rates 2 and 3 to maintain the existing differential of one third from one rate to the next.

RESOLVED that the proportional increase for Rate 1 can be extended to Rates 2 and 3 in order to maintain the differential of one third from one rate to the next.