

**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE held at Surrey
Heath House, Camberley on
7 April 2010**

- + Cllr David Hamilton - Chairman
- + Cllr Stuart MacLeod - Vice-Chairman

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| + Cllr Rodney Bates | + Cllr Paul Ilnicki |
| + Cllr Richard Brooks (substitute for Cllr Mansell) | - Cllr Bruce Mansell |
| + Cllr Bill Chapman | + Cllr Mrs Patricia Pearce |
| + Cllr Mrs Vivienne Chapman | + Cllr Audrey Roxburgh |
| + Cllr Mike Drew | - Cllr Stewart Stevenson |
| Cllr Craig Fennell | + Cllr David Whitcroft |
| + Cllr Surinder Gandhum | + Cllr Gret Woodason |

- + Present
- Apologies for absence presented

010/L MINUTES

The minutes of the meeting held on 3 June 2009 were confirmed and signed by the Chairman.

PART I
(public)

011/L HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – FEES

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the Council was entitled to charge such fees as to cover the cost of undertaking the hackney carriage and private hire licensing function including enforcement activities relating to licensed vehicles and drivers.

In line with the Council's policy, and in order to continue to recover the cost of this licensing function, it was proposed to increase fees for hackney carriage, private hire vehicle and operators licences. The appropriate notice had been given of the Council's intention to increase fees and the Committee was advised of the two representations which had been received in response.

RESOLVED that the fees for hackney carriage, private hire vehicle and operators licences be approved as set out in Annex A to the agenda report.

012/L TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Members were reminded that, although hackney carriage and private hire vehicles were licensed in accordance with the provisions of the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, many aspects of licensing were left to the discretion of the licensing authority.

The Committee in June 2009 had considered a consultation document from the Department for Transport on Best Practice Guidance for Taxi and Private Hire

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Vehicle Licensing. The Committee, at that time, had been advised that the guidance, as proposed, would not necessitate any changes to the policies adopted by the Council.

It was reported that the Best Practice Guidance had been published on 2 March 2010.

RESOLVED that the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport be noted.

013/L LEGISLATIVE REFORM (MINOR VARIATIONS TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES) ORDER 2009

The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 made changes made to the Licensing Act, 2003 in relation to dealing with applications for minor variations to premises licences and club premises certificates. The Order allowed the holders of Premises Licences and Club Premises Certificates to make small changes to their licences and certificates without incurring the financial cost of a full variation application.

The Order had not defined a minor variation but government guidance indicated that minor variations would generally fall into the following categories:

- (1) minor changes to the structure of layout of a premises;
- (2) small adjustments to licensing hours;
- (3) the removal of out of date, irrelevant or unenforceable conditions; and
- (4) the addition of certain licensable activities.

Applications which did not meet the criteria for a minor variation could not be accepted and the applicant would be advised to submit a full variation application. Applications for minor variations must be determined within 15 days of receipt. In view of this short timescale it was proposed to delegate authority to grant or refuse minor variation applications to the Head of Corporate Services, the Legal Services Manager and the Licensing Officer.

RECOMMENDED that the Scheme of Delegation of Functions to Officers be amended as follows:

FUNCTION	OFFICER
To grant or refuse applications for minor variations of a premises licence or club premises certificate	The Director of Corporate Service, Head of Corporate Governance, the Legal Services Manager and the Licensing Officer.

014/L STATEMENT OF LICENSING POLICY 2011 – 2014

In order to exercise functions under the Licensing Act 2003, the Council had to set out its policies in relation to this function in a document to be reviewed not less than every three years. The current Statement of Licensing Policy, which had come into force on 7 January 2008, had to be reviewed and published with any amendments before 7 January 2011.

It was considered that the main substance of the Policy remained valid. However, the Police had requested, in the interests of the prevention of crime and disorder, that the cumulative impact area, covering part of Camberley Town Centre, be extended to include the Atrium. A number of other minor amendments were also proposed.

The Executive at its meeting on 13 April would be asked to agree the revised Policy for consultation with organisations and interested parties.

The Committee was invited to make comments on the proposed revisions to the Policy which would be included in the consultation responses to be reported to the Executive prior to adoption of the revised Policy by full Council.

Members expressed concerns in relation to the data used by the Police to support their request to extend the cumulative impact policy to include the Atrium. The evidence included data collected prior to the opening of the development and, as such, was not considered an appropriate comparison. It was suggested that the extension of this policy should be postponed to allow further data to be collected. However, despite these concerns, it was felt that, on balance, the Police's request to extend the cumulative impact policy to include the Atrium should be supported.

Members also commented in relation to the suitability of the last sentence of paragraph 106 relating to recreational drug users and the need to revise the policy to accommodate recent legislative changes affecting the licensing of Table, Pole and Lap Dancing and Striptease activities.

RESOLVED that the comments set out above be conveyed to the Executive when it considers the responses to the consultation on the revised Statement of Licensing Policy.

015/L GAMBLING ACT 2005 – LICENSING POLICY STATEMENT 2010 – 2013

In order to exercise functions under the Gambling Act 2005, the Council had to set out its policies in relation to this function in a document to be reviewed not less than every three years. The current Statement of Policy had come into effect 1 September 2007. As a result, the current Statement of Licensing Policy needed to be reviewed without delay.

It was considered the main substance of the Statement of Licensing Policy remained valid and only minor amendments were proposed.

The Executive at its meeting on 13 April would be asked to agree the revised Policy for consultation with organisations and interested parties.

The Committee was invited to make comments on the proposed revisions to the Policy which would be included in the consultation responses to be reported to the Executive prior to adoption of the revised Policy by full Council.

RESOLVED to make no comments on the revised Statement of Policy.

016/L STREET COLLECTION POLICY – CAMBERLEY EX ROUND TABLERS' 41 CLUB

Street collections were only permitted in the Borough if organisers held a street collection licence granted by the Council. Licences were issued in accordance with the Council's Street Collection Policy which, with certain exceptions, only allowed organisations to undertake collections on one day each year.

A request had been received from the Camberley Ex Round Tablers' 41 Club for an additional collection day at Christmas, which would give them a total of 2 days per year. The Committee noted the reasons for this request. It was also noted that the licences granted to the Rotary Club of Camberley and the Frimley and Camberley Lions allowed them to collect on 3 days.

Members were reminded that the purpose of the policy was to ensure that all organisations had an equal opportunity to make collections and were advised that the granting of this request could lead to similar requests being made by other local charities. However, having considered the circumstances, the Committee felt that requested could be acceded to, provided the money collected was used to benefit the residents of the Borough.

RESOLVED that the Council's Street Collection Policy be varied so that the Category 3 Street Collection Licence granted to the Camberley Ex Round Tablers' 41 Club may be of up to 2 days duration, subject to a condition that the money collected be used to benefit the residents of the Borough.

017/L HACKNEY CARRIAGE STAND – TEMPORARY EXTENSION - OBELISK WAY, CAMBERLEY

The Night-time Economy Group had instigated the closure of High Street, Camberley on Wednesday, Friday and Saturday evenings from 1800 hours to 0400 hours for a trial period of six weeks, commencing 9 April, 2010. The aim was to establish if the current levels of crime and disorder within the town centre could be reduced and to improve the feeling of safety at night time.

No vehicles would have access to the High Street during the closure hours. As a result the hackney carriage stands at the southern end of the High Street and spaces outside the Tru Nightclub would not be able to be used.

To enable hackney carriages drivers to operate during the closure hours it was necessary to introduce alternative arrangements. Because of the timescales involved, urgent action had been agreed, after consultation with the Chairman and Vice Chairman of the Committee, to temporarily extend the hackney carriage stand on Obelisk Way to increase the number of vehicles accommodated from 4 to 10. This extension would only be effective when the High Street was closed. The statutory consultations had been undertaken and no representations had been received.

RESOLVED that

- (i) the urgent action agreed after consultation with the Chairman and Vice Chairman of the Committee in relation to advertising the proposed extension of the hackney carriage stand in Obelisk Way, Camberley be ratified: and**
- (ii) in the absence of any representations the extension of the hackney carriage stand in Obelisk Way, Camberley to accommodate a total of 10 vehicles on Wednesday, Friday and Saturday evenings from 1800 hours to 0400 hours the following morning for a period of six weeks commencing on 9 April, 2010 be approved.**

018/L POLICING AND CRIME ACT 2009

The Committee was informed that the Policing and Crime Act, 2009 had introduced tighter controls on the sale and supply of alcohol to young people. As a result mandatory conditions would be required to be placed on all premises licences and club premises certificates. All premises licence holders would be notified of these new mandatory conditions which would operate retrospectively.

It was noted that the Act also made provision for any councillor to act as an 'interested party for the purposes of the Licensing Act 2003' and to make representations.

019/L LICENSING ACT 2003 – SUMMARY OF DECISIONS

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or interested parties.

A summary of the decisions made by the Adjudication Sub-Committee was also noted.

CHAIRMAN