

LICENSING COMMITTEE

12 July 2012

PRESENT: Councillor Mrs Brandis (Chairman); Councillors Mrs Blake, Mrs Bloom, Cooper, Hawkett, Huxley, Lambert, Mills, Mrs Phipps, Rand, Mrs Roberts, Sir Beville Stanier and Vick.

APOLOGIES: Councillors Douglas-Bate, Jarvis and Mrs Renshell

1. MINUTES

RESOLVED –

That the Minutes of 14 May 2012 be approved as a correct record, subject to the inclusion of Councillor Rand in the list of apologies.

2. LAW COMMISSION'S PROPOSED REFORM OF THE TAXI AND PRIVATE HIRE SERVICES

In July 2011 the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles. The project had been proposed by the Department for Transport (DfT), however the Law Commission is independent of the Government.

A period of consultation on the draft proposals would run to 10 September 2012, following which a final report with a draft bill would be prepared by the Law Commission in November 2013. This would then be subject to a parliamentary decision.

The draft proposal from the Law Commission outlined some radical changes to the law. Whilst retaining the hackney carriage (Taxi) and private hire distinction, there were many far reaching fundamental changes to the licensing regime. These included the removal of quantity restrictions for taxis (currently limited to 50 white plate taxis in Aylesbury Town), the introduction of National standards for private hire vehicles, driver and operator licences and also the removal of the necessity to have operator, vehicle and driver licenses held by the same authority.

The summary report prepared by the Law Commission was attached to the agenda as an appendix. Members considered all the provisional proposals and questions in the summary report. The Licensing Services Manager would recommend the Committee's comments and agreements or disagreements to the proposals and questions to the Cabinet Member.

RESOLVED

- (1) That the Committee discussed the Law Commission report on reforming the taxi and private hire services.
- (2) That taking into account the views expressed by Members, the Licensing Committee recommends to the Cabinet Member what the Council's response should be.

3. CHANGES TO THE LICENSING ACT 2003

There had been a number of important changes made to the Licensing Act 2003 which had come into force on 25 April 2012. The changes formed part of the Coalition Government's 'rebalancing' agenda which aimed to do the following:-

- strengthen the licensing regime by giving local authorities, the police and communities stronger powers;
- reduce red tape by de-regulating entertainment to an extent;
- clamping down on under-age selling by increasing penalties for offences;
- ensuring taxpayers should not have to foot the bill for late night drinking by allowing local authorities to set licensing fees and impose a levy;
- reduce alcohol related crime, deaths and hospital treatment; and
- reduce binge drinking.

The main changes to the Act were:-

- Licensing Authorities and Primary Care Trusts were now responsible authorities. They could make representations on applications, instigate reviews and make representations on applications for review by others.
- Abolition of the vicinity test (and "interested parties"). Previously only those living in the vicinity of the premises, their representatives or AVDC Members could make representations. The Act now allowed anyone to make representations, subject to certain conditions.
- "Appropriate" replaces "necessary". Previously the Council could impose conditions, exclude a licensable activity, reject an application etc. if it was "necessary" for the promotion of licensable objectives. Now the Council could act if it was "appropriate" to do so.
- Temporary Event Notices (TENs). The main changes were that Environmental Health could now object in addition to the Police. Objections could be based on any licensing objective, not just the prevention of crime and disorder. Conditions could be added and there would be two forms of TENs; standard TENs and late TENs.
- Greater penalties for the persistent sale of alcohol to children. The fine had been increased from £10,000 to £20,000 and closure notices had increased from up to 48 hours to 336 hours (2 weeks)

- Suspension for non-payment of fees. If the annual fee for a premises licence or club premises certificate was not paid the Council must suspend the licence or certificate subject to certain conditions.
- Licensing Policy: shelf life. Policies that began in January 2011 would now have a shelf life of five years.
- New relevant offences. Three additional offences had been added to the list of relevant offences.
- April 2012 changes to statutory guidance.
- Licence applicants to give greater consideration to the local area when making their application.
- Police representations to be given increased weight.
- Licensing authorities given more autonomy regarding closing times.
- The evidential hurdle for cumulative impact policies had been lowered.

As well as the changes which came into force on 25 April 2012, there were other changes to the Act which had not yet commenced.

- Late night Levy (midnight to 6.00 am). This would enable the local authority to introduce a charge for premises that had a late alcohol licence for the extra enforcement charges that the night time economy would generate.
- Extended Early Morning Restriction Orders (EMROs). Previously the Act allowed licensing authorities to restrict sales of alcohol in the whole or part of their area for any specified period between 3.00 am and 6.00 am if it was considered necessary for the promotion of the licensing objectives. However, this power had never been commenced and would now be amended to allow licensing authorities to decide which hours they would like to prevent premises from selling alcohol between 12.00 am and 6.00 am. An EMRO could be applied to all or part of the district.
- Locally set fees. Local Authorities could now set their fees based on cost recovery. However, there would be a national cap which still needed to be set.
- Live entertainment. The Government had used the Police Reform and Social Responsibility Act 2011 to introduce the changes as outlined in the report to the Committee. The other key change to the Act was contained in the Live Entertainment Act 2012 which would be subject to a separate report to the Committee at a future meeting.

The late Night Levy, Locally set fees and EMRO's all needed secondary legislation and guidance. These proposals would also be subject to further reports to the Committee at a future meeting.

RESOLVED

- (1) That the Committee noted the changes to the Licensing Act 2003 and that the Licensing Services Manager would report the changes to the Aylesbury Vale Community Partnership.