

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 18 OCTOBER 2012

PRESENT: Councillor P N Shepherd - Chairman
" D G Meacock - Vice Chairman

Councillors: S P Berry
N L Brown
P M Jones
D J Lacey
M Prince
C H Spruytenburg
N Stewert
H A Trevette
M Vivis

APOLOGIES FOR ABSENCE were received from Councillors
Mrs J A Burton, M J Cunnane, G K Harris and S A Patel

7 MINUTES

It was agreed that the Minutes of the meeting held on 1st October 2012 would be confirmed by the Committee and signed at the next meeting.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

The Committee was asked to consider the amended Statement of Licensing Policy and recommend it for approval by Full Council. The policy was last reviewed in 2010 and would normally be reviewed every 5 years but since the Police Reform and Social Responsibility Act 2011 there were small changes in the legislation and Government guidance. After consultation with relevant parties some minor changes as set out in the report were proposed.

Regarding Temporary Event Notices (TENS) as outlined on P12, Councillors asked for the policy in 4.9 to read "When giving a temporary event notice, consideration "shall" be given to the four licensing objectives" rather than "should".

Councillors were concerned that the new TENS, that do not require a licence (if they are small scale events with less than 500 people and last for no more than 168 hours), would allow others who currently have licences but with conditions attached, to ignore those conditions. Officers advised that the intention of the legislation was to allow a "lighter touch" with regard to

applicants and legal opinion would be sought to consider whether conditions would still be applicable.

With regard to the consultation, concern was raised that the methods of communicating local issues was not wide enough. Notices published in the local press are not reaching as many residents as previously and not everyone has access to the website. It was considered that giving more information to the Town and Parish Councils to publicise in their locality would be one solution.

RESOLVED –

- 1. That the Statement of Licensing Policy be recommended to Full Council for Approval.**
- 2. A further briefing on the issue of communication with district residents be presented at a future meeting.**

10 AMENDMENTS TO LICENSING ACT 2003 OFFICER DELEGATIONS

Members were asked to consider the amended scheme of delegations in the Appendix and recommend the amendments to the Constitution Committee. The report was seeking new and amended delegations for the Head of Health and Housing to reflect the changes brought about by the Police Reform and Social Responsibility Act 2011. In addition, the delegated powers of the Licensing Sub Committee would be extended to include determination of TENS where an objection had been made by a relevant person.

RESOLVED

That the amendments to the existing delegations as set out in the Appendix to the report be recommended to the Constitution Committee.

11 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

The Gambling Act 2005 requires local authorities to prepare and publish 'Gambling Statements of Principles' for determining applications and these policies were reviewed every 3 years. A review had been carried out now due to changes in legislation and Government guidance. It was noted that the changes are minor, changing the categories of gaming machines and mainly affect the lower categories. After consultation with all interested parties, the Statement of Principles had been amended. The consultation responses were summarised in Appendix 1.

RESOLVED

That the Gambling Act 2005 - Statement of Principles be recommended to Full Council for Approval.

12 STREET TRADING POLICY

A draft Street Trading Policy was presented to the Licensing and Regulation Committee on 1st March 2012 and formal consultation had since taken place. Councillors noted the increase recently in specialist markets which are enjoyed by the public and also benefit established traders.

The list of “consent streets” was discussed with respect to their purpose, location and enforcement. It was advised that many other authorities make all streets in their area “consent streets” which allows for a more straightforward management policy. It was also advised that very few applications are made (3 or 4 per year) to trade on consent streets and very few complaints have been made about street traders.

Regarding the policy set out in Appendix 2, Members agreed that applications where representations had been received would be determined by the Licensing Sub Committee. An extension of the existing delegations would be recommended to the Constitution Review Committee. Officers agreed that the hearing procedures could be reviewed as a separate issue.

RESOLVED

- 1. That the Street Trading Policy be recommended for approval by Full Council.**
- 2. That the extension of the list of consent streets to cover the whole of the district be pursued.**
- 3. That the delegation to the Licensing Sub Committee to determine applications where representations had been received be recommended to Constitution Review Committee.**

13 AMENDMENTS TO THE LICENSING ACT 2003, AS AMENDED, ARISING FROM THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

Members were asked to note the changes to the Licensing Act 2003 arising out of the Police Reform and Responsibilities Act 2011. The 2011 Act created two new ‘responsible authorities’, the Licensing Authority itself and Primary care Trusts in the area where premises are situated. Both are able to make representations regarding applications and to call for a review of a licence. The main changes were highlighted in the report.

RESOLVED

That the report be noted.

14 LIVE MUSIC ACT 2012

The Live Music Act 2012 came into force on 1 October 2012. The key points to the Live Music Act 2012 were that any premises can have unamplified live music without a licence between 8 pm and 11 pm. This also applies if the music was amplified provided that there were no more than 200 people.

RESOLVED

That the report be noted.

**15 REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES -
CONSULTATION PAPER**

Members were asked to consider the draft CDC/SBDC Councils' response to the Law Commission consultation.

The Committee discussed the provision of taxis for those that need wheelchair access which currently were inadequate and whether more could be encouraged.

RESOLVED

That the draft CDC/SBDC Councils response to the Law Commission be noted and that further comments from Members would be included if received before 12 noon on 19 October 2012.

The meeting ended at 8.01 pm