

11 NOVEMBER 2011

**NEW FOREST DISTRICT COUNCIL**

**GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 11 November 2011.

p Cllr G C Beck (Chairman)  
ap Cllr M H Thierry (Vice-Chairman)

**Councillors:**

p S J Clarke  
p W H Dow  
ap J D Heron  
p Miss A J Hickman  
p Mrs M McLean  
p L R Puttock  
p A W Rice TD

**Councillors:**

ap W S Rippon-Swaine  
p R F Scrivens  
p S S Wade  
p Mrs C V Ward  
p P R Woods  
p Mrs P A Wyeth

**Officers Attending:**

Mrs R Rutins, Ms M Stephens and P Weston.

**13. MINUTES.**

**RESOLVED:**

That the minutes of the meeting held on 10 June 2011 be signed by the Chairman as a correct record.

**14. DECLARATIONS OF INTEREST.**

No declarations of interest were made by any members in connection with an agenda item.

**15. PUBLIC PARTICIPATION.**

No members of the public addressed the Committee during the public participation period.

**16. CHAIRMAN'S ANNOUNCEMENTS.**

The Chairman referred to the cancellation of the September Committee meeting due to a lack of business. He felt that, should this happen in the future, the meeting date should be utilised for training or other instructional events. Members agreed with this view.

The Chairman had visited the Environmental Health (Commercial) team and had shadowed one of the Council's health and safety inspectors in order to broaden his knowledge of the areas within the terms of reference of the Committee. The Chairman encouraged other members to do the same. He would take up the matter with the Head of Public Health and Community Safety. He had also accompanied the Licensing Enforcement Officer to view premises.

Members requested that officers organise site visits to licensed premises around the district in order to increase their knowledge of the licensed trade.

Action: Paul Weston/Annie Righton

## 17. REVIEW OF TAXI LICENSING POLICY (REPORT A).

The Committee considered the responses to the consultation on the review of the current taxi licensing policy.

Members considered recommended amendments to the policy as set out in Appendix 1 to Report A to the Committee.

Members discussed a suggestion put forward by the NFDC Taxi Association that drivers in charge of wheelchair accessible vehicles should hold a competency certificate. One member considered that imposing this condition unnecessary. Other members considered that further consultation should be undertaken with the trade and the approach of other local authorities sought. The Committee would receive a further report on this issue in March.

Members considered whether the suitability check undertaken with the Border & Immigration Agency for new applicants should be extended to renewals. Members felt that the safety of residents was of the utmost importance and any policy to secure passenger safety by extending checks to renewals would be of benefit.

The question of whether to continue to require the table of fares should be kept in hackney carriages had been raised because of the difficulties experienced in identifying appropriate, safe, locations for their display in licensed vehicles. Members felt that it was important that the fares should be clearly displayed. The Licensing Officer circulated a smaller table of fares, over two pages which could be displayed on the backs of the driver and passenger seats. Members agreed that these should be displayed at all times.

### RESOLVED:

(a) That the following amendments to Policy be agreed: -

- i. Suitability checks on applicants eligibility to work in the UK undertaken with the Border & Immigration Agency be extended to include renewals as well as new applications;
- ii. 2.1 of the Private Hire Vehicle Licence conditions be amended to read: - "the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position and in a manner as issued by the Council so as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence";

- iii. 3.1 of the Private Hire Vehicle Licence conditions be amended to read: - “the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position and in a manner as issued by the Council so as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence”; and
- (b) That a report on whether to relax the requirement that driver medicals be undertaken by the applicant’s own GP be brought to the 13 January 2012 meeting of this Committee; and
- (c) That a report on whether all licensed drivers in charge of a wheelchair accessible vehicle should be required to have a suitable qualification be brought to the 9 March 2012 meeting of this Committee.

Action: Paul Weston

## 18. POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 (REPORT B).

Members considered the changes to the Licensing Act 2003 arising from the Police Reform and Social Responsibility Act which had received Royal Assent on the 15 September 2011.

Members discussed the most significant changes to the Licensing Act 2003. These included the provision that the Licensing Authority would be ‘Responsible Authority’ and would be able to make representations based on the statutory licensing objectives on applications for the grant, variation, or review of a premises licence or club premises certificate. Members noted that careful consideration would need to be given to the process of determining whether the Council should make representations and who would make these.

The Committee was concerned that the provision that only persons or business or bodies that represented them, who lived or operated “in the vicinity” of the premises had been replaced with ‘any other person’. This would mean that any person or organisation living or operating within the district would be able to make representations on an application. Members were of the view that this change together with the provision that the Council would now be a ‘Responsible Authority, could significantly increase the number of hearings.

Environmental Health Officers would now be able to object to TENs or any of the licensing objectives. The Police would also be able to object on any of the licensing objectives and not just on crime and disorder grounds as at present. Late TENs, i.e those submitted at least five working days of the event, would also be allowed instead of the current 10 days. Members expressed the view that the changes in relation to TENs would not only place additional pressure on Licensing Services, but also increase the number of hearings.

Members noted that the test for determining applications had been changed from ‘necessary to promote the licensing objectives’ to ‘appropriate to the licensing objectives’. This new threshold appeared to be a more subjective test which could leave local authorities more open to challenge by appeal.

It was noted that training including the changes to the Licensing Act 2003 arising from the Police Reform and Social Responsibility Act, would be organised for members in the near future.

The Committee discussed the implications of the election of Police Commissioners and were concerned at the significant cost of the elections during this time of financial constraint. Members agreed that their concerns should be raised with both New Forest MPs.

**RESOLVED:**

- (a) That the contents of the report be noted and that further consideration be given to specific issues arising from the Act in due course; and
- (b) That a letter outlining the Committee's concerns regarding the implications of the election of Police Commissioners be sent to both New Forest MPs.

Action: Paul Weston/Rosemary Rutins

**19. LICENSING ACT 2003 – CONSULTATION ON GOVERNMENT PROPOSAL FOR DEREGULATION OF SCHEDULE 1 (REPORT C).**

Members considered the Government's consultation on the deregulation of Regulated Entertainment and the proposed response to the consultation as set out in Appendix 3 to Report C to the Committee.

The consultation sought views on the proposed reform of licensable activities currently classed as 'regulated entertainment' in Schedule 1 of the Licensing Act 2003. The reforms proposed removed the requirement for a licence to host a performance of a play, an exhibition of a film, an indoor sporting event, a performance of live music, any playing of recorded music, or a performance of dance, where audience size were below 5,000.

Members were most concerned to note that these proposals could have a significant impact on how Environmental Health addressed public nuisance from premises and other public events particularly late at night when the Council did not operate an out of hours service. The proposals might also reduce the opportunities for residents to make representations about noise nuisance at certain public events and activities undertaken at premises. They were also concerned at the potential increase in the frequency of events at premises and the detrimental impact this could have on residents in terms of noise nuisance.

It was noted that the Government intended to retain the current licensing requirements for any performance of live music, recorded music etc where the audience was 5,000 people or more. Members were concerned that the number of events with attendance figures of less than 5000 would increase if they were not to be regulated and this would, in turn, increase the number of noise complaints.

The regulation of entertainment, most especially music, went a long way to ameliorate antisocial behaviour and noise nuisance issues that sometimes arose in and around licensed premises and public events. The Committee expressed the view that deregulation as proposed would be likely to result in an increase in the number of complaints of public nuisance.

**RESOLVED:**

- (a) That the content of the consultation be noted; and
- (b) That, subject to the inclusion of members' views given at the meeting, the response to the consultation as set out in Appendix 3 to Report C to the Committee be agreed for submission to the Department for Culture, Media and Sport.

Action: Paul Weston

CHAIRMAN

(GPLC111111)