

**LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 15 JUNE 2005**

Present:- Councillor V J T Lelliott – Chairman.
Councillors H D Baker, R F Freeman, E W Hicks, J I Loughlin,
D J Morson, J P Murphy and A R Row.

Officers in attendance:- M Hardy, M J Perry and M T Purkiss.

LC8 STATEMENT BY MEMBER OF THE PUBLIC

Prior to the meeting Alan Groom, Chairman of the Uttlesford Hackney Carriage Drivers Association, had submitted a letter to the Chairman of the Committee and had asked for this to be read at the meeting.

In the letter Mr Groom had referred to a case where he had a potential new driver who had applied for a licence, but this had been refused by the Executive Manager - Corporate Governance due to an unspent conviction for what Mr Groom considered to be a minor offence. He said that the applicant should have been informed earlier that as the conviction was not spent, the licence would not be granted and the fee should not have been accepted. He also said that the matter should have been referred to the Licensing Committee.

The Executive Manager Corporate Governance replied that the applicant had been given a copy of the licensing standards, one of which stated that there should be no unspent convictions. After the applicant's initial interview with the Licensing Officer he had been offered an interview with the Executive Manager, but it had been made clear that this was voluntary. He said that the matter had not been brought to the Committee as there were no grounds for departing from the delegated procedure. The Executive Manager concluded that the applicant had the right of appeal to the Magistrates Court.

LC9 APOLOGIES

Apologies for absence were received from Councillors K R Artus and A Marchant.

LC10 MINUTES

The Minutes of the meetings held on 9 March, 19 April and 13 and 19 May 2005 were approved as a correct record and signed by the Chairman, subject to the amendment of Minute LC89 to clarify that thanks were given to Jo Hayden, Joanne Jones, Sarah Pawsey and Amanda Turner for the additional hours which they had worked to load licensing information onto the computer system.

LC11

BUSINESS ARISING

(i) Generally

The Chairman stated that the Minutes of the licensing hearings had been extremely well written and had provided an excellent summary of the proceedings.

(ii) Minute LC88 – Powers of District Council to Control Street Trading within its District

Councillors Baker and Freeman declared non-prejudicial interests in this item as members of Saffron Walden Town Council.

The Executive Manager – Corporate Governance said that he had met with the Clerk of Saffron Walden Town Council concerning an ancient charter which could mean that the District Council would not be able to control street trading in Saffron Walden Market. Councillor Freeman added that he would encourage the Clerk to provide a translated copy as soon as possible. The Executive Manager also reported that he had approached the Lord of the Manor in Thaxted regarding a charter in Thaxted and had been advised by his Solicitors that he was currently abroad but the matter would be investigated.

LC12

UPDATE ON LICENSING ACT 2003

It was noted that the transitional period for existing licence holders under the Licensing Act 1964 to secure grandfather rights under the 2003 Act had commenced on 7 February 2005 and would expire on 6 August 2005. The Executive Manager – Corporate Governance reported that applications received within that period had to be dealt with by 6 November 2005. Any which had not been dealt with by that time would be deemed to be granted if there were no variations applied for or deemed to be refused if there were variations. The applicant, any relevant authority which had made representations and any interested party who had made relevant representations could appeal to the Magistrates Court against a deemed grant or refusal.

There were approximately 300 licensed premises of all descriptions within the district. All of these needed to apply for premises licences if they wished to continue trading after the second appointed day, which was still to be designated. Those who did not apply before 6 August 2005 would need to apply after that date, but this would be treated as a fresh application and grandfather rights would not be available.

The Executive Manager – Corporate Governance updated Members on the current situation regarding the number of applications received and licences issued. He also reported on representations which had been received and the arrangements for hearings. He pointed out that the Committee was now meeting on 4, 5 and 6 July to deal with hearings and at one of these there were a number of representations which would need to be considered. The Executive Manager suggested that in this case the applicant would be limited to 30 minutes in which to present his case, but all parties must have equal

time in which to present theirs. At that hearing he would ask the Chairman to clarify that repetition did not strengthen the case and could be deemed to be unruly behaviour. He said that he hoped that objections could be negotiated away before the hearings.

It was expected that the workload of the Committee would slow dramatically after 6 November 2005. Thereafter Members would only be requested to deal with applications for premises licences and personal licences for those who had failed to apply during the transitional period, applications for licences for premises which had not been licensed prior to 7 February 2005 where it was now intended to carry on a licensable activity, applications for personal licences from people living in the district who had not been licensed previously and, after the second appointed date, objections to temporary event notices made by the Police.

Councillor Murphy said that he had been unable to find details of licences on the website. The Licensing Officer said that the software was not yet in place and he would arrange for the matter to be investigated and for Members to be advised of the current position. Councillor Loughlin said that she had heard that there had been problems in many areas with the owners of ethnic restaurants dealing with the documentation which was only in English. The Licensing Officer said that he was aware of these concerns and had assisted where possible. He undertook to make further enquiries about translated material.

RESOLVED that the report be noted.

LC13

VETTING PROCEDURES FOR DRIVER RENEWALS

The Licensing Officer submitted a report advising Members of proposed amendments to the current procedures when dealing with Hackney Carriage and Private Hire Driver renewals.

He said that the Police Act 1997 had established the Criminal Records Bureau which had effectively removed the vetting procedure from the Police to this new independent body. From 1 March 2002 the Bureau had accepted requests from local authorities in connection with applications for the grant and renewal of Hackney Carriage and Private Hire Drivers licences. Whilst the quality of service from the bureau had improved, in some cases, there was still a delay, especially when vetting took place in the months of March and April and again in September and October.

Licensing renewals for all drivers took place either on 1 April or 1 October each year. This policy had been adopted a number of years ago due to the increase in applications and renewals that the Licensing section were receiving. The vetting policy for both new and existing drivers was laid down by Home Office Circular 13/92 and that policy was followed by this Council. Generally, vetting took place every three years. However, if certain information was received by a local authority then an application to vet could be made earlier.

The Licensing Officer said that problems could arise when an existing driver applied to renew his licence and simultaneously was required to be vetted in accordance with Home Office policy. Vetting normally took approximately four weeks. However, in some cases this could be longer. In order for a licence to be renewed a driver must have a valid Criminal Records Bureau Enhanced Disclosure, thus meeting the criteria of being a fit and proper person.

The Licensing Officer said that in order to prevent an existing driver waiting for a licence to be renewed, thus not being able to work, he was seeking authority to accept the application for renewal with a caveat that the driver made a statutory declaration that, to the best of their knowledge and belief, their current enhanced disclosure would not contain any further information. A warning would be included that they could be liable to prosecution if they made a false statement and that their licence would be revoked.

RESOLVED that

- 1 the new protocol be approved.
- 2 The Executive Manager – Corporate Governance be given delegated authority to revoke the licence of any driver who made a false declaration.

LC14

GAMBLING ACT 2005

The Executive Manager – Corporate Governance submitted a report detailing the main provisions of the Gambling Act 2005 and of the functions the Council would be required to undertake under that Act.

The Gambling Act had finally received Royal Assent on 7 April 2005 and related to every type of gambling activity including gambling in casinos, betting shops, bingo halls, lotteries, prize competitions, fruit machines, pools betting and on-track betting. There would be three types of licences to be granted under the Act, namely operators licences, personal licences and premises licences. The licensing of premises was the function of local authorities. Uttlesford District Council would be required to licence casinos, bingo halls, adult gaming centres (centres which provided category B gaming machines), family entertainment centres (which provided category C gaming machines), betting shops and race tracks. The Council would only be able to grant licences to holders of operators licence or persons who had applied for such a licence. In the latter event the operator would not be able to use the premises until an operator's licence had been granted.

The Act automatically delegated to the Licensing Committee formed under the Licensing Act 2003 all of the functions of the local authority with regard to gambling with three exceptions. Firstly, it was open to a local authority to resolve not to issue casino licences within its district. Secondly, the Council would be required to adopt a licensing policy. It was noted that both of these resolutions must be passed by Full Council and could not be delegated. The setting of fees was also a function exercisable by Full Council, although the function could be delegated to the Licensing Committee, if the Council so decided.

The Executive Manager reported that before the Act could become effective, the Government would need to establish the Gambling Commission and the Gambling Tribunal. Once formed, the Gambling Commission had a statutory duty to formulate a gambling policy, to prepare codes of practice and prepare guidance to local authorities.

The Council had a duty to adopt a licensing policy and in formulating this must have regard to the licensing objectives, codes of conduct issued by the Gambling Commission and guidance from the Gambling Commission.

It was anticipated that local authorities would be given a six month period to prepare a draft policy, consult upon the draft, consider the outcome of the consultation process and for Full Council to formally adopt the policy. Members were reminded that following the Licensing Act 2003, officers from the Council had worked with colleagues from other authorities across Essex to produce a model policy document which could be adapted by authorities to suit local needs. The Executive Manager said that subject to Members' approval, it was proposed to adopt a similar approach with regard to gambling.

Other than the work involved in formulating and adopting the licensing policy, it was unlikely that the demands on this Council would be great. It was noted that there were few adult entertainment centres in Uttlesford and only a limited number of bookmakers. Save for some additional software to run gambling licensing, it was not considered that there would be any significant resource implications.

RESOLVED that

- 1 Members support officers working in conjunction with others in Essex on a draft licensing policy to be adapted to local needs.
- 2 Members note the contents of the report.

LC15

NEXT MEETING

Members were reminded that the next meeting would be held on 22 June 2005 to consider an application for the Black Horse Public House at White Roding.

The meeting ended at 8.15 pm.