

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday, 9th September 2015 at 9.30am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Christine Ambrose Smith
Councillor Paul Cox
Councillor Julia Huffer
Councillor Chris Morris
Councillor Mike Rouse
Councillor Carol Sennitt

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Solicitor
Adrian Scaites-Stokes –Democratic Services Officer

OTHERS PRESENT

Councillor Ann Bailey
2 members of the public

21. **APOLOGIES**

Apologies were received from Councillors Sue Austen, Mike Bradley and Vince Campbell and Liz Knox, Environmental Services Manager.

22. **DECLARATIONS OF INTEREST**

Personal interests were declared on behalf of all the Conservative Group Members due to the location of the Conservative Group offices.

23. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 15th July 2015 be confirmed as a correct record and be signed by the Chairman.

24. **CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

25. **ANIMAL BOARDING ESTABLISHMENTS ACT 1963 – PROPOSED AMENDMENTS TO THE HOME BOARDING OF DOGS LICENSING CONDITIONS**

The Committee considered a report, Q63 previously circulated, that detailed the formal responses from the consultation held between 18th June 2015 and 3rd August 2015.

The Senior Licensing Officer pointed out amendments needed in the report, as under paragraph 3.2 the ages shown (16 and 18) had been transposed and should in fact read the other way round. He reminded the Committee that it had agreed to the public consultation at its previous meeting and revealed that three responses had been received (as summarised in paragraph 3.3). The vast majority of other local authorities followed the Local Authorities Coordinators of Regulatory Services (LACORS) guidance and it was recommended that this Council follow suit. This would not affect the Council's obligations under the 1963 Act to ensure the licence holder has the relevant insurance and that they be deemed to be a 'fit and proper person'. Dog walking was not the same as boarding and was therefore not licensed. Public safety was paramount but a balanced approach was needed.

Councillor Christine Ambrose Smith queried the difference between home boarding and animal boarding, and where people who took dogs in on a temporary basis fitted in. The Senior Licensing Officer stated that animal boarding related to kennels or catteries, whereas home boarding related to animals being looked after within homes. People who temporarily housed dogs still needed isolation controls and did not use cages.

Councillor Mike Rouse found the numbers within the report confusing and requested clarification on what decision the Committee was being asked to make. The Senior Licensing Officer explained that the Committee could choose to keep the Council's existing conditions or to approve the proposal to re-align with the LACORS guidance by amending the ages as described in paragraph 3.2 (as amended).

Councillor Anna Bailey handed over a response to the consultation from a member of the public, Mrs Adams, which had not been mentioned in the report. The response was in support of the proposed changes. It was understood that a lot of background research had been undertaken which had revealed that the vast majority of local authorities had conditions in place like the new proposals. The proposed conditions were proportionate and would be good for local businesses. Therefore, they should be supported to bring the Council in line with the LACORS guidance and national policies.

The proposed conditions were approved with a view to introducing them immediately.

It was resolved:

- (i) That the proposed conditions in their entirety be approved;

- (ii) That the proposed conditions could come into effect immediately.

Councillor Anna Bailey left the meeting at this point, 9:45am.

26. **LICENSING ACT 2003 LICENSING AUTHORITY STATEMENT OF LICENSING POLICY – FIVE YEAR REVISION**

The Committee considered a report, Q64 previously circulated, which detailed the draft revised version of the Council’s Statement of Licensing Policy.

The Senior Licensing Officer advised the Committee that the recommendation in 2.1 referred to Appendix 2, not Appendix 4 as stated. The draft statement had been considered by the Committee at its July meeting and had gone out to formal consultation. Six responses had been received, five of which were in support of the amended policy. The sixth response had been received from the Cambridgeshire Directors of Public Health (DPH) with suggestions for other changes. The suggestions related to specific references, which was not considered best practice but the suggestions had been included for consideration.

With reference to Appendix 2, a number of amendments had been included:

Page 14, paragraph 1.15	Added the words “health and wellbeing”
Page 17, paragraphs 1.40, 1.41, 1.42	Inserted new paragraphs
Page 22, paragraphs 1.69, 1.70	Inserted new paragraphs
Page 24, paragraph 1.83	Inserted the second sentence
Page 25, paragraphs 1.97, 1.98	Inserted new paragraphs
Page 26, paragraph 1.106	Amended section j for clarification
Page 29, paragraph 3.8	Second bullet point added
Page 30, paragraph 4.4	Final bullet point added
Page 35, paragraph 7.6	Third, fourth & fifth bullet points amended
Page 35, paragraph 7.7	Fifth bullet point added

Councillor Elaine Griffin-Singh suggested that the words “shown as tracked changes” under recommendation 2.1 be changed to “included”. With this change the recommendations to accept the policy in full as amended was approved.

It was resolved:

- (i) That the draft version of the Statement of Licensing Policy to include the suggested amendments included in Appendix 2 in their entirety be approved;

It was resolved to RECOMMEND TO FULL COUNCIL

- (ii) That the approved statement of Licensing Policy be adopted to come into effect on 7 January 2016.

27. **GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, Q65 previously circulated, which detailed the draft revised version of the Council's Gambling Act 2005 – Statement of Principles for Licensing.

The Senior Licensing Officer advised the Committee that three responses had been received from the consultation, two of which were in support of the proposals. The other was from the Association of British Bookmakers which raised concerns over how the Council would implement its new powers. However, the Government guidance had not been altered by officers so the policy did not need changing.

It was resolved:

- (i) That the revised version of the Gambling Act 2005 – Statement of Principles for Licensing be approved;

It was resolved to RECOMMEND TO FULL COUNCIL

- (ii) That the approved Gambling Act 2005 – Statement of Principles for Licensing be adopted to come into effect on 31 January 2016 following a period of publication to be not less than 28 days.

28. **LICENSING OFFICERS UPDATE**

The Committee considered a report, Q66 previously circulated, which updated the Licensing Committee on the work of officers.

The Senior Licensing Officer advised the Committee on the day-to-day matters undertaken by the Licensing Service. This included successful court cases against a taxi suspension appeal and in prosecution relating to a person's Personal Licence. A first suspension of a driver's licence on medical grounds had a profound effect on the trade, which had started providing the necessary documentations. The approval of the three and five year taxi drivers' or operators' licences was now in effect. A new computerised knowledge test would be introduced, which would be run by Customer Services. This would allow people to take their tests whenever they wanted and as many times as needed. The vehicle compliance test would be combined with a MOT to help the licence holders, as the current system did not tie in with the Driver and Vehicle Licensing Authority or Police systems. Two taxi trade sessions had been arranged but had only had one person attend each, even though every licence holder had been contacted. The intention was to hold another one later. The licensing webpages would be improved to include a separate area for the taxi trade with links to relevant documents.

Councillor Mike Rouse asked about the situation where premises offered alcohol as part of an event and whether this was legal. The Senior Licensing Officer explained that if the event offered alcohol which was covered in some way by the ticket price paid to attend the event then the event had to be properly licensed.

Councillor Christine Ambrose Smith queried how this would affect events held at other venues and was also concerned about adverse publicity about one such offence recently. The Senior Licensing Officer reminded the Committee that some venues did have relevant licences, which other premises could obtain. The initial costs were high but the annual renewal fees were relatively cheap. The recent adverse publicity had been generated by the premises involved and not by this Council.

Councillor Mike Rouse questioned the current situation about this particular incident. The Committee was informed that the Licensing Service had an 'open door' policy to provide all the necessary information and explain the Council's stance. Temporary Event Notices had been applied for, which was fine on a short-term basis. If it was discovered that an event had been held without the proper licence then the Council would have to take action. Usually no action was taken on a first offence, as advice would be given to stop a repeat.

29. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan. The Chairman announced that the meeting scheduled for October 21st would not now be needed.

30. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of Item No. 11 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1, 2 and 5 Part 1 Schedule 12A of the Local Government Act 1972 (as Amended).

31. **LICENSING SUB-COMMITTEE MINUTES 15TH JULY 2015**

The minutes of the Sub-Committee were noted.

The meeting closed at 10.25am.