



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 11th April 2018 at 9.35am.

PRESENT

Councillor Elaine Griffin-Singh (Chairman)
Councillor Mike Bradley
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Carol Sennitt
Councillor Alan Sharp
Councillor Stuart Smith

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

34. **APOLOGIES**

Apologies for absence were received from Councillors Michael Allan, Sue Austen, and Chris Morris

35. **DECLARATIONS OF INTEREST**

There were no interests declared.

36. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 10th January 2018 be confirmed as a correct record and be signed by the Chairman:

37. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that the Licensing Department had replaced the previous set of stickers, which had to be adhered to private hire vehicles, with a new version. Previously three sets of stickers had been provided for each front door of a vehicle, which was a long-winded process and caused delays of up to 10 days. A generic sticker would now be provided instead.

Councillor Neil Hitchin questioned the insurance aspects, as the new stickers stated that 'not insured if not pre-booked'. The Senior Licensing Officer explained that the driver's had to get their own private hire and public hire insurance. Some insurance companies would not provide cover if private hire drivers accepted non-booked work, as they considered it unlawful. This Council erred on the side of caution and encouraged advanced bookings, as there was a better chance of claiming if required. It also checked that the right type of insurance was in place before licences were issued.

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

The Committee considered a report, S281 previously circulated, that set out the draft revised version of the Council's Gambling Act 2005 – Statement of Principles for Licensing.

The Senior Licensing Officer advised the Committee that Section 349 of the Gambling Act required a Licensing Authority had to publish its Principles every three years. The previous set of Principles had been examined to check to see if anything needed to be incorporated. There had been nothing new to add but a minor change to reflect changes in the legislation. The local area profiles had been completed that last time the Principles were considered. So approval was now sought to send the revisions draft out to consultation. Any comments would be brought back to this Committee and thence onto to full Council for adoption. The new Principles would be published by 31st January 2019.

Councillor Mike Bradley queried why an 8 week consultation period had been chosen, instead of the usual 12 weeks. How would the Principles impact on clubs who held one-night events? The Committee was informed that as there were only a small number of minor amendments a full 12-week consultation was not needed, as 8 weeks left plenty of time to respond. The Principles governed everything holistically and included for small events. Some gambling events could happen without requiring permission but this would depend on the details of the event. If certain thresholds were surpassed then permission would be needed. The vast majority of small events did not need that permission, unless the stakes were over certain limits. The Licensing Department could offer some advice but would have to know the specific details before doing so, as there were so many different parameters to consider and these were constantly changing.

Councillor Paul Cox wanted to know if there were draconian limits on 'one-armed bandits' and asked if there was any legislation imminent from the Government about those types of machines. The Senior Licensing Officer acknowledged that there were different categories of machines with category C machines usually found in public houses. Category B machines needed club licences or other requirements. Betting shops used Category B machines, which could have higher stakes and pay outs, but they were limited to 4 terminals per shop. The Government were looking at these machines, as they could be very addictive, and consulting about the spending limits but no decisions had yet come forth. It was not expected that any Government changes would radically affect the Council's Policy, as it was anticipated that they would only affect the limits of stakes/pay outs.

Councillor Alan Sharp noted that, as a shop had limits on its stakes, this had encouraged a proliferation of such establishments elsewhere. The Committee was told that some other local authorities had considered introducing a 'saturation policy' to limit the numbers of such places. As this Council had already introduced the requirement for new operators to consider the local area profile and provide a local risk assessment with any new application it was satisfied that the current controls were sufficient. The current level of betting shops, there being 5 in the whole of the district was not considered excessive, and there is no expectation of any more applications being received based on the growth seen over the past 11 years.

It was resolved:

- (i) That the draft version of the Council's Gambling Act 2005 – Statement of Principles for Licensing at Appendix 1 be approved;
- (ii) That a statutory public consultation takes place on the draft Statement of Principles for Licensing from 1 May 2018 to 30 June 2018 in accordance with the Gambling Act 2005.

39. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 –
POST IMPLEMENTATION REVIEW OF STREET TRADING POLICY 2016**

The Committee considered a report, S282 previously circulated, that reviewed minor amendments to the Council's 2016 Street Trading Policy.

The Senior Licensing Officer advised the Committee that the report was a review of the Street Trading Policy introduced by the Council, which designated all streets within the district as Consent Street excepting some trunk roads from 1st April 2016. The previous regime had been very restrictive resulting in no new applications being received. Since the adoption of the Consent Streets there had been an increase in the number of applications received, as shown under paragraph 4.4 of the report. Although the number of Event Consents had dropped, this was not considered as a concern due to these type of events being susceptible to change. As a result of more applications the fee income had also increased and the level of fees would be monitored.

So far the new scheme had proved a success and allowed more control over those trading. However, a few minor amendments to the Policy were suggested to clarify matters and make the application process easier. These were set out in paragraph 4.10 of the report and included removing the requirement to have passport photographs endorsed, as this had caused delays and was considered an excessive requirement, and flexibility to take any objections to the Licensing Sub-Committee instead of the full Committee where appropriate. The amendments should help clear up any confusion and allow for a consistent approach.

Councillor Elaine Griffin-Singh thought all the processes and administration made sense. When the scheme was first introduced the fee levels were high due to there only being a few traders and it anticipated that more traders would mean reduced fees. So, what was the cost recovery position? Concern was also expressed about the drop in Event Consent numbers and why 10 had been lost?

The Senior Licensing Officer explained that the fees had been looked at in October 2017 with it being suggested that costs would be recovered. Currently the fees did not need adjusting but they would be monitored. They would be looked at again to compare cost versus income. If too much money was made, through a growth in street trading, then the fees could be reduced. The traders had received the new scheme well and were allowed to pay the fees quarterly if they wished, which helped them. Some of the Event Consents related to one-off events which would not occur again. There had been no reports that the application processes had been too onerous for applicants, as it was now quick and easy. The Environmental Services manager added that the Safety Advisory Group kept a list of community events and there had been no drop off on their numbers.

Councillor Mike Bradley congratulated the officer on the Policy as it clearly worked and was proving cost neutral. He supported the suggested amendments in principle but queried who were involved with the Event Consents. He questioned whether the number of events in 2016/17 was just a 'spike' in the numbers and only related to that year. It was revealed to the Committee that the City of Ely Council promoted these type of events and a number involved local voluntary organisations, so it was a mixture. Temporary event notices were around 330 per year and these had also seen a slight reduction. If there had been a dramatic downturn of event numbers this would have been a concern.

Councillor Carol Sennitt declared that her sister had a trading licence for a site on the A142. She questioned whether the street traders had responsibility for their own rubbish. The Senior Licensing Officer disclosed that there was a standard condition that they were responsible for their own rubbish.

The Legal Services Manager suggested that an additional recommendation be considered, to allow delegated authority to the Monitoring Officer to make any relevant amendments to the Council's Constitution. This was approved by the Committee. Therefore,

It was resolved:

- (i) That the report be noted and the minor amendments contained in paragraphs 4.10(i) to (v) be approved for immediate implementation;
- (ii) That the Monitoring Officer be given delegated authority to make any relevant amendments to the Council's Constitution.

40. **LICENSING OFFICER'S UPDATE**

The Committee considered a report, S283 previously circulated, that provided an update on the work of Officers in the Licensing Department.

The Senior Licensing Officer advised the Committee that there was good news, in that the taxi rank improvements in Market Street Ely had been completed. Due to a delay in obtaining new signage the Council had moved some of the existing signs to indicate the new arrangements. The taxi trade had made no

complaints about the new scheme. At the suggestion of Councillor Elaine Griffin-Singh, the Officer would see about getting a press release issued on that subject.

The Department of the Environment, Food and Rural Affairs had presented the animal welfare new Regulations, which would be subject to Parliamentary scrutiny. It was expected they would come into force in October 2018.

Councillor Mike Bradley noted that there were very few suspensions and wondered whether this was due to the new enforcement regime and whether there was a good relationship with the trade. The Committee was informed that the new regime had helped ensure vehicles met the requirements. Generally the taxi fleet was well maintained and the trade were very complaint. There had been some issues, but with the support of the trade these had been resolved. The way the Department now operated garnered good results. This was aided by an amicable relationship with the trade, as it had realised that enforcement included protecting the trade's reputation.

Councillor Elaine Griffin-Singh asked whether any penalty points had been issued using the new suspension system and this could be included in future officer reports. The Senior Licensing Officer stated that there had been a few with one case given 3 points and a couple given 1 point. Each case was looked at individually and the person involved had the right to appeal.

The Committee noted the report.

41. **FORWARD AGENDA PLAN**

The Committee considered its forward agenda plan.

The Democratic Services Officer advised the Committee that an item on Charity Collections would be presented at its May meeting. A report on Street Trading could also be presented at that meeting but might have to be deferred until the following June meeting. In reference to the June meeting, the Committee was forewarned that it would be using Committee Room 2, as the Chamber had been purloined for a Local Plan Hearing.

The meeting closed at 10.43am