

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 14 FEBRUARY 2013 AT 10.00AM

Present:-

Councillor R Williams - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
N Clarke	M D Francis	D R W Lewis
P A Davies	P James	H E Morgan
G W Davies	R D Jenkins	D G Owen
E Dodd	P N John	G Thomas

Officers:

L Jones	-	Group Manager - Public Protection
Y Witchell	-	Licensing and Registration Officer
K Watson	-	Legal Officer
M A Galvin	-	Senior Democratic Services Officer - Committees

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor E Venables who had childcare commitments.

15 DECLARATIONS OF INTEREST

None.

16 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee dated 26 November 2012 be approved as a true and accurate record, subject to the following amendment:-

Minute 12, page 7 final paragraph fifth line from the bottom, add the word "impact" before the word 'on'.

17 LICENSING ACT 2003
PROPOSALS TO DEREGULATE CERTAIN TYPES OF ACTIVITIES FROM THE LICENSING PROCESS

The Assistant Chief Executive – Legal and Regulatory Services submitted a report, in order to update the Committee on forthcoming changes to the Licensing Act 2003, to deregulate some entertainment activities from the licensing process.

The Group Manager – Public Protection advised that under the Licensing Act 2003, a range of entertainment activities such as plays and dance events currently require a licence from the Council. The Department for Culture, Media and Sports (DCMS) had concluded a consultation on removing or suspending the licensing requirements for a range of entertainment activities, with the legislative changes to bring these into force likely to be effected during 2013.

The Group Manager – Public Protection confirmed that the DCMS has stated that the changes to legislation seek to address the concerns of respondents whilst seeking to maximise the removal of red tape and bureaucracy from the licensing process. The report confirmed that the key effect of the changes is that most plays, dance shows and indoor sport would no longer require a licence from local authorities and that it would be easier to host music events in community premises.

He went on to advise that the changes to the law largely affected entertainment events taking place between 08.00 and 23.00 hours and only for a certain audience threshold. The report confirmed that the changes would affect the process currently being followed, for example in relation to the submission and processing of Temporary Event Notices (TENS). Similarly, licensing would be suspended for amplified live music and recorded music between 0800 hours and 23.00 hours in on-licensed premises for attendances up to 500.

The Group Manager – Public Protection then referred Members to other type events that would be affected by the deregulation proposals outlined in paragraphs 4.3 – 4.6 of the report.

He also referred Members to Appendix A of the report which outlined a summary of the full details of the proposals.

The Group Manager – Public Protection added that the Environmental Protection Act 1990 and the Noise Act 1996, as well as current fire, health and safety and planning legislation would continue to offer protection and control for entertainment events as was the case currently.

He added that the exemptions from licensing would not apply if an event included the sale of by retail of alcohol and if the event took place after 23.00 hours or with an audience of more than 500 persons.

The Group Manager – Public Protection added that the DCMS has acknowledged that deregulation will mean that partner agencies and other key bodies and statutory consultees will not necessarily know in advance about some events and there will be no obligation on organisers to notify the Police or local authority about their event.

He stated that the Council would, prior to the changes coming into force, make contact within its network of organisers to emphasise the benefit of contacting the Authority and other relevant agencies regarding the effect the deregulation proposals will have on the present systems in place, and to give advice on issues such as the prevention of crime and disorder, ensuring fire safety, health and safety, preventing noise nuisance and protecting children.

A Member asked if the proposed changes would affect the performing rights society.

The Licensing and Registration Officer stated that the requirements affecting copyright etc, were governed by separate Licensing Regulation and therefore would be unaffected by the deregulation proposals.

A Member enquired if the use of patrol marshals would still be a requirement for large outdoor events, notwithstanding the changes proposed.

The Group Manager – Public Protection advised that the use of marshals would still take place for large scale events, and the number on duty would be proportionate per head to the number of the public present at the event. These would still be required

to ensure order is maintained and control measures are in place, particularly with regard to under age alcohol sales.

A Member noted that buildings such as community centres and church halls often varied in size. In terms of any private functions held at venues such as these, she asked how would statutory bodies would know these are taking place, and how would the numbers be controlled at these events.

The Group Manager – Public Protection confirmed that this problem currently existed, as the local authority did not have any control of private events. Any problems associated with these events that came to light and were reported upon would be the responsibility of the Police as a civil matter rather than the Council.

A Member noted from paragraph 4.3 of the report that activities hosted by local authorities and certain other organisations as stated, on their own premises, would be exempt from all licensing requirements between 08.00 hours and 23.00 hours, with no audience limitations. She asked if the same would apply for Town and Community Councils.

The Licensing and Registration Officer confirmed that she was unsure of this as yet, as the definition of the changes including an exhaustive list of who they affected were still being awaited.

The Member referred Officers to the financial implications of the report, and asked how much loss of income was anticipated through the assumed reduction of events.

The Licensing and Registration Officer stated that at this early stage it was difficult to give a positive response to this question. The changes would result in a reduction of TEN's which currently were £21 per application, and most of which included events that involved the sale of alcohol.

The Member felt that it would be of some benefit if the licensing deregulation proposals were placed in the Council's bulletin.

The Licensing and Registration Officer stated that she agreed with this suggestion, adding that a questionnaire would be devised when the regulations are received, in order to create a process of public engagement regarding the changes.

RESOLVED: That the report be noted.

18

TAXI LICENSING
A TAXI FORUM FOR BRIDGEND COUNTY BOROUGH

The Assistant Chief Executive – Legal and Regulatory Services submitted a report, that advised the Licensing Committee on the creation of a Taxi Forum comprising of members of the local taxi trade and Public Protection staff.

The Group Manager – Public Protection advised that a Taxi Forum had been introduced in order to provide a more formal mechanism of communicating with and canvassing the views of the local trade as a whole, and that similar bodies such as this in other local authorities had resulted in positive outcomes.

The report confirmed that whilst providing a venue where open communication could take place between representatives of the trade and the Council, the Forum could

also be updated on changes in legislation affecting their trade, and to invite consultation on draft documents and policy matters etc.

The Group Manager – Public Protection confirmed that whilst the Forum would act as an expert Panel to consider, identify and make recommendations on areas for improvement, it would have no powers of decision on issues that fall under the remit of the Licensing Committee.

Paragraph 4 of the report confirmed that two meetings had currently taken place, the first of which was an initial scoping meeting that took place in November 2012.

Paragraph 4.2 of the report explained the Group Manager – Public Protection, contained a number of areas that were recommended from the initial meetings that could form a Work Programme to be considered at future scheduled meetings.

The Group Manager – Public Protection explained that a cycle had been agreed which would see the Forum meeting bi-monthly, and that it had also agreed its Terms of Reference.

The Group Manager – Public Protection concluded his submission, by confirming that the Forum would initially be chaired and hosted by Officers of the Authority, with the position being reviewed twelve months from the date the Forum had been established. Minutes of the Forum meetings as well as relevant updates and consultation documents would in due course also be placed on the Council's website.

A Member asked how many taxi drivers had attended the last meeting of the Forum.

The Licensing and Registration Officer advised that invitation to sit on meetings of the Forum were sent to taxi companies within the Bridgend County Borough, as well as to taxi drivers who were not aligned to a company. It was considered advantageous for the Forum to include a variety of drivers, such as those working for a particular company, drivers who work on ranks and owners of larger wheelchair accessible vehicles. Whilst she was unsure of the exact numbers who had attended the previous meeting, future meetings she envisaged would comprise of around ten drivers/operators.

The same Member asked if Civil Parking Enforcement Officers when employed would work after as well as within normal office hours, and would they enforce all aspects of illegal parking, including by taxi drivers.

The Licensing and Registration Officer advised that Civil Parking Enforcement Officers would pursue enforcement action for all aspects of illegal parking. As these Officers would be employed by the Communities Directorate, she was unaware whether or not their hours of working would involve shift working. She advised the Member that she would consult with the Traffic and Transportation Manager on this point, and request that he contacts her direct on the matter.

The Member then asked if the Committee could put forward topics for placing on the agenda at future Taxi Forum meetings.

The Group Manager – Public Protection confirmed that he would be happy to present issues raised by the Committee to the Forum, on the basis that these would be considered around the items that currently formed the Forum's Forward Work Programme, however, these should relate more to matters regarding changes in

legislation or procedure changes rather than disciplinary and policy issues which come under the purview of the Committee.

He added that feedback from topics considered by the Committee could be presented to the Taxi Forum and vice-versa where appropriate.

A Member asked if it would be in order for Committee Members to sit on the Forum as observers.

The Group Manager – Public Protection advised that whilst the Taxi Forum was not a public meeting, he was not aware of there being anything that would restrict Members attending this in an observing capacity.

RESOLVED: That the Licensing Committee noted the report.

The meeting closed at 11.00am.