



Wednesday, 6 September 2017

LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

Thursday, 14 September 2017

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Barnby	Councillor Pentney
Councillor Darling (M)	Councillor Stocks
Councillor Doggett (Vice-Chair)	Councillor Stubley
Councillor Ellery	Councillor Sykes
Councillor King	Councillor Thomas (D)
Councillor Lewis (B)	Councillor Thomas (J)
Councillor Parrott	Councillor Tolchard

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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LICENSING COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the 2017/2018 Municipal Year.
2. **Appointment of Vice-Chairman/woman**
To appoint a Vice-Chairman/woman for the 2017/2018 Municipal Year.
3. **Apologies**
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
4. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 19 January 2017.
5. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
6. **Urgent items**
To consider any other items that the Chairman decides are urgent
7. **Delegated Decision Report - Gambling Act 2005** (Pages 6 - 8)
To note a report on the decisions made by officers under delegated powers.

8. **Delegated Decision Report - Licensing Act 2003** (Pages 9 - 11)
To note a report on decisions made by officers under delegated powers.
9. **Informal Update on Licensing Issues** (Verbal Report)



Minutes of the Licensing Committee

19 January 2017

-: Present :-

Councillors Brooks, Lewis (B), Doggett (Vice-Chair), King, Stocks, Sykes and Thomas (D)

31. Apologies

Apologies for absence were received from Councillors Barnby, Darling (M), Ellery, Parrott, Pentney, Stubley, Thomas (J) and Tolchard.

Councillor Doggett as Vice-Chairman chaired the meeting.

32. Minutes

The Minutes of the meeting of the Licensing Committee held on 10 November 2016 were confirmed as a correct record and signed by the Chairman.

33. Taxi Policy Changes

The Committee considered a report that sought agreement for minor amendments to the Hackney Carriage and Private Hire Licensing Policy. The Principal Licensing Officer advised the Committee that the changes related to:

- Driver licence periods;
- The use of CCTV equipment;
- Driver Standards Agency Practical Driving Tests; and
- Child Sexual Exploitation Training.

Resolved:

- i) That the Hackney Carriage and Private Hire Licensing Policy 2013 be amended as set out in 'Appendix A – Supporting Information to Report' to the submitted report; and
- ii) that these changes take immediate effect.

34. Wheelchair Accessible Vehicles

Members considered a report that set out work undertaken with regard to achieving an aspirational target of 20% of the Hackney Carriage and Private Hire fleet being wheelchair accessible vehicles. Members were advised that over the last four years officers had been looking at ways to increase the percentage of wheelchair accessible vehicles licensed in Torbay. This has led to a doubling of

the percentage of accessible vehicles but has since remained stubbornly at this level for several years.

The Environmental Health Manager (Commercial) informed Members that a number of options had been considered and consultation had taken place. However the consultation response was low with none of the options being universally received. Subsequently a review of the perceived lack of wheelchair accessible vehicles was undertaken, the findings had not been able to evidence a problem. There have been no recent Council complaints and no disability user group has engaged during the two consultation exercises suggesting there is no significant problem. Significantly, there is a new Private Hire company who is dedicated to providing wheelchair accessible vehicles, which is advertised on the Council website along with other providers.

Resolved:

That no additional work be undertaken to increase the percentage of wheelchair accessible vehicles in either the Hackney Carriage and the Private Hire fleets at this time.

35. Delegated Powers - Licensing Act 2003

Members noted a report that informs Members of the decisions taken in relation to Licensing Act 2003 applications by the Assistant Director of Community and Customer Services under delegated powers.

36. Delegated Powers - Gambling

Members noted a report that informed them of decisions taken in relation to Gambling Act 2005 applications by the Assistant Director of Community and Customer Services under delegated powers.

Chairman/woman



Briefing Report
No:

Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards
Affected: **All**

To: **Licensing Committee** On: **14 September 2017**

Contact Officer: **Gary O'Shea**
☎ Telephone: **01803 207631**
✉ Email: **Gary.oshea@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay by the Assistant Director Community and Customer Services under delegated powers.

2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current gambling situation under the Gambling Act 2005 in Torbay.

3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Gambling Policy Statement" (adopted January 2016) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (Section 9.15) on delegated decisions so that it can maintain a general overview of the current gambling situation in Torbay.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Assistant Director Community and Customer Services

Appendix A – Supporting information to Report

A1. Introduction and history

A1.1 The Gambling Act 2005 came into force on 1st September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a number of Premises, notably Unlicensed Family Entertainment Centres (UFEC's), Club and Pub Premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30th April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences and UFEC's. Below are the applications dealt with between 1st October 2016 and 31st March 2017.

	Total
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	0
Bingo Premises Licences – New	1 (9)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	1 (17)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	0 (17)
Adult Gaming Centre Premises Licences – Variation	1
Family Entertainment Centre Premises Licences – New	0 (2)
Family Entertainment Centre Premises Licences – Variation	0
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	2 (23)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued. There have been 2 applications for Unlicensed FEC's (arcades) which are permitted only Category D machines.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report.

A3. Options

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with Torbay Council's Gambling Policy.

A4. Summary of resource implications

A4.1 There is no significant additional resource implications from routine Gambling Act work.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There is public consultation on all New and Variation Premises Licence applications for a 28 day period before any licence is granted.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board is a consultee on all applications.

Annexes

None

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None



Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Licensing Act 2003 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **14th September 2017**

Contact Officer: **Gary O'Shea**
Telephone: **01803 207631**
E.mail: **Gary.oshea@torbay.gov.uk**

1. What we are trying to achieve

1.1 To inform Members of the decisions taken in relation to Licensing Act 2003 applications by the Assistant Director Community and Customer Services under delegated powers.

2. Recommendation(s) for decision

2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current licensing situation under the Licensing Act 2003.

3. Key points and reasons for recommendations

3.1 Torbay Council's "Statement of Licensing Policy" (adopted January 2016) details the scheme of delegation under the Licensing Act 2003. This Policy also requires that the Licensing Committee receive regular reports (section 1.19) on delegated decisions, so that it can maintain a general overview of the current licensing situation.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Assistant Director Community and Customer Services

Appendix A – Supporting information to Report

A1. Introduction and history

A1.1 The Licensing Act 2003 (The Act) came into force on the 24th November 2005. On the 31st March 2017 Torbay Council had 792 Premises Licences/Club Premises Certificates; this number is net of licences issued against those that have lapsed or been surrendered during since the Act came into force. Up to 31st March 2017 the Licensing Committee has dealt with a total of 581 premises hearings.

Additionally up to 31st March 2017, 3202 Personal Licences have been issued, of which 58 were between 1st October 2016 and 31st March 2017.

A1.2 From 1st October 2016 to 31st march 2017, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	8
Premises/Club Premises Applications – Variations	12
Premises/Club Premises Applications – Minor Variations	8
Personal Licences	58
Hearings (Licensing Committee/Sub-Committee)	8
Appeals (to Magistrates Court)	0
Temporary Event Notices	148
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	23
Transfers of Designated Premises Supervisors	60

A1.3 The number of Premises Licence applications, being received by the Licensing and Public Protection Team was 27 compared to 36 in the previous 6 months.

A1.4 The number of Personal Licences issued was 58 as compared to 74 in the previous 6 months. While the number of Temporary Events Notices (TENs), showed a decrease compared to the last period from 195 down to 148. This would not be considered unusual as the figure for the previous period covers the summer months where generally more applications would be expected.

A1.5 There has been no appeals and no reviews during the period. There have been 27 appeals in total, 10 arising from Review decisions.

A1.6 Transfers of Licences and Designated Premises Supervisors variations showed little change.

A1.7 The general picture is therefore still a fairly static.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report.

A3. Options

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with the Licensing Policy.

A4. Summary of resource implications

A4.1 There is a fairly static picture, so the income has remained the same.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the "Prevention of Crime and Disorder", so the work will have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There is public consultation on all new and variation applications for a 28 day period in the case of new premises licence applications and full variations and 10 working days consultation in respect of a minor variation.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board and several teams within Community Safety are consultees on the applications.

Annexes

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None