

## LICENSING COMMITTEE

### Minutes of the meeting held on 6 September 2012 commencing at 6.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Cooke, Davison, Fittock, Orridge, Mrs. Parkin, Raikes and Walshe

Apologies for absence were received from Cllr. Piper

Cllr. Eyre was also present

#### 6. Minutes

A Member noted that D 'n' M News 'n' Toys was still selling toys but was not selling alcohol. The Licensing Partnership Manager clarified that they would only need to stop selling toys once they began to sell alcohol but there was no time limit on beginning to use the licence.

No complaints had been heard since the counter-notice had been issued regarding the Temporary Event Notice (TEN) for Eden Park, Marsh Green, Kent. The TEN applicant had sought clarification from the Council over what activities would be permissible and was prepared to apply again in 2013. The Licensing Partnership Manager reminded the meeting that only the Police and Council Noise Officers could raise objections to TENS.

Resolved: That the minutes of the Licensing Committee held on 26 June 2012 and of the Sub-Committees held on 26 June 2012, 6 August 2012 and 22 August 2012 be approved and signed by the Chairman as correct records.

#### 7. Declarations of interest

No declarations of interest were made.

#### 8. Actions from the previous meeting

There were no actions from the previous meeting.

#### 9. Licensing of Sexual Entertainment Venues

The Licensing Partnership Manager advised that the Council was being asked whether to adopt the powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, to regulate Sexual Entertainment Venues. This would grant the Council greater powers to regulate such venues which were currently regulated only under the Licensing Act 2003.

The Licensing Committee had approved a consultation on the licensing of Sexual Entertainment Venues on 22 June 2011 and the consultation period ended on 10 August 2012. The consultation had resulted in a number of responses, most of which were in favour of the proposal.

Resolved: To adopt powers relating to Sexual Entertainment Venues, following changes to the regulation of Sexual Encounter Venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

10. Law Commission Consultation Paper on reforming the taxi and private hire services law

The Law Commission had undertaken a consultation on the reform of the law relating to Taxis and Private Hire Vehicles. The Licensing Partnership Manager explained that it was generally accepted within the industry that reforms were necessary. The Council was responding to the consultation and had tried to provide a balanced response which reflected the views of both service providers and their customers. She had consulted with the trade. She had also asked them whether they would like the Council to represent them and respond on their behalf but had received no responses to this proposal.

The meeting was given copies of a response the Licensing Partnership Manager had sent to a Committee Member answering various questions about the consultation and the Council's responses.

Officers then answered the Committee's questions. The Commission did intend to replace all existing legislation on the matter with an overarching Act. Question 9 of the consultation asked whether "clubs" should be regulated but "clubs" had not been defined; Officers thought the legislation may use the definition in the Licensing Act 2003. Officers preferred that the new legislation refer to "taxis" and "private hire vehicles" and abandon the term "hackney carriage"; the Chairman felt it was important that each type of service be given unique names which clearly distinguished them.

It was proposed that the response to question 44 be amended. A Member of the Committee believed the Council should amend the proposal to say "Agreed as long as the charge is agreed in advance". The Committee agreed to this amendment.

Resolved: That the proposed response, as amended, to the Law Commission's Consultation Paper on reforming the Taxi and Private Hire law outlined in their Summary Paper be approved.

THE MEETING WAS CONCLUDED AT 6.17 pm

Chairman