

18 March 2019 at 6.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 08.03.19



Licensing Committee

Membership:

Chairman, Cllr. Mrs. Morris; Vice-Chairman, Cllr. Clark
Cllrs. Abraham, Dr. Canet, Clack, Esler, Halford, Kelly, Lake, McArthur, Parkin,
Pett and Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 30 January 2019, as a correct record.	(Pages 1 - 8)	
2. Declarations of interest Any interests not already registered		
3. Actions from the previous meeting		
4. Licensing Act 2003 - Statement of Licensing Policy	(Pages 9 - 16)	Sharon Bamborough Tel: 01732227325
5. Work Plan	(Pages 17 - 18)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

LICENSING COMMITTEE

Minutes of the meeting held on 30 January 2019 commencing at 6.00 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllr. Clark (Vice Chairman)

Cllrs. Abraham, Dr. Canet, Clack, Clark, Lake, Parkin and Raikes

Apologies for absence were received from Cllrs. Esler, Halford, Kelly, McArthur and Pett

15. Minutes

Resolved: That the Minutes of the meeting of the Licensing Committee held on 1 November 2018, be approved and signed by the Chairman as a correct record.

16. Declarations of interest

No additional declarations of interest were made.

17. Actions from the previous meeting

The Chairman confirmed that this action, to monitor the Hackney Carriage and Private Hire Policy condition aimed at increasing the number of wheelchair accessible vehicles within the fleet was ongoing, with the aim to report back to the Licensing Committee in November 2019.

18. Amendments to the Hackney Carriage and Private Hire Policy following Consultation

Members considered a report which set out amendments to the Hackney Carriage and Private Hire policy, following a six-week consultation.

Members queried the Officer comments in appendix B, indicating that CCTV could be placed where drivers want. Members suggested that there were stricter guidelines on where cameras can be placed in vehicles. The Head of Licensing Partnership confirmed that whilst this was the case, the wording mentioned was just a consultation response and would not be in the final policy.

Members indicated that they were impressed with the District's taxi drivers and despite a lot of rules and regulations that needed to be adhered to, they did it very well.

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The Head of Licensing Partnership agreed and noted their increasing professionalism.

Resolved: That it be recommended to Council that the draft amended Hackney Carriage and Private Hire policy be approved.

19. Hackney Carriage and Private Hire Licensing: Licensing Fees from April 2019

Members considered the report which proposed the 2.5% rise of Hackney Carriage and Private Hire licence fees from April 2019.

In response to questions, the Senior Licensing Officer confirmed that the 2.5% rise was inflationary. Officers also confirmed that current fees were based on previous assessments of the time and costs it took for Officers to process various applications. A reassessment of these processes had recently commenced.

Members thanked the Licensing team for their hard work and congratulated them on their successful consultations with the trade recently.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the fee levels set out below, be approved for consultation with the taxi trade; and

	Application for a new HC driver licence	Renewal of a HC driver's licence	Application for a new PH driver licence	Renewal of a PH driver's licence
Computerised Knowledge test	£47.00	Not applicable	£47.00	Not applicable
Application	£194.00	£106	£158	£106
DBS enhanced search	£44.00	£44.00	£44.00	£44.00

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	Application for a new HC driver licence	Renewal of a HC driver's licence	Application for a new PH driver licence	Renewal of a PH driver's licence
Medical (From 1 st April drivers will go to their own GP for this).	N/A	N/A	N/A	N/A
Driving Standards Assessment test (Price dependant on provider driver chooses)	£70 to £127	Not applicable	£70 to £127	Not applicable
Total	£355 to £412	£150	£319 to £376	£150

	Existing Fees	New Fees from April 2019
Hackney Carriage Driver Licence		
Computerised Knowledge test	£46	£47
On initial application	£189 (excluding knowledge test fee) for three years	£194 (excluding knowledge test fee) for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee and Knowledge test fee)	£279 for three years	£285 for three years
On renewal	£103 for three years	£106 for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service

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	Existing Fees	New Fees from April 2019
Total (including DBS fee)	£147 for three years	£150 for three years
Hackney Carriage Vehicle Licence	£333 for one year	£341 for one year
Private Hire Operator Licence		
On initial application - 5 year licence	£492 for five years	£504 for five years
On renewal - 5 year licence	£477 for five years	£489 for five years
On initial application - 3 year licence	£338 for three years	£346 for three years
On renewal - 3 year licence	£323 for three years	£331 for three years
On initial application - 1 year licence	£185 for one year	£190 for one year
On renewal - 1 year licence	£174 for one year	£178 for one year
Private Hire Driver Licence		
Computerised knowledge test	£46	£47
On initial application	£154 (excluding knowledge test fee) for three years	£158 (excluding knowledge test fee) for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee and Knowledge test fee)	£244 for three years	£249 for three years
On renewal	£103 for three years	£106 for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£147 for three years	£150 for three years

	Existing Fees	New Fees from April 2019
Private Hire Vehicle Licence	£333 for one year	£341 for one year
Additional Costs		
Change from Hackney Carriage to Private Hire	£72	£74
Change from Private Hire to Hackney Carriage	£92	£94
Replace vehicle plate	£24	£25
Replace driver badge	£10	£10
Vehicle re-test	£54.85	£54.85
Vehicle partial re-test	£27.43	£27.43
Change of ownership of licensed vehicle	£71	£73
Failure to attend in time for the vehicle test (10 minutes prior to the test start time)	£54.85	£54.85
Failure to attend with correct documentation	£54.85	£54.85
Copy of existing paper licence	£12	£12
Change of address details for a replacement licence	£12	£12
Change of name for a vehicle or operator licence	£12	£12
Change of name and address for a driver badge	£22	£23
Medical fee for a new and renewal driver licence for Hackney Carriage and Private Hire From 1 st April 2019 payable directly to The Drivers GP.	£45 for three years payable directly to the surgery	? for three years payable directly to the drivers own GP.

	Existing Fees	New Fees from April 2019
Replacement Vehicles		
<p>If a licensed vehicle is replaced during the valid licence period then the cost of licensing the replacement vehicle will be £303. However, if the vehicle is replaced within six months of the issue of the licence then the fee will be reduced by £60.</p> <p>If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £103 to test and licence the replacement vehicle and a further £103 to test and re-licence the original vehicle.</p>		

- b) if, following consultation, there are no adverse comments to the proposed fees, that they be implemented from 1 April 2019.

20. Gambling Act 2005: Licence Fees from April 2019

Members considered the report which set out the new proposed fee structure ensured that the licensing of Gambling premises that ensured a full cost recovery and represented fairness and value for money.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the appropriate fee levels as set below be approved.

Premises Type	New Application £			Annual Fee £		
	Proposed	cap	existing	Proposed	cap	existing
Existing Casinos	n/a			n/a		
New Small Casino	8000	(8,000)	8000	4560	(5000)	4449
New Large Casino	9456	(10,000)	9225	7360	(10000)	7180
Bingo Club	2332	(3500)	2275	820	(1000)	800
Betting Premises (excluding Tracks)	2932	(3000)	2860	593	(600)	579
Tracks	1829	(2500)	1784	820	(1000)	800
Family Entertainment Centres	1829	(2000)	1784	672	(750)	656
Adult Gaming Centre	1829	(2000)	1784	820	(1000)	800
Temporary Use Notice	237	(500)	231	N/A		

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional)	Copy Licence	Notification of Change

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	£	£	£	£	Statement holders) £	£	£
BOLD = proposed fee (figure) = statutory CAP Italics =existing fee Blue / shading = cap reached							
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a)	n/a)
New Small Casino	4000 (4000) <i>3916</i>	1728 (1800) <i>1686</i>	1728 (1800) <i>1686</i>	8000 (8000) <i>8000</i>	2952 (3000) <i>2880</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
New Large Casino	4492 (5000) <i>4382</i>	2150 (2150) <i>2142</i>	2150 (2150) <i>2142</i>	9461 (10000) <i>9230</i>	4334 (5000) <i>4228</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Bingo Club	1750 (1750) <i>1712</i>	1200 (1200) <i>1200</i>	425 (1200) <i>415</i>	2332 (3500) <i>2275</i>	1200 (1200) <i>1200</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Betting Premises (excluding tracks)	1500 (1500) <i>1500</i>	1200 (1200) <i>1200</i>	405 (1200) <i>395</i>	1829 (3000) <i>1784</i>	1200 (1200) <i>1200</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Tracks	1250 (1250) <i>1250</i>	950 (950) <i>950</i>	405 (1200) <i>395</i>	1780 (2500) <i>1737</i>	950 (950) <i>950</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Family Entertainment Centres	1000 (1000) <i>1000</i>	950 (950) <i>950</i>	410 (950) <i>400</i>	1821 (2000) <i>1777</i>	950 (950) <i>950</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Adult Gaming Centre	1000 (1000) <i>1000</i>	1200 (1200) <i>1200</i>	410 (950) <i>400</i>	1821 (2000) <i>1777</i>	1200 (1200) <i>1200</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	12 (25) <i>12</i>	30 (50) <i>29</i>

21. Local Government (Miscellaneous Provisions) Act 1982: Licence Fees from April 2019

Members considered the report which proposed the fee levels which ensured that the licensing of Sexual Establishments maintained a 'self-financing' position for the service, in accordance with the Council's statutory duty and the Council's Service and Budget plan.

The Chairman advised that the 2.5% increase in fees was inflationary.

Members queried whether there were any Sexual Establishments across the Licensing Partnership. The Head of Licensing Partnership advised Members that

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there were, which included establishments in the London Borough of Bexley and Maidstone.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the appropriate fee levels of £3,762 for a new application or a renewal application, and £1,886 for a transfer of an application be approved.

THE MEETING WAS CONCLUDED AT 6.18 PM

CHAIRMAN

LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Licensing Committee - 18 March 2019

Report of Chief Officer, Environmental and Operational Services

Status For Decision

Key Decision No

Executive Summary: This report invites Members to consider a minor review of the current Council's Statement of Licensing Policy for the five-year period 1 April 2015 to 31 March 2020 so as to include a policy for outdoor events.

This report supports the Key Aim of sustainable economy

Portfolio Holder Cllr. Firth (Legal and Democratic Services)

Contact Officers Richard Wilson Ext. 7067

Sharon Bamborough Ext. 7325 / 07970 731616

Recommendation to Licensing Committee: That the amendments to the Statement of Licensing Policy as set out in **Appendix A** be approved for public consultation

Reason for recommendation: The Licensing Authority's current policy does not have any specific or additional considerations for outdoor events. This reports sets out the proposed changes which will set out the Council's expectations.

Introduction and background

- 1 The Licensing Act 2003 (the Act) requires the Council, in its role as a licensing authority, to prepare and publish a statement of licensing policy with respect to the exercise of its functions under the Act.
- 2 The Council's current Policy is in force until 31 March 2020. Once in place this Policy must be kept under review at least every five years. The usual full review of this policy is scheduled to take place in 2019.
- 3 In accordance with this requirement the Committee is asked to agree, for consultation purposes, a minor addition to the Council's Statement of Licensing Policy for the remainder of the current five year period, which commenced on 1 April 2015 and ends on 31 March 2020.

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- 4 Any feedback from the consultation exercise will be presented to the Committee when they next meet in March, together with a request that they agree to refer the proposed Policy to full Council for approval when it next meets should they decide to amend the policy following feedback.
- 5 The proposed Policy has been revised so as to add a new section regarding outdoor events, in **section 20**, attached at **Appendix A** to the report.
- 6 Many authorities have seen an increased demand for outdoor events and festivals in recent years. The Licensing Authority's current policy does not have any specific or additional considerations for outdoor events as opposed to the regular licensing activity which takes places mostly within buildings. In light of the evidence of an increased demand for outdoor events and festivals from other authorities, it is anticipated that there may be a national trend for an increase in such events and that Sevenoaks can expect an increase in such demand over the five-year period 1 April 2015 to 31 March 2020.
- 7 The proposed section includes:
 - A suggested terminal hour for all licensable activities of 23:00 at outdoor events;
 - Setting out expectations that organisers will demonstrate that they have the required permissions in place to use the land;
 - Setting out expectations that organisers will demonstrate that they have arrangements in place to ensure the site is properly checked and certified (for example, if water supplies or electrics need to be checked); and
 - Setting out expectations that organisers will demonstrate that they have notified and where necessary sought authorisation / advice from the Council's Safety Advisory Group for the event.
- 8 Any amendments the Committee require to the proposed Policy will be done ahead of it going out for consultation.

Available options

- 9 To approve the proposed amendment and direct the Licensing Service to carry out consultation.
- 10 To amend the proposed new section and direct the Licensing Service to carry out consultation.
- 11 Reject the proposed amendment and leave the policy as it currently is.

Preferred option and reasons for recommendations

- 12 The Licensing Service recommends the first option in order to keep the wording in line with similar proposals for all the statements of licensing policy across the Licensing Partnership.

Consultation

- 13 Prior to determining (or amending) its Statement of Licensing Policy the Council must consult with those parties identified in section 5(3) of the Licensing Act 2003, who are:
- the chief officer of police for the licensing authority's area;
 - the fire and rescue authority for that area;
 - each Local Health Board for an area any part of which is in the licensing authority's area
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - such other persons as the licensing authority considers to be representative of business and residents in its area.
- 14 It is recommended that the following parties be directly consulted on the proposed Policy:
- Members of the Council;
 - Neighbouring Authorities;
 - Responsible Authorities;
 - holders of Premises Licences and Club Premises Certificates*;
 - person/ bodies representative of the holders of Premises Licences and Club Premises Certificates; *
 - Town Centre Forums, BIDs, Partnerships and Managers;
 - person/ bodies representative of local business;
 - person/ bodies representative of local residents;
 - representatives of local transport providers; and
 - representatives of local health care providers.

** Note: The requirement to consult with 'such persons the Council considers being representative of holders of personal licences' will be achieved by consulting the holders of Premises Licences as a percentage of this group also hold a Personal Licence.*

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- 15 It is also recommended that details of the proposed amended Policy, together with an invitation to submit comments, be posted on the Council's website. In addition relevant officers of the Council, such as the Council's Head of Legal Services, will be consulted on the Policy.
- 16 During the 6 week consultation period it is open to any person to make comments on the proposed Policy. This allows for comments both on the proposed Policy together with the submission of any evidence that specifically relates to 'outdoor events'.
- 17 The Committee will consider any comments or evidence submitted following the consultation when it next meets in 2019. At this meeting the Committee will decide if, having had regard to the feedback, the proposed Policy should be amended and agree a final draft of the Policy for submission to full Council in 2019.

Timetable

- 18 The timetable in respect of the preparation and consultation for the proposed Policy is as follows:

18 March 2019	Licensing committee (to agree to consult)
June 2019	Licensing Committee (to consider consultation feedback and agree final version)
July 2019	Full Council (Adoption)

Decision

- 19 Should the Committee be minded to agree the proposed amendment to policy, the Licensing Service will commence a six week consultation and the results will be fed back to a future meeting of the Licensing Committee.
- 20 Should the Licensing Committee proceed to amend the policy following consultation it would then be referred to a meeting of the full council for adoption.

Key Implications

Financial

There are no specific financial implications resulting from the matters considered in this report, as the minimal cost of consultation and publication in respect of the proposed Council's Statement of Gambling Policy will be met from the running costs of the Licensing Team and Licensing Partnership.

Legal Implications and Risk Assessment Statement

The Council's Statement of Licensing Policy is an important factor when determining certain applications under the Licensing Act 2003. If the Policy is silent on a matter then the Council will have less opportunity to guide and control applications.

Ensuring that the Policy is up to date and covers relevant areas assist the Council is ensuring a consistency of approach.

Equality Assessment

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

Appendices

Appendix A - Extract of the Statement of Licensing Policy amended to show new wording.

Background Papers

[Statement of Licensing Policy](#) (1 April 2015)

Richard Wilson

Chief Officer Environmental and Operational Services

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- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.12 There are restrictions on the numbers of each type of TEN that can be submitted.
- 19.13 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

20 OUTDOOR EVENTS

- 20.1 The general terminal hour for all licensable activities shall be 23:00 at outdoor events;
- 20.2 Organisers/applicants shall demonstrate that they have the required permissions in place to use the land (whether private land or on Council owned land);
- 20.3 Organisers/applicants shall demonstrate that they have arrangements in place to ensure the site is properly checked and certified (for example, if water supplies or electrics need to be safety checked); and
- 20.4 Organisers / applicants using Council owned land will demonstrate that they have notified and where necessary sought authorisation / advice from the relevant Council departments (for example, the Parks and Open Spaces, Highways etc.).

21 OTHER RELEVANT MATTERS

- 21.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 21.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original.
- 21.3 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.
- 21.4 This authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
 - gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);

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Licensing Committee Work Plan 2018/19 (as at 18/02/19)

18 March 2019	10 July 2019	19 September 2019	7 January 2020
	Annual Update report on the Licensing Partnership		

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