

## LICENSING COMMITTEE

### Minutes of the meeting of the Licensing Committee held on 22 June 2011 commencing at 6.00 pm

Present: Cllr. A Pett (Chairman)

Cllr. L Abraham, Cllr. Mrs B Ayres, Cllr. L Ayres, Cllr. C Clark,  
Cllr. R J Davison, Cllr. Mrs A Firth, Cllr. M Fittock, Cllr. Mrs F Parkin,  
Cllr. R Piper, Cllr. S Raikes and Cllr. R Walshe

Apologies for absence: Cllr. P Cooke

#### 1. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Cllr. Cooke.

#### 2. **MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 22 MARCH 2011 AND OF THE SUB-COMMITTEES HELD ON 10 JUNE 2011**

Resolved: That, the minutes of the meeting of the Licensing Committee held on 22 March 2011 and the Sub-Committees held on 10 June 2011 be approved and signed by the Chairman as correct records.

#### 3. **DECLARATIONS OF INTEREST**

All Councillors present declared a personal interest in Minute Item 7 by virtue of knowing Cllr. John Underwood, who was a taxi driver in the District.

Cllr. Clark declared a personal interest in Minute Item 7 by virtue of knowing Graham Maxted, who was a taxi driver in the District.

Cllr. Pett declared a personal interest in Minute Item 7 by virtue of knowing Colin Annetts, who was a taxi driver in the District.

#### 4. **TERMS OF REFERENCE OF THE LICENSING COMMITTEE - ITEM FOR INFORMATION AND NOTING**

The Democratic Services Manager explained that the terms of reference were presented to clarify the role and remit of the Licensing Committee, especially to new Members.

The Committee noted its Terms of Reference.

#### 5. **MEMBERSHIP OF LICENSING HEARING SUB-COMMITTEES**

The Democratic Services Manager informed the Committee that the Sub-Committees were organised for administrative convenience but that Members may occasionally be substituted between them.

Resolved: That the memberships of the Licensing Sub-Committees as set out in paragraph 1 of the Report be approved.

**6. OFFICER RESPONSIBILITIES AND DELEGATIONS - SEXUAL ENTERTAINMENT VENUES**

The Assistant Licensing Partnership Manager outlined the recent statutory changes to the regulation of sexual entertainment venues. Consultation would be required before any decision was made. Members were asked whether the consultation should be based on continuing to license them under the Licensing Act 2003 or based on adopting the new provisions introduced by the Policing and Crime Act 2009.

Following a question she clarified that if regulation continued under the Licensing Act 2003 then such venues could only be assessed according to the four licensing objectives. However, the new provisions allowed a wider range of factors. For example, Members would be allowed to consider the character of the relevant locality. In response to another Member the Officer stated that the current absence of venues did not mean that all localities would be inappropriate but the locality would still have to be considered in each individual case.

The consultation would take the Council's usual format. It would be publicised, including on the website and interested parties would be written to.

Resolved: That Members approve the proposed consultation set out in the Report, with Option 1 ("Adopt the new provisions relating to sexual entertainment venues") as the Committee's preference, to determine whether the Council should adopt the sexual entertainment licensing provisions contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

**7. TAXI POLICY (VERBAL UPDATE)**

The Assistant Licensing Partnership Manager gave the Committee an update on the review of the Taxi Licensing Policy. She believed a number of changes would be needed but there were still three outstanding items which needed to be resolved.

One item was still being considered by the Legal Services Team.

A second matter was the placing of identity badges and licence numbers inside vehicles. The current policy required badges to be worn around the neck of the driver. This was ineffective when passengers were sitting in the back of the vehicle. Officers were investigating options such as having licence numbers placed on the dashboard or on the meter. Officers were trying to keep costs low and avoid passing the costs onto the licensees.

Third, Officers had been advised that they could no longer insist that all applicants agree to an enhanced Criminal Records Bureau check, but only a

standard check. An Officers' Group was meeting on 7 July to discuss options and the Assistant Licensing Partnership Manager expected to have more information after that meeting.

She explained that the enhanced check would disclose more than just current convictions. It could include spent convictions and notes from the Police when a matter has not led to conviction. In the past it had been unusual for such checks to disclose unknown information about established drivers but it was particularly useful for learning about new applicant.

Kent County Council would still insist on enhanced checks for those drivers who worked with schools. She acknowledged that this may result in some applicants having to do a standard check for Sevenoaks District Council and then an enhanced one for KCC. She was interested in keeping the current policy of enhanced checks for all licensees because it could not be predicted who they might have as a passenger.

She confirmed that she was seeking legal clarification on the matter, together with the other teams in the Licensing Partnership. She believed there was a difference of opinion in licensing teams across Kent on whether they could still insist on enhanced checks. One Member was particularly concerned that the Council should not proceed with enhanced checks without full legal standing because it could breach human rights.

Several Members felt it important that the District have confidence in those it has licensed. They encouraged Officers to investigate continuing with the enhanced checks. The Assistant Licensing Partnership Manager said many drivers had commented to her that they were more than happy to perform the enhanced check and that some considered it part of their status.

THE MEETING WAS CONCLUDED AT 6.28 pm

Chairman