

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON WEDNESDAY 18 SEPTEMBER 2013**

MEMBERS

* Cllr J H Baverstock - Chairman

* Cllr P K Cuthbert - Vice-Chairman

* Cllr J I G Blackler

* Cllr B E Carson

* Cllr R J Carter

* Cllr P K Cuthbert

* Cllr R D Gilbert

* Cllr M Hannaford

∅ Cllr D W May

∅ Cllr C M Pannell

* Cllr M F Saltern

* Cllr S A E Wright

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Business Support Manager, Licensing Officer, Solicitor and Member Services Manager

L.01/13 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 8 November 2012 and the Sub-Committees held during the period 9 April 2013 to 30 May 2013 were all confirmed as a correct record and signed by the Chairman.

L.02/13 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but none were made.

L.03/13 **THE APPOINTMENT, REVOCATION AND RE-APPOINTMENT OF
TAXI STANDS IN THE DISTRICT**

Members were asked to consider a report that asked them to approve the proposals of changing two taxi stand provisions in Kingsbridge, and to update, review and confirm the Authority's taxi stand provision in the South Hams.

The Business Support Manager explained to Members the background to the report. Following a brief discussion, it was then:

RECOMMENDED

That Council be **RECOMMENDED**:

1. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, to revoke the previous appointment of the taxi stand outside Peacocks, 2 Fore Street, Kingsbridge TQ7 1NY;
2. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, to approve the appointment of the South Hams taxi stands set out in Appendix A of the presented report;
3. That the Business Support Manager be authorised to advertise the above proposals required by Section 63(2) of the Local Government (Miscellaneous Provisions) Act 1976; and
4. That if no written representation or objection is received relating to the notice published in accordance with (3) above within the 28 days period following the publication of that notice, or received and subsequently withdrawn, the taxi stands referred to in paragraph 1 of this recommendation be deemed revoked and accordingly in paragraph 2 the taxi stand(s) be deemed appointed.

L.04/13

IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013

The Committee considered a report which sought approval to make recommendations to Council in relation to the Scrap Metal Dealers Act 2013 that had received Royal Assent on 28 February 2013.

The Business Support Manager introduced the report and outlined the new legislation. Mobile scrap dealers would now be required to carry identification and pay a fee to be registered. The legislation had been introduced to prevent cash handling and also to bring motor salvage and general scrap dealers under one piece of legislation.

In discussion, reference was made to:-

- (a) people who had registered to carry scrap metal, even though it was not their main business. It was confirmed that such people would be contacted to see if they still required registration under the new legislation;
- (b) the Police Authority and Environmental Health Department being enforcers of the legislation;
- (c) the various checks that were undertaken when applications to register as a scrap metal dealer were received.

It was then:

RECOMMENDED

That Council be **RECOMMENDED**:

1. To authorise the amendments to Part 3 of the Constitution, Section 5(d), by deleting reference to the Scrap metal Dealers Act 1964 and deleting reference to the Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002;
2. To approve the initial fees in respect of Scrap Metal Dealers Site and Collectors Licences as set out in paragraph 4.4 of the presented report; and
3. That the Economy and Environment Scrutiny Panel regularly review future fees under this legislation and make recommendations to Council.

L.05/13

SUMMARY OF NEW/VARIATION OF PREMISES LICENCES ISSUED BETWEEN 1 APRIL 2013 AND 17 SEPTEMBER 2013 PLUS LICENCES ISSUED UNDER THE MISCELLANEOUS PROVISIONS ACT 1982 PLUS OTHER MISCELLANEOUS LICENCES

The Business Support Manager circulated a table of licences that had been issued between 1 April 2013 and 17 September 2013 to enable Members to make any comments.

It was agreed that the document would be circulated with the minutes.

Following a brief discussion it was then:

RESOLVED

That the table of licences issued between 1 April 2013 and 17 September 2013 be noted.

L.06/13

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.07/13 **TO DETERMINE WHETHER THERE IS REASONABLE CAUSE TO SUSPEND OR REVOKE THE HACKNEY CARRIAGE DRIVER LICENCE – WHETHER THE DRIVER IS 'FIT AND PROPER'**

Consideration was given to an exempt report which sought to determine whether there was 'reasonable cause' to suspend or revoke a Hackney Carriage Driver Licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.

The Chairman introduced the report. The Hackney Carriage Driver was in attendance at the meeting and was given the opportunity to address the Committee. Some Members asked questions of the Hackney Carriage Driver and the Business Support Manager confirmed the options that were open to the Committee.

(At this point, the Hackney Carriage Driver was asked to leave the meeting to enable the Committee to make a decision. The Solicitor and Member Services Manager remained in the meeting. It was also agreed that one of the Members of the Committee would not take part in the debate or vote as the Hackney Carriage Driver was known to him).

The Decision

The Chairman then proceeded to announce the decision as follows:

'The Committee is not willing to suspend or revoke the Hackney Carriage Driver Licence at this time but is minded to give an official warning'.

(Meeting commenced at 10.00 am and concluded at 11.30 am).

Chairman

APPENDIX A

Summary of New / Variation of premises licences and club premises certificates issued between 1 April 2012 to 31 March 2013

Licensing Act 2003 / Gambling Act 2005

Date received	Name of premises	Type of application	Outcome
17.04.12	Bakers Bar, Dartmouth	New	Full hearing – granted with amendments by sub-committee
18.04.12	Morrisons, Totnes	Variation	Application withdrawn following representations
19.04.12	Morrisons, Kingsbridge	Variation	Mediated – approved by sub-committee
25.04.12	The Devon Juicer	New	On hold
12.06.12	Co-operative Food, Modbury	Variation	Advertised incorrectly, returned to applicant. Not re-submitted.
12.06.12	Co-operative Food, Ivybridge	Variation	Advertised incorrectly, returned to applicant. Not re-submitted.
19.06.12	Packhorse Inn, South Brent	Minor variation	Granted by officer
22.06.12	Pickwick Inn, St Ann's Chapel	New	Granted by officer
31.07.12	Kingsbridge Inn, Totnes	Variation	Full hearing – granted with amendments by sub-committee
31.07.12	Dolphin Inn, Newton Ferrers	Minor variation	Representations so not granted. Not re-submitted
01.08.12	Flavel Centre, Dartmouth	Minor variation	Granted by officer
03.09.12	Regal Club, Kingsbridge	Variation	Mediated – approved by sub-committee
11.09.12	South Hams Bingo & Social Club	Variation to bingo licence	Granted by officer
03.10.12	Hermitage Inn, Kingsbridge	Minor variation	Granted by officer

12.10.12	Riverford Farm Shop, Kitley	New	Granted by officer
18.10.12	Smith Street Delicatessen, Dartmouth	New	Granted by officer
29.10.12	Wharfside Brasserie, Kingsbridge	Variation	Mediated – approved by officer
21.11.12	Treby Arms, Sparkwell	Minor variation	Granted by officer
28.11.12	Café Bovisands	New	Granted by officer
30.11.12	Bull Inn, Totnes	Minor variation	Granted by officer
19.12.12	Royal Oak, Malborough	Minor variation	Granted by officer
19.12.12	Thurlestone Golf Club	Minor variation	Granted by officer
19.12.12	Sharpham House, Ashprington	New	Mediated – approved by officer
08.01.13	Kingswear Castle (Vessel)	New	Granted by officer
10.01.13	Gara Rock Restaurant, East Portlemouth	New	Granted by officer
14.01.13	Dartmoor Zoo, Sparkwell	Variation	Mediated – approved by officer
24.01.13	Crabshell Inn, Kingsbridge	Variation	Mediated – approved by officer
08.02.13	Co-operative Food, Newton Ferrers	Variation	Granted by officer
08.02.13	Co-operative Food, Malborough	Variation	Full hearing – granted with amendments by sub-committee
08.02.13	Co-operative Food, Kingsbridge	Variation	Full hearing – granted with amendments by sub-committee
08.02.13	Co-operative Food, Crossroads Service Station, Plymstock	Variation	Granted by officer
08.02.13	Co-operative Food, South Brent	Variation	Full hearing – granted with amendments by sub-committee
08.02.13	Co-operative Food, Totnes	Variation	Full hearing – granted with amendments by sub-committee
08.02.13	Co-operative Food, Dartmouth	Variation	Granted by officer

22.02.13	Anchor Inn, Ugborough	New	Granted by officer
06.03.13	Volksfest, Newnham Park, Plympton	Variation	Granted by officer
06.03.13	Dartmouth Golf & Country Club	Minor variation	Granted by officer
07.03.13	Aune Valley Meat, Loddiswell	New	Granted by officer
08.03.13	Anchorstone Café, Dittisham	Variation	On hold

Issue of licences/Amendments under Licensing Act 2003, Gambling Act 2005 and The Local Government (miscellaneous provisions) Act 1982 in the period 1st April 2012 to 31st March 2013

Transfer of premises licence	35	Issued by officer
Change of designated premises supervisor	114	Issued by officer
Personal Licences New	50	Issued by officer
Temporary Event Notices	610	Acknowledged by officer

Gambling Act 2005

Category D Machines – (fruit machine £70 payout) New	9	Issued by officer
Small Society Lotteries (New)	19	Issued by officer
Occasional Use Notice	4	Issued by officer
Variation to Gambling Premises Licence	1	Issued by officer
Family Entertainment Centre Gaming Machine Permits	1	Issued by officer

The Local Government Miscellaneous Provisions Act 1982

Hackney Carriage Drivers (New and Renewal)	146	Issued by officer
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Vehicles (New and Renewal)	154	Issued by officer
Private Hire		
Drivers (New and Renewal)	23	Issued by officer
Vehicles (New and Renewal)	18	Issued by officer
Operators (New and Renewal)	11	Issued by officer
Combined Driver Licences (New and Renewal)	0	Issued by officer
Miscellaneous Licensing		
Animal Boarding Licence (New and Renewal)	19	Issued by officer
Pet Shop Licences (New and Renewal)	4	Issued by officer
Riding Establishments (New and Renewal)	11	Issued by officer
Skin Piercing (New)	11	Issued by officer
Motor Salvage Operator (New)	0	Issued by officer
Scrap Metal Dealer (New and Renewal)	7	Issued by officer

APPENDIX B

Licensing Act 2003 – mediated applications with agreed amendments approved by officer

Date received	Premises	Type of application	Date granted	Representation	Agreed amendments
29.10.12	Wharfside Brasserie, Kingsbridge	Variation	27.11.12	Police and Environmental Health	Amendment to hours for recorded music, sale of alcohol and opening hours and inclusion of additional conditions. All parties agreed a hearing was not necessary.
19.12.12	Sharpham House, Ashprington	New	18.1.13	Resident	Amendment to hours for music outside and inclusion of additional conditions. Both parties agreed a hearing was not necessary.
14.1.13	Dartmoor Zoo, Sparkwell	Variation	11.2.13	Police	Inclusion of additional conditions. Both parties agreed a hearing was not necessary.
24.1.13	Crabshell Inn, Kingsbridge	Variation	21.2.13	Environmental Health	Inclusion of additional conditions. Both parties agreed a hearing was not necessary.
29.4.13	South Devon Arts Centre, Totnes	New	28.5.13	Police	Inclusion of additional conditions. Both parties agreed a hearing was not necessary.

