

Monday 12 March 2007
at 6.00pm



General Licensing Committee

MEMBERS: Councillor, Mrs MURRAY (Chairman), Councillor BOWKER (Deputy Chairman), Councillors Mrs ANGEL, Mrs GOODALL, LACEY OBE, HERBERT, MARSH, Mrs POOLEY, WALLIS and Miss WOODALL.

(Apologies for absence were reported from Councillors Harris, Stevens, Taylor and Tester).

12 Minutes.

The minutes of the meeting held on 23 January 2007 were submitted and approved and the Chairman was authorised to sign them as a correct record.

13 Declaration of Interests.

Councillors Herbert and Mrs Angel declared a prejudicial interest in item 7 and withdrew from the meeting during consideration thereof.

14 Hackney Carriage Proprietors Licence Allocation.

The Committee considered the report of the Assistant Director of Housing and Health which reviewed the allocation process that had been applied to the release of Hackney Carriage Proprietors licenses.

The Committee at its meeting on 23 January 2007 had agreed the mechanism for allocating the six additional hackney carriage licences which had been agreed for release at the meeting held on 1 November 2006.

The licences had been allocated by an in-house draw conducted at the meeting of 23 January. The pool had been comprised of 19 expressions of interest received following an advertisement in the Eastbourne Herald on 12 January 2007 which gave a closing date of 22 January 2007 for submissions. The same information had also been placed on the Council's website with further details of the terms and conditions of the release of licences. The first six names drawn had been recorded in the minutes as having been allocated Hackney Carriage proprietor licenses, subject to specified terms and conditions.

It was acknowledged that the original list which purported to give the personal details of those persons who had expressed an interest in obtaining a licence over time since 1975 was inadequate. Due to insufficient information regarding individuals and the inadequate recording of personal details, it had not been possible to identify the persons on the original list and those persons had not therefore been contacted prior to the draw of 23 January. It was acknowledged that the matter had been in the public domain for some time prior to that.

So far as the allocation of any future licence plates was concerned, it was recommended that, subject to any change in regulation and/or guidance, any future decisions relating to the release of additional proprietor licenses should employ a similar method of allocation. The original list should be dispensed with and instead the 'in house draw' would be from a pool of individuals who had expressed an interest more recently. Should another draw take place within twelve months of 23 January 2007, the pool would include those people who were unsuccessful in the draw held at the meeting on 23 January 2007 as well as persons responding to the public notices.

The pool would be reviewed annually beginning in January 2008, with the persons in the pool for the previous draw being contacted by the Licensing team at the end of each 12 month period to ascertain whether they wished to formally re-express their interest. Public notices inviting expressions of interest and advertising the method and terms of allocation would also be placed for an extended period of time. Any respondents would be included in the pool together with those applicants who had expressed a continued interest. The Licensing Manager advised that new applicants to drive a vehicle were subject to a CRB and medical check and were required to pass the Driving Standards Agency Assessment and a knowledge test.

Mr Stoneman addressed the Committee and expressed disappointment both with the method used to allocate the additional licences and with the condition of the original list. He was particularly concerned that those persons on the original list had not been contacted individually and given the opportunity to take part in the draw.

The Committee expressed concern that the original list had not been adequately maintained. It was felt that members of the Committee should have had the opportunity to view the list prior to a decision in respect of the allocation of licences. The Chairman advised the Committee that she had been consulted and had viewed the original list when its inadequacies had been identified.

The Principal Lawyer informed the Committee that the Solicitor to the Council had been asked to advise regarding the issue of the circulation of the original list. Having taken advice from the Council's information officer, he was of the view that the Council's legal obligations under data protection law precluded a general circulation of the original list to anyone other than those persons with a strict need to know.

The Principal Lawyer further noted that those persons providing personal data with a view to being included in licence draws would be made aware as to the ways in which their data would be kept, so as to permit the pool of prospective licence holders to be maintained as a public record.

Members expressed their thanks to the Licensing Manager and her team for their continued work towards improving procedures in this area.

RESOLVED: That the revised process for the release of Hackney Carriage Proprietors licences be noted.

15 Smoke Free Legislation.

The Committee received a presentation from the Licensing Manager on legislation which will require all workplaces and enclosed public places in England to become smoke free by 1 July 2007.

A number of premises would be exempt including accommodation for hotel guests and residential accommodation including care homes and prisons. It was noted that private members clubs would not be exempt under the legislation.

Environmental Health staff would be responsible for enforcing the new legislation in Eastbourne and to secure compliance by informing and advising businesses, to include the Council's own premises. The Council's web page had been commended for the comprehensive advice provided for businesses on the new legislation.

An inspection and enforcement programme of high risk and non-compliant premises would take place. The team would work closely with the police and the fire service to address issues relating to smokers standing outside entrances and exits of premises and any associated increase in noise levels and disturbance.

Premises seeking to provide outside shelters for smokers would be required to apply for planning consent and it was anticipated that licensed premises would seek variations to their premises licences to permit regulated entertainment and drinking in outside areas. It was requested that Planning members be given guidance on the issues associated with any future applications for outside shelters.

The Council had been granted funding of £8,000 for 2006/07 and £45,000 for 2007/08 which would be allocated for the establishment of 2 fixed term part time posts to oversee the implementation of the legislation. The Committee was advised that fixed penalty notices could be issued for offences under the legislation although the income would not be received by the Council. A Tobacco Control Group had been established as a sub group of the Healthy Eastbourne Board to raise awareness of the smoke free legislation and to establish a programme of health promotion. An internal officers group had also been established to ensure joint working within the relevant Council departments.

The Committee discussed the implications of the legislation and the impact of large groups of people standing outside premises to smoke, including intimidating behaviour, litter and noise. A greater risk of fire could also result from persons smoking furtively in premises. The Licensing Manager advised that Environmental Health, the police and the fire service were looking to provide a co-ordinated response to the challenges raised by the new legislation. It was noted that the free fire alarm systems were being offered by the fire service. The Council's Environmental Health department would lead on enforcement in close co-ordination with Planning, Licensing and Highways.

NOTED.

16 Gambling Act – Update.

The Committee received a presentation from the Licensing Manager on the Gambling Act. A Gambling Commission had been established which would issue new operating and personal licences required by the Act. The Licensing Authority would be responsible for issuing premises licences and associated permissions to trade for Casinos, Bingo and Betting premises and Adult Gaming and Family Entertainment Centres. The Act had also passed the responsibility of issuing all types of Gaming Machine Permits to Local Authorities and altered the manner in which lotteries were registered and controlled.

In exercising the functions under the 2005 Act, Local Authorities must have regard to the Licensing Objectives, which were distinct and different from those contained under the Licensing Act 2003.

Most activities under the Act could be delegated to officers for decision however a Sub-Committee would decide applications where representations had been received from interested parties or responsible authorities.

The process for hearings would be similar to the Licensing Act in that appeals against Committee decisions would be heard by the Magistrates Court and reviews of licences could be sought. Customs and Excise had been included as an additional responsible authority under the Act.

Applications would be accepted from 21 May 2007 with full implementation of the Act on 1 September 2007.

NOTED.

17 Vote of Thanks.

The Committee expressed its thanks to the Chairman and Deputy Chairman for their contribution to the Committee throughout the year.

The meeting closed at 7.25 p.m.

**Mrs A Murray
Chairman**