

**LARGER PRINT COPY AVAILABLE
PLEASE TELEPHONE: 01493 846325**

LICENSING COMMITTEE

7 June 2007 – 6.30 pm

PRESENT:

Councillor Jermany (in the Chair); Councillors Ames, M Coleman, Cunniffe, Holmes, Tate, Wainwright and B Walker.

Apologies for absence were received from Councillors Barker, Easter, M Thompson and Watts.

Mrs N Swan (Solicitor & Deputy Monitoring Officer), Mr F Hoyle (Licensing Officer) and Ms J Gulliver (Member Services Officer).

1. MINUTES

The minutes of the meeting held on 10 April 2007 were confirmed.

2. GAMING PERMITS – GAMING ACT 1968

The Committee considered the Licensing and Election Manager's report in respect to nine applications for Section 34 (5e) permits. The Solicitor & Deputy Monitoring Officer explained that the Gaming Act 1968 would be superseded by the Gambling Act 2005 and the new regime would more closely regulate gambling.

She pointed out that the applicant already had two permits to operate his premises until the new regime came into force on 1 September 2007. Under the Gambling Act 2005, existing section 34 permit holders could convert their permits to either an Adult Gaming Centre (AGC) or licensed Family Entertainment Centre (FEC). However, the applicant wished to sub-divide his premises to make sure that so far was lawful, to get several AGC's in his existing premises. A plan showing proposals by the applicant to sub-divide the premises was circulated for member's information.

A lengthy discussion ensued with some members raising concerns that full government guidelines had still not been received in respect to the sub-division of premises under the Gaming Act 2005 and this made it difficult for a fully informed decision to be made. The Solicitor & Deputy Monitoring Officer did however make the point that any converted licence would have to comply with mandatory conditions under the new legislation. Therefore, if the proposals could not comply with the mandatory conditions that had to be attached to the new licence, the Gambling Act 2005 applications could be refused.

After full consideration of all of the information available to them at the hearing members of the Licensing Committee agreed to grant the application for Section 34 (5e) permits but

refused the application for a betting shop as this was not permissible under the existing Gaming Act 1968.

RESOLVED:

That approval be given to the granting of eight Section 34 (5e) permits but the application for First Bet be refused.

3. LANDAU RANK – MARINE PARADE

The Committee considered the Licensing and Election Manager's report in respect to two letters of objection that had been received about the number of spaces allowed on the new landau rank. The Solicitor & Deputy Monitoring Officer briefed members on the report and then handed the discussion over to the Licensing Officer who had spoken to the objectors about their concerns prior to the meeting. The objectors, who were present at the meeting, stated that they were concerned over the reduction of spaces and believed that this would cause problems especially in peak season i.e. landaus illegally parked on the road as the station was full, which could cause insurance implications should there be an accident. They were also worried that the Council were intending to reduce the number of permits they issued for landaus.

The Licensing Officer assured the objectors that the Council had no plans to reduce the number of licences that it issued. He went on to add that the new landau station was one of the best in Europe and he did not envisage problems with the reduction in spaces, however during the summer season the situation would be monitored.

RESOLVED:

That the objections be noted and the situation be monitored throughout the summer season.

4. REFUND FOR PRIVATE HIRE OPERATORS LICENCE

The Committee considered the Licensing Officer's report in respect to a request for a refund for a Private Hire Operators Licence. It was confirmed that the licence had been relinquished with 16 months left to run. It had been explained in writing that it was not the Council's practice to refund fees once an application had been processed and the point was made that the fee was to cover administration costs incurred when the licence was issued and no profit was made from this.

Members agreed that no refund would be given but asked that in future all applicants were made fully aware that there would be no refund should they choose to relinquish their licence. The Solicitor and Deputy Monitoring Officer agreed to take this recommendation back to the Licensing Department.

RESOLVED:

That the request to refund the application fee be refused.

5. EXCLUSION OF THE PUBLIC

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it

involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act.

6. FIRST CLASS HACKNEY CARRIAGE DRIVER'S LICENCE – UNSPENT CONVICTION

Members were asked to consider an application for a First Class Hackney Carriage Drivers Licence in view of the applicant's unspent convictions.

RESOLVED:
That the application be approved.

(Confidential Minutes on this item)

7. FIRST CLASS HACKNEY CARRIAGE DRIVER'S LICENCE – UNSPENT CONVICTION

Members were asked to consider an application for a First Class Hackney Carriage Drivers Licence in view of the applicant's unspent convictions.

The Solicitor and Deputy Monitoring Officer confirmed the applicant's right to appeal at the Magistrates Court within 21 days.

RESOLVED:
That the application be refused.

(Confidential Minutes on this item)

8. DATE, TIME OF NEXT MEETING

It was noted that the next meeting would be held on Wednesday 11 July at 6.30pm.

9. CLOSURE OF MEETING

The meeting ended at 8.15 pm.

* * * * *