

# Notice of Meeting

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## Licensing Committee

**Tuesday, 3rd June, 2014 at 6.30pm**  
in Council Chamber Council Offices  
Market Street Newbury

Date of despatch of Agenda: Friday, 23 May 2014

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jason Teal on (01635) 503043 / 519102  
e-mail: [jlegge@westberks.gov.uk](mailto:jlegge@westberks.gov.uk) / [jteal@westberks.gov.uk](mailto:jteal@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at  
[www.westberks.gov.uk](http://www.westberks.gov.uk)



## Agenda - Licensing Committee to be held on Tuesday, 3 June 2014 (continued)

To: Councillors Peter Argyle (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Sheila Ellison, Manohar Gopal, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck and Quentin Webb

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# Agenda

## Part I

Page No.

- 1. Apologies**  
To receive apologies for inability to attend the meeting (if any).
- 2. Minutes** 1 - 6  
To approve as a correct record the Minutes of the meeting of this Committee held on 26 September 2013 and 15 May 2014.
- 3. Declarations of Interest**  
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
- 4. Taxi / Private Hire Legislation Update** 7 - 10  
*Purpose:* To update Members on the release of draft legislation intended to supercede current taxi and private hire legislation
- 5. Animal Boarding Establishments Act 1963** 11 - 14  
*Purpose:* To inform Members of a minor change to animal boarding licences

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

**Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee**

## **LICENSING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON THURSDAY, 26 SEPTEMBER 2013**

**Councillors Present:** Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck and Quentin Webb

**Also Present:** Sarah Clarke (Team Leader - Solicitor), Alexander Kirk (Solicitor - Environment), Brian Leahy (Senior Licensing Officer), Emilia Matheou (Technical Officer), Jason Teal (Performance, Research & Consultation Manager) and Julia Waymouth (Principal Licensing Officer),

**Apologies for inability to attend the meeting:** Councillor Billy Drummond and Councillor Manohar Gopal

**Councillors Absent:** Councillor Sheila Ellison and Councillor Laszlo Zverko

#### **PART I**

#### **4. Minutes**

The Minutes of the meeting held on 20 March 2013 and 14 May 2013 were approved as a true and correct record and signed by the Chairman.

#### **5. Declarations of Interest**

There were no declarations of interest received.

#### **6. Licensing Policy: Update following new government legislation**

The committee considered the report on the updated and amended Licensing Policy Statement as required under the Licensing Act 2003, Part 2.

The Chairman introduced the paper. He brought to the Committee's attention that there was a legal requirement to consider and review the Policy every five years. He noted that a number of minor tweaks and changes had been made and that once approved by the Committee, the Policy would be published for public consultation. The consultation responses and final version of the Policy would be considered by the committee at the next meeting on 16 December 2013 before being ratified by full Council in the new year.

Emilia Matheou confirmed the Chairman's statement that there was a legal requirement to review the Policy. She advised that the Policy had previously been reviewed in 2010. The changes to the current version, which the Committee was being asked to consider, had been made to the Policy to reflect the recently adopted Policing and Social Responsibility Act (2011) and Live Music Act (2012). Modifications included:

- the requirement for licences in certain circumstances had been removed.
- the evidential burden for considering applications had been reduced.

## LICENSING COMMITTEE - 26 SEPTEMBER 2013 - MINUTES

- the bodies who could object to late night licenses had been extended to include Environmental Health.
- references to now disbanded partner agencies and responsible bodies, for example, the Primary Care Trust, had been amended.
- The previous requirement had been to review the Policy every three years; this had been extended to every five years.

Councillor Geoff Mayes queried the reference to time on paragraph 2.2.18. It was confirmed that this should be 5am, rather than 5pm. The committee asked that the 24hour clock be used in all future references to timing to ensure clarity.

Councillor Adrian Edwards queried the definition of 'surrounding area' and 'area'. Emilia Matheou answered that this referred to the site of the premises. For clarity it was suggested that the word 'curtilage' be used to more specifically define the area. Sarah Clarke noted that the definition of the surrounding area might be dependent on the issue in question, for example, a condition on a licence for litter would also include the surrounding area, not just the site itself. She queried if the term 'surrounding area' reflected national guidelines and that 'curtilage' might be too specific a definition. She noted that it would be useful to retain the broader term, which would reflect the national guidance.

Brian Leahy explained that the Government had not provided Local Authorities with a legal definition of 'surrounding area'. He advised however that the Policy set the framework around which applications were made and it was not necessary to set prescriptive conditions at this stage.

Councillor Andrew Rowles sought clarification as to the duration of a 'temporary event'. Emilia Matheou advised it was seven days (extended from four).

Councillor Mayes queried the meaning of the term 'ambient music' in paragraph 8.6.6. Brian Leahy confirmed that this related to background music being played at the end of event.

Councillor Edwards queried who 'any other person defined by the act' (paragraph 10.2) referred to. Brian Leahy responded that this was a direct quote from Government guidance and meant that any individual could raise an objection. Therefore, although there were responsible authorities as defined in law, this power was extended to anyone, including those not resident in West Berkshire. He added however, it was for the Committee to determine if an objection was relevant and on what grounds.

Councillor Rowles queried whether the Policy included all licensed premises or whether there were any exceptions. Brian Leahy confirmed that it covered all licences. Sarah Clark referred to paragraph 1.5 which highlighted what the Policy covered and suggested that the current phrasing needed to be more explicit.

Councillor Tony Linden proposed to accept Officer Recommendation to publish the draft Policy for consultation, subject to the discussed amendments. This was seconded by Councillor Mollie Lock.

The Chairman asked the Committee to vote on the proposal. At the vote the Committee voted unanimously to publish the draft Policy for consultation.

**LICENSING COMMITTEE - 26 SEPTEMBER 2013 - MINUTES**

**RESOLVED** that the draft Policy be **published for consultation**, subject to the amendments discussed, as per Officer Recommendation.

*(The meeting commenced at 6.30pm and closed at 7.00pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## LICENSING COMMITTEE

### MINUTES OF THE MEETING HELD ON THURSDAY, 15 MAY 2014

**Councillors Present:** Peter Argyle, Paul Bryant, Adrian Edwards, Sheila Ellison, Manohar Gopal, Tony Linden, Mollie Lock, Geoff Mayes, Andrew Rowles and Quentin Webb

**Apologies for inability to attend the meeting:** Councillor Billy Drummond and Councillor leuan Tuck

#### PART I

**1. Election of the Chairman**

**RESOLVED that** Councillor Peter Argyle be elected Chairman of the Licensing Committee for the 2013/14 Municipal Year.

**2. Apologies for Absence**

Apologies for inability to attend the meeting were received on behalf of Councillors Billy Drummond and leuan Tuck.

**3. Appointment of the Vice-Chairman**

**RESOLVED that** Councillor Mollie Lock be elected Vice-Chairman of the Licensing Committee for the 2013/14 Municipal Year.

*(The meeting commenced at 8.21 pm and closed at 8.22 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.

<b>Title of Report:</b>	<b>Taxi/Private Hire Legislation Update</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	3 June 2014
<b>Forward Plan Ref:</b>	n/a

**Purpose of Report:** To update Members on the release of draft legislation intended to supercede current taxi and private hire legislation

**Recommended Action:** To acknowledge the detail of the report

**Reason for decision to be taken:** No decision required

**Other options considered:** None

**Key background documentation:** None

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals will also help achieve the following Council Strategy principle:

- CSP7 - Empowering people and communities**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principle by:

CSP1 - There are elements of the policy which aim to recognise vulnerable groups and ensure that they are protected from the impacts of excessive alcohol consumption.

CSP2 - There are elements of this policy which aim to encourage good business practices and ensure that there is reliable decision making when considering regulated entertainment.

CSP7 - The policy will protect the rights of the local community through their ability to keep the licensing trade accountable for their actions using representations.

<b>Portfolio Member Details</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Dominic Boeck - Tel (07956) 546506
<b>E-mail Address:</b>	dboeck@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	Emailed on 21 May 2014

Contact Officer Details	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Team Manager Licensing
<b>Tel. No.:</b>	01635 519494
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## Implications

<b>Policy:</b>	The draft legislation will be consulted upon nationally with a view to gaining Royal Assent in 2015/16
<b>Financial:</b>	None
<b>Personnel:</b>	N/A
<b>Legal/Procurement:</b>	None at this time
<b>Property:</b>	None
<b>Risk Management:</b>	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

## Executive Summary

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### 1. Introduction

- 1.1 Taxi and Private Hire Legislation is administrated and controlled by the Local Authority through the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 In 2012, the Government tasked the Law Commission to consult with all interested parties on updating legislation governing the provision of taxi and private hire services. Initial consultation closed on 10 September 2012. Responses were published together with an interim statement in spring 2013. Members have been kept aware of the Governments proposals at each stage of the process.

### 2. Proposals

- 2.1 The first draft of the Bill together with the Commissions final report is due to be published on the 23rd May 2014. The aim of the Commission is to publish their review of the existing framework of taxi and private hire regulation with a view to preparing recommendations for reform. The publication of this document falls between the submission of reports for the Licensing Committee and the Committee Meeting itself.
3. It is intended that the Principal Licensing Officer will deliver a synopsis of the draft Act and outline any of the proposals which may later come to the Committee for either information or addition's/ amendments to conditions attached to licences.

### 4. Conclusion

- 4.1 This draft Act is seen as an important and perhaps radical change to existing taxi/private hire legislation and it as important that Members are fully briefed at each stage of the legislative process.

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### Consultees

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**Local Stakeholders:** N/A

**Officers Consulted:** Paul Anstey, Joint Service Delivery Manager, Julia O'Brien, Principal Licensing Officer

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# Agenda Item 5.

<b>Title of Report:</b>	<b>Animal Boarding Establishments Act 1963</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	3 June 2014
<b>Forward Plan Ref:</b>	n/a

**Purpose of Report:** To inform Members of a minor change to animal boarding licences

**Recommended Action:** To acknowledge the changes

**Reason for decision to be taken:** N/A

**Other options considered:** None

**Key background documentation:** Animal Boarding Establishments Act 1963

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals will also help achieve the following Council Strategy principle:

- CSP7 - Empowering people and communities**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principle by:

CSP1 - There are elements of the policy which aim to recognise vulnerable groups and ensure that they are protected from the impacts of excessive alcohol consumption.

CSP2 - There are elements of this policy which aim to encourage good business practices and ensure that there is reliable decision making when considering regulated entertainment.

CSP7 - The policy will protect the rights of the local community through their ability to keep the licensing trade accountable for their actions using representations.

## Portfolio Member Details

**Name & Telephone No.:** Councillor Dominic Boeck - Tel (07956) 546506

**E-mail Address:** dboeck@westberks.gov.uk

**Date Portfolio Member agreed report:** Emailed 21 May 2014

Contact Officer Details	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Team Manager Licensing
<b>Tel. No.:</b>	01635 519494
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## Implications

**Policy:** Minor changes to existing policy  
**Financial:** None  
**Personnel:** None  
**Legal/Procurement:** Minor changes to conditions will be enforceable under the Act  
**Property:** N/A  
**Risk Management:** N/A

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Executive Summary

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### 1. Introduction

- 1.1 The Animal Boarding Establishments Act 1963 is administered and enforced by the Council. The Act provides for a person keeping a boarding establishment to be required to hold a licence from the Local Authority.
- 1.2 Traditionally the Council has licensed establishments for the boarding of dogs or cats at commercial premises.
- 1.3 There is a national trend towards Council's extending the boarding remit to allow for the boarding of dogs in particular, to be kept in domestic dwellings, these are known as Home Boarders.
- 1.4 The Act interprets "boarding" as the keeping by any person of a boarding establishment for animals including a private dwelling, where the premises are a business providing accommodation for other people's animals.
- 1.5 Applications for home boarding are now being invited and licences will be issued with conditions which are only appropriate to the premises and surroundings in which animals are being kept.

### 2. Equalities Impact Assessment Outcomes

- 2.1 This item is not relevant to equality.

### 3. Conclusion

- 3.1 Home Boarding is still considered to be Animal Boarding under the provisions of the 1963 Act and as such is legally enforceable, albeit the boarding takes place in a person's home. There are no changes to the way in which licences are considered or in the way that inspections are carried out.
- 3.2 A fee has been set for home boarding which is considered to be proportionate to the work necessary to issue the licence and carry out the Council's standard inspection/enforcement regime.

## Consultees

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- Local Stakeholders:** The Council holds a list of persons who have expressed an interest in applying for a home boarding licence.
- Officers Consulted:** Paul Anstey Joint Service Delivery Manager, Julia O'Brien Principal Licensing Officer, Amanda Ward Licensing Officer
- Trade Union:** N/A

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