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AGENDA

Committee:	LICENSING
Date and Time:	Thursday 30th April 2015 at 7.00 p.m. – <u>NB Time</u>
Venue:	Council Chamber
Membership:	Councillors E.Egan (Chairman) Acott, Bayley, Blackwell, Burch, Cross, Greig, May, Palmer, Sheldon, Smith Stanley, Tucker, Walter and Mrs. Wass
Officers attending:	Chris Jacob– Head of Licensing & Transportation Mel Harris – Head of Partnerships and Safer Places Ann Horgan – Head of Governance
Enquiries:	Cheryl Salmon, Ext. 2454

PART I (Business to be taken in public)

- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**
A copy of the Minutes of the meeting held on 9th October 2014 is attached.
- 4. Review of the Statement of Licensing Policy Gambling Act 2005**
A report is attached.

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LICENSING COMMITTEE

9TH OCTOBER 2014

PRESENT: Councillors E.Egan (Chairman) Acott, Bayley, Blackwell, Burch, Greig, Palmer, Stanley, Tucker, Walter and Mrs. Wass

Apologies for absence were received from Councillors Cross, May, Sheldon and Smith.

1. MEMBERS' INTERESTS

There were none.

2. MINUTES

The Minutes of the meeting held on 25th February 2014 were taken as read and signed as correct.

3. MODIFICATION TO PRE LICENSING STANDARDS AND CONDITIONS ATTACHED TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee considered a report proposing modifications to several of the Pre-Licensing Standards and Conditions attached to the Hackney Carriage and Private Hire Licensing Policy.

The changes proposed were summarised below:

Pages 7, 10 (1.6) and 17 (16.2)

At present all medicals have to be undertaken by an applicant's own General Practitioner. The change proposed is that a medical may be done by any General Practitioner.

Pages 23 (1.3.1) (1.3.4), 34 (1.3.1) (1.3.2) and 46(2).

Change the rear seat length from 43cm (17") to 42cm (16.5").

Pages 24 (1.3.4) and 34 (1.3.4).

Remove the existing wording and replace with:

"An engine performance with a suitable power output. This will mean that the vehicle is capable of cruising at 70mph on a motorway with four large adult

males and a fully loaded boot, and have sufficient acceleration to match the previous licensing standards of 1550cc.”

Page 26 (8.5).

Remove and replace with:

“The vehicle may be side or rear loading”.

Page 29 (6.2) and 40 (6.2).

Remove and replace with:

“Advertisements may be placed in the rear screen of the vehicle, and must not obstruct the view to the rear, on the outside of the rear doors or on the boot lid or hatchback door or moulded rear bumper”.

Page 68 (9) - Remove the entire paragraph.

Page 77 (Appendix 10 – Policy about relevant convictions) - Remove and replace with the text set out in Appendix 4 to the report.

All licensed drivers had been consulted on the proposals and the responses were before the Committee. Discussion took place. The Committee was mindful that the changes in vehicle conditions would update and clarify several aspects within the current Hackney Carriage and Private Hire Licensing policy and all of the proposed conditions concerned current legal requirements, safety and best practice.

Resolved:

To approve the new Hackney Carriage Vehicle and Private Hire Pre-Licensing Standards and Conditions of Licence and Combined Hackney Carriage/Private Hire Drivers Pre-Licensing Standards and Conditions of Licence within the Licensing Policy, with effect from 3rd November 2014 .

4. UPDATE ON SAFEGUARDING

The Committee received a presentation on the outcome of the investigation into Child Sexual Exploitation at Rotherham. In many of the cases taxi drivers had been involved in transporting some of the victims which had highlighted the role that taxi drivers could play in identifying and preventing child sexual exploitation. The Head of Partnerships outlined proposals to provide training to raise awareness of the signs of abuse with the taxi trade to encourage drivers to report concerns to help prevent child exploitation.

Resolved – to note and approve the proposed actions.

5. PUBWATCH

The Committee was informed that Essex Police would no longer be supporting Pubwatch which was to be replaced by the Essex Police Community Messaging System. The Committee noted that the landlords were acting together to use their own informal system. The Committee was reminded of the Police's ability to seek a review of the premises licence.

Chairman

LICENSING COMMITTEE

30th April 2015

Subject: Review of the Statement of Licensing Policy Gambling Act 2005

1. Purpose of Report

- 1.1 Under the Gambling Act 2005, the Council's Statement of Licensing Policy must be reviewed every three years. A review must be completed and a revised Statement of Licensing Policy published by January 2016. This report presents a brief overview of the arrangements undertaken for the policy review.

2. Background

- 2.1 The current Statement of Licensing Policy came into effect in January 2013. There is a statutory requirement under the Gambling Act 2005 to review the policy every three years. The third review is now due.
- 2.2 However the Gambling Commission has recently announced a consultation on its Guidance to Licensing Authorities, with significant changes being proposed. The timing of this is critical for the Council's own review,
- 2.3 In terms of the changes, the Gambling Commission consultation period will be for 12 weeks, which started at the end of March. By the time the Gambling Commission has analysed the responses and published its revised guidance, the Council should have already consulted on its draft policy review.
- 2.4 If the outcome of the Gambling Commission consultation means that the changes to its guidance are substantial or significant, the Council will have insufficient time to reconsult, review responses, insert changes into its policy and proceed to final adoption.

3. Proposals and reasons

- 3.1 The option to do nothing is not available to the Council as its policy statement will, in effect become invalid on the 1st January 2016. This will then mean that the Council will be in breach of its statutory duty by failing to carry out a review of its policy.
- 3.2 In view of this it is recommended that the current policy be re-adopted, with the addition of the amendments made by the Gaming Machine (Amendment) Regulations 2014 that came into force on the 15th January 2014 and were agreed by the Licensing Committee on 25th February 2014. This new revised policy will then be valid for the next three year period (January 2016 to January

2019). A copy of the Policy has been placed in the Members' Group Rooms and can be viewed on the Council's website www.castlepoint.gov.uk/consultation

- 3.3 Because of the timescale involved with preparing, consulting and publishing the revised policy, a draft revised policy document was prepared for statutory consultation during the period Thursday 26th March 2015 to Monday 27th April 2015. Statutory consultees, are prescribed by the Gambling Act, and include responsible authorities (such as the Police, Fire Brigade) and interested parties (residents or residents groups, trade organisations).
- 3.4 The draft revised policy document was published on the Council's web site and over 200 letters were despatched advising of the consultation to the persons and bodies mentioned below:
- a) the Chief Officer of Police for the area;
 - b) the Fire Authority for the area;
 - c) Essex County Council Children's safeguarding service;
 - d) persons/bodies representative of local holders of premises licences.
- 3.5 By re-adopting the revised policy document in this way, it will then provide sufficient time for the Council to carry out a full review of its policy, in light of any changes which the Gambling Commission may publish to its Guidance to Licensing Authorities.

4. Links to Corporate Priorities and objectives

- 4.1 The draft Gambling Policy contributes directly towards the Council's priorities of *Transforming our Community* and *Public Health and Wellbeing*. The way in which it is applied will contribute towards the priority of *Efficient and Effective Customer Focused Services*.

5. Financial implications

- 5.1 There are no financial implications arising from this report.

6. Legal implications

- 6.1 The Gambling Act 2005 requires that the policy is reviewed every three years in order that it can reflect changes in law, guidance and codes of practice. It also determines statutory consultees.

7. Human Resources, Equality, IT/Asset Management Implications

- 7.1 The public sector Equality Duty pursuant to Section 149 of the Equality Act 2010 ("the Act") came into force on the 5th April 2011. The Equality Act 2010 (Age Exceptions) Order 2012 ("the Order") came into effect on the 1st October 2012. The Equality Duty requires the Council to consider how the decisions it makes and services it delivers affects people who share different "protected characteristics".
- 7.2 The local authority when reviewing its Statement of Licensing Policy under the Gambling Act 2005 must have due regard for the need to eliminate unlawful discrimination, harassment, victimisation to advance equality of opportunity and

foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics includes age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 The revisions proposed are in accordance with the equality framework for local government which describes how the local authority will fulfil its moral, social and legal obligations; this equality framework is closely linked to the Corporate Plan and to other strategies, policies and plans.

8. Timetable for implementation

The table below sets out the timetable of events for the review of the policy document:

Action	Date due	Outcome
Draft revised policy	March 2015	Revised policy drafted
External consultation	26 th March 2015 to 27 th April 2015	Observations/comments received
Agreement and approval of the revised policy document by the Licensing Committee	30 th April 2015	Agreed for presentation to Council for full adoption
Policy to be agreed by Ordinary Council	July 2015	Full Council agreement obtained
Policy published	January 2016	Policy published

Recommendation:

1. To note the consultation carried out on the draft Gambling Policy.
2. To approve the revised policy.
3. To recommend to Full Council approval and adoption of the revised Gambling Policy.

Background Papers:

Gambling Act 2009
 Castle Point Statement of Licensing Policy