

## LICENSING COMMITTEE

Tuesday, 4 December 2018

**Present: Councillor Bob Backhouse (Chairman)  
Councillors Woodward (Vice-Chairman), Mrs Cobbold, Heasman, Huggett, Noakes,  
Nuttall, Podbury, Pope, Thomson and Williams**

**Officers in Attendance:** Sharon Degiorgio (Senior Licensing Officer), Sharon Bamborough (Head of Licensing Partnership), Robin Harris (Senior Lawyer (Contentious)) and Gary Stevenson (Head of Housing, Health and Environment)

**Other Members in Attendance:** None

### CHAIRMAN'S INTRODUCTION

LC21/18 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

### APOLOGIES FOR ABSENCE

LC22/18 Apologies for absence were received from Councillors Hill and Bulman.

### DECLARATIONS OF INTEREST:

LC23/18 No declarations of interest were made.

### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

LC24/18 There were no visiting members who had registered to speak.

### MINUTES OF THE PREVIOUS MEETING

LC25/18 **RESOLVED:-**  
That the minutes of the previous meeting dated Tuesday 4 September 2018 be noted as a correct record.

### APPLICATION FOR A HACKNEY CARRIAGE FARE INCREASE

LC26/18 The Senior Licensing Officer, Sharon Degiorgio, presented the report. Mr Clayton Berry and Ms Toni Conlon addressed the Committee under the Council's public speaking procedures. Discussion included consideration of the following additional matters:

The decrease in yardage (distance) from one mile to eight tenths of a mile would mean an increase in the cost of shorter journeys.

The spoilage charge recommended was to cover the cleaning expenses associated with the public being sick in vehicles and the increase was consistent with other authorities.

The proposals set the maximum fee that the trade could charge and that the Council could regulate but the trade then had the option of lowering the fees

and charges if it wished to do so.

It was requested that recommendations 1. and 2. should be amended to reflect that the fare increases were not the proposals of the Licensing Committee and a motion was proposed by Councillor Podbury and seconded by Councillor Huggett that:

Recommendation 1. Be amended to read..... 'That the Licensing Committee notes the proposed increase in table of fares as set out in appendix B of the report for implementation on 1 April 2019;

And that recommendation 2. be amended to read.....' That the Head of Housing, Health and Environment is authorised to publicise this increase by way of a Public Notice'.

The Committee voted in favour of accepting the proposed amendments which became the substantive recommendations and further, the Committee voted in support of the substantive recommendations.

**RESOLVED:**

1. That the Licensing Committee notes the proposed increase in table of fares as set out in appendix B of the report for implementation on 1 April 2019;
2. That the Head of Housing, Health and Environment is authorised to publicise this increase by way of a Public Notice; and
3. Should objections be received, the matter is brought back to this Committee for consideration within two months of publication.

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES AND CHARGES  
2019/2020**

LC27/18 The Senior Licensing Officer, Sharon Degiorgio, presented the report. Mr Clayton Berry and Ms Toni Conlon addressed the Committee under the Council's public speaking procedures. Discussion included consideration of the following additional matters:

Although the Licensing Teams' costs had reduced a deficit still existed. The 2019/20 fees and charges were set to reduce the deficit to zero, as a net cost to the Service

The Licensing Team would look into the issue of insurance cars paying for two tests.

**RESOLVED:**

1. That the proposed fees and charges and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators, as set out in paragraph 2.12 of the report, be approved for formal consultation with the trade and public; and
2. That, subject to the consideration of any unresolved objections by Licensing Committee at its meeting on 5 March 2019, those fees and

charges be implemented with effect from 1 April 2019.

### **STREET TRADING FEES**

LC28/18 The Senior Licensing Officer, Sharon Degiorgio, presented the report. Discussion included consideration of the following additional matters:

It was necessary to consider and include Street Trading Fees in the Service as the stands in the precinct areas were part of the town's retail economy.

A motion was proposed by Councillor Cobbold in support of the officer recommendation, seconded by Councillor Nuttall and the motion was carried.

#### **RESOLVED:**

1. That the fee levels as set out in paragraph 2.4 of the report are approved for implementation on 1 April 2019.

### **SEXUAL ENTERTAINMENT FEES**

LC29/18 The Senior Licensing Officer, Sharon Degiorgio, presented the report. There was no discussion following the presentation.

A motion was proposed by Councillor Cobbold in support of the officer recommendation, seconded by Councillor Nuttall and the motion was carried.

#### **RESOLVED:**

1. That the fee levels as set out in paragraph 2.7 of the report are approved for implementation on 1 April 2019.

### **GAMBLING ACT 2005 LICENCE FEES**

LC30/18 The Senior Licensing Officer, Sharon Degiorgio, presented the report. Discussion included consideration of the following additional matters:

The Council, as the Licensing Authority, had to be able to justify the fees and as there were currently only betting shops in the borough, was not able to charge the maximum fees.

A motion was proposed by Councillor Podbury in support of the officer recommendation, seconded by Councillor Cobbold and the motion was carried. It was noted by the Chairman that Councillor Williams had dissented.

#### **RESOLVED:**

1. That the Gambling Act Licensing fee levels as set out in Appendix A of the report are approved for implementation on 1 April 2019.

### **REVISED STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING ACT 2005 POLICY**

LC31/18 The Senior Licensing Officer, Sharon Degiorgio, presented the report. There was no discussion following the presentation.

A motion was proposed by Councillor Podbury in support of the officer recommendation, seconded by Councillor Cobbold and the motion was carried. It was noted by the Chairman that Councillor Williams had dissented.

**RESOLVED:**

1. To note outcome of the 6 week consultation responses on the proposed Tunbridge Wells Borough Council's Statement of Licensing Principles / Gambling Policy drafted in accordance with the Gambling Commissions 5<sup>th</sup> edition Guidance; and
2. To recommend the amended policy to Full Council for adoption with effect from 31 January 2019.

**LICENSING DELEGATED DECISIONS 1 APRIL TO 31 OCTOBER 2018**

LC32/18 The Head of Licensing, Sharon Bamborough, presented the report. Discussion included consideration of the following additional matters:

In relation to a BP garage, the application for 24 hour opening related to the licensable activities rather than the change of use.

A motion was proposed by Councillor in support of the officer recommendation, seconded by Councillor Cobbold and the motion was carried. It was noted by the Chairman that Councillor Williams had dissented.

**RESOLVED:**

1. To note the delegated licensing decisions set out in the report.

**URGENT BUSINESS:**

LC33/18 There was no urgent business.

**DATE OF NEXT MEETING**

LC34/18 The next meeting of the Licensing Committee is scheduled to take place on Tuesday 5 March 2019, at 6pm.

NOTE: The meeting concluded at 19:00