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SOUTH HAMS LICENSING COMMITTEE - THURSDAY, 8TH NOVEMBER, 2012

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 2)

2. **Reports**

Reports to Licensing:

- a) Item 6 - EXEMPT -To determine the renewal of a Private Hire Driver licence where there may be 'reasonable cause' for refusal - whether the applicant is 'fit and proper'
(Pages 3 - 8)
- b) Item 8 - Hackney Carriage - Revised Table of Fares for December 2012 Onwards
(Pages 9 - 18)
- c) Item 9 - Three-Yearly Review of Gambling Statement of Licensing Principles (Pages
19 - 24)

3. **Minutes** (Pages 25 - 28)

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Agenda Item 1

Please reply to: Darryl White
Service: Corporate Services
Direct Telephone: 01803 861247
E-Mail: darryl.white@southhams.gov.uk

To: Chairman & Members of the Licensing Committee
(Cllrs Baverstock, Blackler, Carson, Carter, B Cooper,
Cuthbert, Gilbert, May, Pannell, Saltern, Squire and Wright).

Our Ref: CS/DW

cc: Usual officer and press circulation

31 October 2012

Dear Councillor

A meeting of the **Licensing Committee** will be held in the **Cary Room**, Follaton House, Plymouth Road, Totnes on **Thursday, 8 November 2012** at **2.00 pm** when your attendance is requested.

Yours sincerely

Darryl White
Democratic Services Manager

<p>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT DARRYL WHITE DEMOCRATIC SERVICES MANAGER ON DIRECT LINE 01803 861247</p>

A G E N D A

1. **Minutes** - to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 18 June 2012 (pages 1 to 3) and of the Licensing Sub-Committees held during the period 13 June 2012 to 24 October 2012 (pages 4 to 24).
2. **Urgent Business** - brought forward at the discretion of the Chairman;
3. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
4. **Declarations of Interest** - Members are invited to declare any personal or prejudicial interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting;

5. Exclusion of the Public and Press

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”;

6. **To determine the renewal of a Private Hire Driver licence where there may be ‘reasonable cause’ for refusal – whether the applicant is ‘fit and proper’** – to determine whether there is ‘reasonable cause’ to refuse the renewal of a Private Hire Driver Licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006 (pages 25 to 39);
7. **Re-admittance of the Public and Press**
8. **Hackney Carriage – Revised Table of Fares for December 2012 Onwards** – to consider a report which seeks Member approval to change the Table of Fares for Hackney Carriages from December 2012 (page 40 to 49);
9. **Three-Yearly Review of Gambling Statement of Licensing Principles** – to consider a report which seeks approval of the proposed triennial ‘Statement of Licensing Principles’ for the period 2013-16 (pages 50 to 100);
10. **Agreed Amendment Sub Committee Meetings** – the Monitoring Officer to advise on whether or not there was considered to be a legal need to convene Sub-Committee meetings for agreed amendments.

Members of the public may wish to note that the Council’s meeting rooms are accessible by wheelchairs and have a loop induction hearing system

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER
THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER**

If you or someone you know would like this publication in a different format, such as large print or a language other than English, please call Darryl White on 01803 861247 or by email at: darryl.white@southhams.gov.uk

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AGENDA
ITEM

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

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NAME OF COMMITTEE	Licensing Committee
DATE	8 November 2012
REPORT TITLE	Hackney Carriage – Revised Table of Fares for December 2012 onwards
Report of	The Licensing Officer
WARDS AFFECTED	All Wards

Summary of report:

To seek Members' approval to change the Table of Fares for Hackney Carriages from December 2012.

The setting of Hackney Carriage Fares is a statutory requirement.

Financial implications:

There are no direct financial implications to the Council from this Report.

RECOMMENDATIONS:

That the Licensing Committee RESOLVE that:-

- a. In respect of Hackney Carriages operating within the South Hams District Council, the maximum fares which may be charged should be set in accordance with the Table of Fares attached as the Appendix to this report, and
- b. The Tables of Fares be advertised and come into effect in accordance with the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Officer contact:

Naomi Wopling

naomi.wopling@southhams.gov.uk

01803 861336

1. BACKGROUND

- 1.1 Hackney Carriage fares are regularly reviewed to allow the trade to keep pace with operating costs. The fares were last reviewed and amended by the Licensing Committee on 17th February 2011. At that time the average diesel price at the pumps was £1.34p, today the average price of diesel is £1.44p per litre.

2. ISSUES FOR CONSIDERATION

Consultation

- 2.1 A letter was written to all proprietors setting out proposals for increasing fares. The Hackney Carriage Trade were consulted on the new Table of Fares and no objections were received.
Before finalising the proposed fares the proposal must be advertised for information purposes.

Summary of Changes

- 2.2 The changes to the Table of Fares are detailed in the attached Appendix A highlighting the existing and proposed fares. The Table of Fares have been improved to allow for increases in operating costs and to be comparable with the national average. The proposed fee increases are not uniform across fares, and as an example the cost of a one mile journey on tariff 1 will increase by 4.9%, a two mile journey by 4% and a ten mile journey by 3%.
- 2.3 When making comparisons of fares against other Local Authorities the South Hams, even with the suggested increases, will still have one of the lowest taxi tariffs in Devon and Cornwall with a two mile journey during working hours costing just £5.46. (Further information in 'background documents' below).
- 2.4 The other proposed changes which the Licensing Committee are being asked to consider is the addition of a 20 pence fuel surcharge to be added to the flag price of the fare once the price of a litre of diesel exceeds £1.50 per litre at the Shell Carew Filling Station on the A38 at South Brent. What this means is if diesel escalates above £1.50 per litre then the meter tariff can be loaded with an additional 20p per hiring. There would be no loading if diesel remains below £1.50p. Also a rise of 10p to 40p for carrying a large article of luggage in the boot, with no charge for carrying smaller size food shopping bags and a rise of 10p to 40p for carrying a passenger. Two children between the ages of 3 years and 6 years are regarded as one person and children under 3 years are not chargeable and an increase of 10p to 60p for carrying animals. The transportation of assistance dogs is free.

3. LEGAL IMPLICATIONS

- 3.1 There are no legal implications from the review of taxi fares in the District.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications to the Council from this Report.

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel		
1	Any tariff change must be proportionate to the operator's direct and indirect expenditure.	<p>By reviewing the taxi fares we are assisting taxi drivers to keep on top of operating costs.</p> <p>Due to the rural nature of the South Hams, taxis have become a vital part of the transport system. A review of the taxi fares shows that the council is supporting drivers during difficult financial circumstances.</p> <p>In a rural area where buses are scarce this will have a detrimental effect on residents and visitors to the area.</p>	3	2	6 ⇔	<p>Travelling a short distance will only cost a small amount more as outlined in the report.</p> <p>When comparing tariffs with other local authorities, the South Hams will still have on of the lowest rates.</p> <p>The increase in operating costs is generally outside the control of this council but if we fail to keep the tariffs under review we will ultimately lose taxi drivers to other occupations.</p> <p>A balance needs to be drawn to keep the tariffs reasonable for the travelling public.</p> <p>The proposed tariffs in appendix A are mostly lower than the tariffs set by neighbouring authorities and the proposals reflect the national average for taxi tariffs.</p>	EH Business Support / Licensing Manager.

Direction of travel symbols ↓ ↑ ⇔

Background Documents

Listed below are a summary of other Local Authorities tariffs which have been carried out by an independent company and published in September 2012. [The date the tariff was first introduced is in brackets]:-

Private Hire Monthly September tariffs.

Tariff 1 for a one mile journey:

West Devon	£Not metered.
North Cornwall	£Not metered.
Caradon	£4.80 [Nov. 2011]
Plymouth	£4.20 [Nov. 2011]
Penwith	£4.10 [Apr. 2012]
Exeter	£4.00 [Nov. 2008]
Torbay	£4.00 [Sep. 2011]
Teignbridge	£4.00 [Apr. 2011]
Restormel	£3.80 [July 2008]
East Devon	£3.80 [Dec. 2010]
Carrick	£3.80 [Aug. 2012]
Mid Devon	£3.70 [Nov. 2010]
Torridge	£3.50 [Apr. 2010]
North Devon	£3.35 [Nov. 2011]
Kerrier	£3.09 [Jan. 2011]
South West Average	£3.91 [Sep. 2012]
National Average	£3.66 [Sep. 2012]

<i>South Hams</i>	£3.44 [current]	£3.61 (proposed)
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Tariff 1 for a two mile journey:

West Devon	£Not metered.
North Cornwall	£Not metered.
Caradon	£6.80 [Nov. 2011]
Carrick	£6.80 [Aug. 2012]
Penwith	£6.30 [Apr. 2012]
Kerrier	£6.19 [Jan. 2011]
Exeter	£6.00 [Nov. 2008]
North Devon	£5.85 [Nov. 2011]
East Devon	£5.80 [Dec. 2010]
Restormel	£5.80 [July 2008]
Torbay	£5.80 [Sep. 2011]
Teignbridge	£5.80 [Apr. 2011]

Mid Devon	£5.70 [Nov. 2010]	
Plymouth	£5.70 [Nov 2011]	
Torrige	£5.50 [April. 2010]	
South West Average	£5.97 [Sep. 2012]	
National Average	£5.46 [Sep. 2012]	
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<i>South Hams</i>	£5.24 [<i>current</i>]	£5.46 (proposed)

Tariff 1 for a ten mile journey:

West Devon	£Not metered.	
North Cornwall	£Not metered.	
Kerrier	£30.99 [Jan. 2011]	
Carrick	£27.40 [Aug. 2012]	
North Devon	£25.85 [Nov 2011]	
Penwith	£23.90 [Apr. 2012]	
Caradon	£22.80 [Nov. 2011]	
Mid Devon	£22.10 [Nov. 2010]	
Exeter	£22.00 [Nov. 2008]	
East Devon	£21.80 [Dec. 2010]	
Restormel	£21.80 [July 2008]	
Torrige	£21.50 [April. 2010]	
Teignbridge	£21.00 [Apr. 2011]	
Torbay	£20.80 [Sep. 2011]	
Plymouth	£16.20 [Nov. 2011]	
South West Average	£22.40 [Sep. 2012]	
National Average	£19.96 [Sep. 2012]	
<hr/>		
<i>South Hams</i>	£19.69 [<i>current</i>]	£20.29 (proposed)

Tariff 2 for a one mile journey:

West Devon	£Not metered.
North Cornwall	£Not metered.
Kerrier	£6.18 [Jan. 2011]
Teignbridge	£6.00 [Apr. 2011]
Caradon	£5.80 [Nov. 2011]
Mid Devon	£5.55 [Nov. 2010]
Penwith	£5.45 [Apr. 2012]
Torrige	£5.25 [April 2010]
Carrick	£5.20 [Aug. 2012]
Plymouth	£5.20 [Nov 2011]
North Devon	£5.04 [Nov 2011]
Exeter	£5.00 [Nov. 2008]

Torbay	£5.00 [Sep 2011]
Restormel	£4.90 [July 2008]
East Devon	£4.80 [Dec. 2010]

South West Average	£5.41 [Sep. 2012]
National Average	£4.84 [Sep. 2012]

<i>South Hams</i>	£4.47 [current]	£4.66 (proposed)
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Tariff 2 for a two mile journey:

West Devon	£Not metered.
North Cornwall	£Not metered.
Kerrier	£12.38 [Jan 2011]
North Devon	£8.84 [Nov. 2011]
Penwith	£8.75 [Apr. 2012]
Restormel	£8.70 [July 2008]
Teignbridge	£8.70 [Apr. 2011]
Mid Devon	£8.55 [Nov. 2010]
Caradon	£8.30 [Nov. 2011]
Torrige	£8.25 [April 2010]
Carrick	£8.20 [Aug 2012]
Exeter	£7.50 [Nov. 2008]
Torbay	£7.40 [Sep 2011]
East Devon	£7.20 [Dec. 2010]
Plymouth	£6.70 [Nov. 2011]

South West Average	£8.09 [Sep. 2012]
National Average	£7.21 [Sep. 2012]

<i>South Hams</i>	£6.71 [current]	£6.93 (proposed)
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Tariff 2 for a ten mile journey:

West Devon	£Not metered.
North Cornwall	£Not metered.
Kerrier	£61.98 [Jan. 2011]
North Devon	£39.24 [Nov. 2011]
Carrick	£37.00 [Aug. 2012]
Penwith	£35.15 [Apr. 2012]
Mid Devon	£33.15 [Nov. 2010]
Restormel	£32.70 [July 2008]
Torrige	£32.25 [April 2010]
Teignbridge	£31.50 [Apr. 2011]
Caradon	£28.30 [Nov. 2011]
Exeter	£27.50 [Nov. 2008]

Torbay £27.40 [Sep. 2011]
 East Devon £26.40 [Dec. 2010]
 Plymouth £17.20 [Nov. 2011]

South West Average £30.46 [Sep. 2012]
 National Average £26.15 [Sep. 2012]

South Hams £24.65 [current] £25.10 (proposed)

Corporate priorities engaged:	Improving the local economy and promoting community life.
Statutory powers:	Local Government (Miscellaneous Provisions) Act 1976
Considerations of equality and human rights:	Compliance with the Human Rights Act 1998 – Article 6: Right to a fair hearing
Biodiversity considerations:	Not applicable
Sustainability considerations:	As above under corporate priorities engaged
Crime and disorder implications:	Section 17 of Crime and Disorder Act 1998 applies.
Background papers:	Consultation letter to the taxi operators. Private Hire Monthly trade magazine – September 2012 edition (Figures not published in the October 2012 edition). Fuel prices
Appendices attached:	Appendix A – Proposed Hackney Carriage maximum fares and charges.

SOUTH HAMS DISTRICT COUNCIL

MOTOR HACKNEY CARRIAGE FARES

The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate of fare prescribed by the following table, the rate of fare being calculated by distance, except that if the distance travelled is more than five miles from the point where the hirer commences the hiring, the hirer and proprietor may agree at the commencement of the hiring to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

FARES FOR DISTANCE

	Existing	<i>Proposed</i>
1. <u>TARIFF 1</u> – Monday to Saturday where the hiring commences between 7am and 11pm.		
For the first 768.10 metres (840 yards) or part thereof	£2.50	
<i>For the first 643.74 metres (704 yards) or part thereof</i>		<i>£2.50</i>
For each subsequent 178.31 metres (195 yards) or uncompleted part thereof	20 pence	
<i>For each subsequent 173.74 metres (190 yards) or uncompleted part thereof</i>		<i>20 pence</i>

(In effect this means a one-mile journey will increase from £3.44 to £3.61 [+4.9%] a two mile journey will increase from £5.24 to £5.46 [+4%] and a ten mile journey will increase from £19.69 to £20.29 [+3%]. The South West regional averages for the same distances being £3.91; £5.97 & £22.40. The National averages being £3.66; £5.46 & £19.96).

Waiting Time

For each period of 70 seconds or 20 pence 20 pence
uncompleted part thereof

2. TARIFF 2 – Sundays and Bank Holidays where the hiring commences between 7am and 11pm and on all other days where the hiring commences between 11pm and 7am and where the hiring commences between 7pm on 24th December and 7am on 27th December and between 7pm on 31st December and 7am on 2nd January.

For the first 768.10 metres (840 yards) or part thereof £3.30

For the first 643.74 metres (704 yards) or part thereof £3.30

For each subsequent 143.56 metres (157 yards) or uncompleted part thereof 20 pence

For each subsequent 141.73 metres (155 yards) or uncompleted part thereof 20 pence

(In effect this means a one-mile journey will increase from £4.47 to £4.66 [+4.2%], a two mile journey will increase from £6.71 to £6.93 [+3.3%] and a ten mile journey will increase from £24.65 to £25.10 [+1.8%]. The South West regional averages for the same distances being £5.41; £8.09 and £30.46. The National averages being £4.84; £7.21 and £26.15).

WAITING TIME

For each period of 48 seconds or 20 pence 20 pence
uncompleted part thereof

3. TARIFF 3 – Where the hirer specifically requests an eight passenger seat vehicle. There is a stipulation that each seat must be equipped with a three anchorage point seat belt. Daily 24 hours.

For the first 768.10 metres (840 yards) or part thereof £3.90

For the first 643.74 metres (704 yards) or part £3.90

thereof

For each subsequent 143.56 metres (157 yards) or uncompleted part thereof 20 pence

For each subsequent 141.73 metres (155 yards) or uncompleted part thereof 20 pence

(In effect this means the Tariff for the hire of an eight passenger seat mini bus will be 60p greater than Tariff 2).

WAITING TIME

For each period of 48 seconds or uncompleted part thereof 20 pence 20 pence

4. EXTRA CHARGES

For the fouling of the interior or exterior of the carriage £80.00 £80.00

For each article of luggage or other article conveyed outside the passenger compartment of the carriage 30 pence 40 pence

For each animal carried (Assistance dogs are carried free of charge) 50 pence 60 pence

For each person in excess of one (two children between the ages of 3 years and 6 years shall be regarded as one person. A child under 3 years shall not be reckoned). 30 pence 40 pence

Fuel – Surcharge to be added to each hiring once the price of one litre of diesel fuel exceeds the below price at the Shell Carew Filling Station, A38 South Brent.

£1.40 per litre 10 pence N/A
£1.50 per litre 10 pence 20 pence

BOOKING CHARGE

For each hiring which requires the driver to drive to the hirer's Designated pick up point £1.00 £1.00

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
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NAME OF COMMITTEE	Licensing Committee
DATE	8 November 2012
REPORT TITLE	Three-Yearly Review of Gambling Statement of Licensing Principles
Report of	Business Support Manager
WARDS AFFECTED	All

Summary of report:

To seek Members' approval of the proposed triennial 'Statement of Licensing Principles' for the period 2013 – 2016 and to request Members' recommendation of the Statement to Full Council on 13 December 2012.

RECOMMENDATIONS:

1. That the Licensing Committee **RECOMMENDS** to Full Council at the meeting on 13 December 2012 the following:-
 - a) To nominate in writing the 'Children and Young Peoples Services' (formerly the 'Local Safeguarding Children Board') as the body competent to advise the authority about the protection of children from harm issues (Section 157(h) Gambling Act 2005);
 - b) To approve the proposed triennial 'Statement of Principles' as amended for the period 31 January 2013 to 30 January 2016;
 - c) That the Monitoring Officer in liaison with the Licensing Chairman again be granted approval to make any minor amendments to the Constitution or Statement of Principles arising from the Council's licensing responsibilities under the Gambling Act 2005.

Officer contact:

Graham Munson
 Business Support Manager
graham.munson@swdevon.gov.uk 01803 861336

1. BACKGROUND

- 1.1. The Council's Licensing Authority has responsibilities under the Gambling Act 2005 (the "Act") to issue premises licences, registrations, various types of permits and temporary permissions in respect of premises where it is proposed that gambling take place.
- 1.2. Licensing Authorities are required to publish a statement of the principles that it proposes to apply in exercising its functions under the Act during the three-year period to which the Policy relates. This Council fully adopted the initial three yearly Gambling 'Statement of Principles' in November 2006 and it became operative two months later, the Statement was reviewed and republished again in 2009. This third review of the Policy must be adopted prior to January 2013.
- 1.3. Not all betting is dealt with by District Councils, for example the Financial Services Authority and the National Lottery Commission will, for the time being, continue to regulate spread betting and the National Lottery respectively. The Gambling Commission will be responsible for granting operating and personal licences for commercial gambling (such as casinos and bingo halls) and to personnel working in the industry. District Councils will issue the Premises Licences and permits for betting shops, bingo halls and for gambling machines etc.
- 1.4. The Act contains three licensing objectives which underpin the functions of Licensing Authorities. These are:-
 - a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - b) Ensuring that gambling is conducted in a fair and open way; and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5. In determining its Policy, the Authority must have regard to Guidance issued by the Gambling Commission under Section 25 of the Act, and give appropriate weight to representations made with within the consultation period.
- 1.6. The draft Policy has been prepared in consultation with the Devon Licensing Officer's Group, and takes account of advice issued by the Local Government Association and the Revised Guidance to Local Authorities 4th Edition, issued by the Gambling Commission in September 2012.

2. ISSUES FOR CONSIDERATION

- 2.1. Consultation on a draft document took place between 18 July and 10 October 2012 and a working group of the Licensing Committee has considered the responses and where thought appropriate have amended the draft Statement accordingly. The responses and amendments are detailed in **Appendix A**.
- 2.2. Licensing Authorities are required to consult and publish their 'Statement of Principles' in respect of each three year period and before determining the Statement, Licensing Authorities must first consult with certain persons or bodies in accordance with Section 349 of the said Act, namely:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.3 In addition to the persons and bodies above, this authority consulted with:-

- Children and Young People's Services
- Citizens Advice Bureau
- Community Safety Department
- Dartmouth Business Forum
- Devon and Somerset Fire and Rescue Service
- Devon and Cornwall Constabulary – South Hams area
- Environmental Health
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Ivybridge Chamber of Commerce
- Kingsbridge and Salcombe Chamber of Commerce
- Local businesses and their representatives
- Local faith group
- Mencap
- Modbury and District Business Forum
- NSPCC
- Primary Care Trust
- Representatives of existing licence-holders
- Totnes and District Chamber of Trade
- Town and Parish Councillors

2.4 The draft Statement of Principles consulted on this year was substantially the same as that consulted on in 2009 and 2006. When consulting, the Licensing Department primarily asked consultees for their views about the third licensing objective (paragraph 1.4 above) the 'protecting children and other vulnerable persons from being harmed or exploited by gambling', which may include any sector of the public in the district whom consultees considered to be vulnerable. In addition, any particular locations within the district that consultees considered undesirable for a betting shop or other gambling venue to be situated.

2.5 The current Statement of Principles for 2010-2013 and the original consultation responses for the 2013-2016 Statement are included within the background documents and are available upon request. As mentioned, a summary of the consultation responses have been incorporated into a spreadsheet together with the observations and suggested amendments to the draft made by the Licensing Committee working group (**Appendix A**).

2.6 The suggested amendments have been provisionally incorporated into the revised draft 2013-2016 Statement, which is also attached at **Appendix B**.

- 2.7 At the meeting of the Licensing Committee on 8 November 2012, Members and other persons present will have a final opportunity to make any further amendments before the Licensing Committee is asked to recommend the approval of the draft to Council.
- 2.8 The Gambling Commission issued new Guidance towards the end of the consultation period, in September 2012. Any changes (in light of the Commission's advice) have been incorporated within the final draft of the Council's Policy.
- 2.9 Members should be aware that the 'Local Safeguarding Children Board' in Totnes has been renamed as 'Children and Young Peoples Services'. They have been the responsible consultee for this authority under the present Statement of Principles / Gambling Act 2005 and Members may wish to nominate them again for the next three years (they have indicated their willingness if so nominated).

3. ADOPTION PROCEDURE

- 3.1 Legislation prescribes that Council is empowered to adopt the Draft Statement of Principles. Adoption can not be delegated to the Licensing Committee.
- 3.2 The following timetable is proposed in respect of the consultation and adoption of the Statement of Principles.

Action	Date
Revised Statement of Principles published and distributed for consultation	18 July 2012
Consultation concludes	10 October 2012
Licensing Committee approve revised Statement of Principles, based on consultation responses received by that date and recommend to Council for adoption	8 November 2012
Revised Statement of Principles approved by Council	13 December 2012
Statement of Principles published (at the latest)	03 January 2013
Statement of Principles comes into effect	31 January 2013

4. LEGAL IMPLICATIONS

- 4.1 Legislation requires the Statement to take effect from 31 January 2013, but to be published and in place 4 weeks before.
- 4.2 Before publishing the revised Policy, the Licensing Authority is required to publish a notice of its intention to publish a statement or revision on its website and in/on one or more of the following places:
- A local newspaper circulating in the area covered by the statement;
 - A local newsletter, circular, or similar document circulating in the area covered by the statement;
 - A public notice board in or near the principal office of the authority;
 - A public notice board on the premises of public libraries in the area covered by the statement.

4.3 The Executive Function Regulations have been amended (S.I. 2006 No. 886) to ensure that the 'Statement of Principles' (policy statement) and any 'no casino' resolution (Section 166 Gambling Act 2005) are approved by Full Council rather than the Executive. The Council resolved in 2006 not to make a 'no casino' resolution and that decision is still in place today.

5. FINANCIAL IMPLICATIONS

5.1 The associated preparation and publication costs will be met in full from Gambling Act 2005 applications and annual fees income. Therefore, there are no financial implications to the Council from this report.

6. RISK MANAGEMENT

The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

7. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life, Environment & Economy
Statutory powers:	Gambling Act 2005 SI No. 636: The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
Considerations of equality and human rights:	Compliance with the Human Rights Act 1998
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime is one of the licensing objectives underpinning the Gambling Act 2005.
Background papers:	<ul style="list-style-type: none"> • Gambling Act 2005 & associated relevant Regulations • Guidance issued by the Gambling Commission under the Gambling Act 2005 • South Hams District Council's Statement of Principles, which expires January 2013 • Consultation replies, summary and recommendation of the Licensing Committee
Appendices attached:	Appendix A – Summary of Consultation Responses Appendix B – Draft Statement of Principles for 2013-2016 incorporating suggested amendments.

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Policy not adopted	Failure to produce a licensing policy statement in accordance with the Gambling Act 2005 and its accompanying Regulations is a breach of statutory duty and will render Council powerless to make decisions or exercise the licensing objectives in its locality. Not adopting Policy could leave Council open to criticism and legal challenge.	4	3	12	↔	Twelve week consultation period. Wider consultation than that required. Licensing Committee formed a Working Group to consider consultation responses, and giving weight to the comments by amending the Statement or not where appropriate. Full Council adopts Statement of Principles at meeting on 13 December 2012.	Graham Munson
2	The Statement of Licensing Policy is not equality compliant.	Duty on Council when considering applications or enforcement action to comply with Human Rights Act 1998.	3	2	6	↔	Equality Impact Assessment carried out prior to publication.	Graham Munson
3	Opportunity to set out Council's position regards licensing within the District.	Review ensures the Council, acting as the Licensing Authority, is doing all it can to address the licensing objectives.	3	4	12	↔	Revised Statement of Principles will take account of updated Government Guidance	Graham Munson

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 8 NOVEMBER 2012

MEMBERS

* Cllr J W Squire - Chairman

* Cllr B E Carson - Vice-Chairman

* Cllr J H Baverstock

* Cllr J I G Blackler

* Cllr R J Carter

* Cllr B S Cooper

* Cllr P K Cuthbert

* Cllr R D Gilbert

∅ Cllr D W May

∅ Cllr C M Pannell

* Cllr M F Saltern

* Cllr S A E Wright

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Business Support Manager, Licensing Officer, Solicitor and Democratic Services Manager

L.14/12 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 18 June 2012 and the Sub-Committees held during the period 13 June 2012 to 24 October 2012 were all confirmed as a correct record and signed by the Chairman.

L.15/12 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there was none made.

L.16/12 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.17/12 **TO DETERMINE THE RENEWAL OF A PRIVATE HIRE DRIVER LICENCE WHERE THERE MAY BE ‘REASONABLE CAUSE’ FOR REFUSAL – WHETHER THE APPLICANT IS ‘FIT AND PROPER’**

Consideration was given to an exempt report which sought to determine whether there was 'reasonable cause' to refuse the renewal of a Private Hire Driver Licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.

The Business Support Manager informed that the applicant was unable to attend this meeting due to it clashing with a University examination. In addition, the applicant's employer had hoped to attend the meeting, but had been held up in traffic.

In light of the detailed information contained within the agenda papers, the Committee was happy to proceed and made a number of comments.

(At this point, the Committee adjourned to make a decision and were joined by the Solicitor and Democratic Services Manager).

The Decision

The Chairman then proceeded to announce the decision as follows:

'The Committee is minded to grant the application as submitted.'

L.18/12 RE-ADMITTANCE OF THE PUBLIC AND PRESS

RESOLVED

That the press and public be re-admitted to the meeting.

L.19/12 HACKNEY CARRIAGE – REVISED TABLE OF FARES FOR DECEMBER 2012 ONWARDS

The Committee considered a report which sought approval to change the Table of Fares for Hackney Carriages from December 2012.

In discussion, reference was made to:-

- (a) the proposed changes constituting a reasonable and fair increase;
- (b) the definition of extra luggage charges. The Committee requested that licence holders should be asked to state on the tariffs in their vehicles the definition of extra luggage charges. For clarity, it was noted that this definition would not include shopping bags.

It was then:

RESOLVED

1. That in respect of Hackney Carriages operating within the South Hams District Council, the maximum fares which may be charged should be set in accordance with the Table of

Fares as outlined in the Appendix to the presented agenda report; and

2. That the Table of Fares be advertised and come into effect in accordance with the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

L.20/12

THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES

Consideration was given to a report which sought approval of the proposed triennial 'Statement of Licensing Principles' for the period 2013-2016.

In discussion, reference was made to the belief that in the future, the range of consultees should be extended to also include the elected Police and Crime Commissioner.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. the 'Children and Young Peoples Services' (formerly the 'Local Safeguarding Children Board') be nominated in writing as the body competent to advise the authority about the protection of children from harm issues (Section 157(h) Gambling Act 2005);
2. the proposed triennial 'Statement of Principles' as amended be approved for the period 31 January 2013 to 30 January 2016; and
3. the Monitoring Officer, in consultation with the Chairman of the Licensing Committee be given delegated authority to make any minor amendments to the Constitution or Statement of Principles arising from the Council's licensing responsibilities under the Gambling Act 2005.

L.21/12

AGREED AMENDMENT SUB-COMMITTEE MEETINGS

The Council considered a report on revising the Constitution at its meeting on 29 March 2012 (minute 82/11 refers). In so doing, the Council resolved that the Monitoring Officer should be given delegated authority to finalise the delegations in respect of licensing functions, in the light of legal advice received.

On behalf of the Monitoring Officer, the Solicitor advised that:

- a) In the future, a formal hearing would only be necessary where any relevant representations (whether positive or negative) had not been formally withdrawn in writing;
- b) In the case of a relevant representation not being formally withdrawn in writing, but where the basis of the objection had been overcome by way of mediation, and accepted by the Applicant, no formal hearing would be required and the matter could be dealt with under the Scheme of Delegation by the Licensing Manager;
- c) In addition to b) above, the Licensing Manager may reserve the right to refer an application to the Licensing Sub-Committee for determination, if the Licensing Manager believed that the licensing objectives may still be undermined;
- d) When a meeting was convened of either the Licensing Committee or Licensing Sub-Committee, it would be appropriate for a standing agenda item to be included which sought to ratify those licenses which had recently been resolved through the agreed amendment process.

In discussion, the Committee was satisfied that this matter had now been resolved and was content to accept the advice of the Monitoring Officer.

(Meeting commenced at 2.00 pm and concluded at 2.55 pm).

Chairman