

Forest Heath District Council

MINUTES of the **LICENSING COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Monday 10 November 2014 at 6.00pm.

PRESENT:

Councillors:

M J Anderson (Chairman)	R Dicker
Mrs C F J Lynch (Vice-Chairman)	J W McGhee
D W Bimson	N A Roman
W J Bishop	W E Sadler
S Cole	E Stewart

Also in attendance:

T Halliday, Lawyer
T Wright, Business Regulation and Licensing Manager
H Hardinge, Committee Administrator & FHDC Scrutiny Support

APOLOGIES

There were no apologies for absence.

SUBSTITUTES

There were no substitutes at the meeting

200. **PUBLIC PARTICIPATION**

There were no questions/statements from members of the public.

201. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 8 September 2014 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

202. **APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE (SEXUAL ENTERTAINMENT VENUE - HEAVEN AWAITS LTD) (REPORT NO LIC14/372)**

The Lawyer outlined the procedure for the conduct of Sex Establishment Licensing Hearings, as set out within the Council's Sex Establishment Licensing Policy which was attached as Appendix 2 to Report LIC14/372.

The following parties were present:

(a) Applicant

- (i) Mr Jason Newell, Director, Heaven Awaits Ltd
- (ii) Mr Mitchell Clarke, Director, Heaven Awaits Ltd
- (iii) Mr Matthew Rolfe, Director, Heaven Awaits Ltd

(b) Interested Parties

- (i) Mrs Sara Beckett, Newmarket resident
- (ii) Mr David Dadds, Dadds Licensing Solicitors LLP, representing Newmarket Town Council
- (iii) Newmarket Town Councillor Warwick Hirst
- (iv) Deputy Mayor, Newmarket Town Councillor Rachel Hood

In line with the hearing procedure the Lawyer first asked the applicant, as they were unaccompanied, if they were aware that they could be represented.

Mr Newell, on behalf of Heaven Awaits, requested that the hearing be adjourned as they had only been made aware earlier that day that the Town Council would be accompanied by a legal representative. Accordingly, Heaven Awaits now wished to seek their own legal representation.

The Chairman agreed for the request for adjournment to be put to the vote, accordingly it was moved by Councillor Mrs C F J Lynch, seconded by Councillor E Stewart and with the vote being unanimous it was

RESOLVED:

That the application for the renewal of a Sex Establishment Licence (Sexual Entertainment Venue- Heaven Awaits Ltd) be adjourned in order to allow the applicant to seek legal representation.

Mr Dadds voiced strong objection to the adjournment citing that it was not in the public interest to do so. Despite being advised by the Lawyer that he did not have the right to address the Committee until such time as the Hearing took place (once rescheduled) Mr Dadds continued to challenge the decision and cited that he would be entitled to do so formally via a Judicial Review.

He questioned the lawfulness of the decision and made reference to how the Town Council and members of the public had been troubled and expensed by him attending the meeting that evening.

Following the withdrawal of all parties in connection with the above application the Chairman continued with the other business on the agenda.

203. **WHEELCHAIR ACCESSIBLE VEHICLES (REPORT NO LIC14/373)**

The Business Regulation and Licensing Manager reminded Members that this item had been originally raised at the last meeting of the Committee as a result of the Officer having been contacted by Councillor W Hirst who had received a complaint from a constituent that they had been unable to hire a wheelchair accessible vehicle from the rank in Newmarket High Street.

This report had subsequently been produced in order to enable Members to review the current position and ensure that the District was operating a diverse fleet of vehicles.

The Committee were advised that should Members be minded to amend the vehicle specification to stipulate that all hackney carriage vehicles were fully wheelchair accessible then customer need would have to be demonstrated to justify such a change. An in-depth survey would need to be undertaken to establish the customer need and the current service budget did not provide resource for such a survey.

The Committee as a whole were satisfied that as only one complaint had ever been received in relation this matter that there was no need to undertake further investigation at this stage.

With the vote being unanimous, it was

RESOLVED:

That the report be noted and no further action be taken at this stage.

204. **PROPOSED AND ESSENTIAL CHANGES TO THE HACKNEY CARRIAGE AND PRIVATE HIRE GUIDANCE AND CONDITIONS (REPORT NO LIC14/374)**

The Business Regulation and Licensing Manager advised Members that the Council had adopted revised Hackney Carriage and Private Hire guidance and conditions in November 2011.

Continual improvements had been made in respect of the processing of related applications and service efficiencies, however, changes to some aspects of the driver application were now necessary in order to make further improvements.

The Officer outlined the changes that he was seeking approval for in respect of:

- Disclosure and Barring Service (DBS) checks;
- Application forms;
- Combined Hackney Carriage/Private Hire Driver Licenses; and
- Language Proficiency/Topographical Knowledge Test.

He was also proposing that no change be made in respect of the vehicle age limit at first application, at this point in time. Instead further work would be undertaken with the Council's Environment Team in relation to vehicle emissions and air quality.

The Committee was advised that the same report was to be presented to St Edmundsbury Borough Council's Licensing Committee on 11 November 2014.

Concern was voiced by some Members with regard to the application process moving to an online only facility. The Business Regulation and Licensing Manager explained that the intention was not to discriminate or inhibit users and that Licensing Officers would offer all assistance they could with the process.

At the request of Members the Officer agreed to email Committee Members with the wording that was to be sent to all registered drivers advising them of the change, so that they had opportunity to make comment.

It was proposed by Councillor E Stewart, seconded by Councillor W J Bishop and with the vote being unanimous, it was

RESOLVED:

That:-

1. The proposed changes to the driver application process be acknowledged and supported and that the Business Regulation and Licensing Manager email all Committee Members with the wording to be sent to all registered drivers, advising them of the change, so that they had opportunity to make comment;
2. Further research into vehicle and knowledge test criteria be endorsed; and
3. Delegated Authority be granted to the Business Regulation and Licensing Manager (or equivalent post) to make appropriate changes to the guidance information as detailed in the Council's Hackney Carriage and Private Hire Licensing Handbook.

The meeting closed at 6.46pm.