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12 June 2007



To: Chairman – Councillor
Vice-Chairman – Councillor
Members of the Licensing Committee – Councillors RE Barrett, Mrs PM Bear,
EW Bullman, Mrs A Elsby, Mrs JM Guest, R Hall, RB Martlew, RM Matthews,
DC McCraith, Mrs CAED Murfitt, A Riley and NJ Scarr

and to Councillor Mrs DSK Spink, MBE as Housing and Environmental Services
Portfolio Holder

Dear Councillor

You are invited to attend the next meeting of **LICENSING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 20 JUNE 2007 at 10.00 a.m.** A meeting of the **LICENSING COMMITTEE (2003 ACT)** will follow immediately after the close of the Licensing Committee meeting.

Yours faithfully
GJ HARLOCK
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA		PAGES
1. APOLOGIES FOR ABSENCE To receive apologies for absence from committee members.		
2. DECLARATIONS OF INTEREST		
3. ELECTION OF CHAIRMAN To elect a Chairman for the coming year.		
4. ELECTION OF VICE-CHAIRMAN To elect a Vice-Chairman for the coming year.		
5. MINUTES OF LAST MEETING To confirm the minutes of the meeting held on 20 February 2007.		1 - 4
6. GAMBLING ACT 2005 - SETTING OF FEES The Housing and Environmental Services Portfolio Holder will make a recommendation to the Committee, who in turn, will make a recommendation to Cabinet.		5 - 10
END OF LICENSING COMMITTEE / COMMENCEMENT OF LICENSING COMMITTEE (2003 ACT)		

7. **APOLOGIES FOR ABSENCE**
To receive apologies for absence from committee members.
8. **DECLARATIONS OF INTEREST**
9. **ELECTION OF CHAIRMAN**
To elect a Chairman for the coming year.
10. **ELECTION OF VICE-CHAIRMAN**
To elect a Vice-Chairman for the coming year.
11. **MINUTES OF LAST MEETING** **11 - 12**
To confirm the minutes of the meeting held on 16 October 2006.
12. **ESTABLISHMENT OF SUB-COMMITTEE CHAIRMEN FOR LICENSING COMMITTEE (2003 ACT) AND GAMBLING ACT 2005**
Members are recommended to appoint 6 Members to act as Chairmen of the individual sub-committees required in respect of future hearings under the Licensing Act 2003 and Gambling Act 2005 regulations. Once Chairmen have been appointed, a list of the combinations of Chairmen and Members for each panel will require approval at a later meeting.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a joint meeting of the Licensing Committee/Environmental Health Portfolio Holder
held on Tuesday, 20 February 2007

PRESENT: Councillor RE Barrett – Chairman
Councillor R Hall – Vice-Chairman

Councillors:	Mrs PM Bear	EW Bullman
	Mrs SM Ellington	Mrs A Elsby
	Mrs SA Hatton	Mrs HF Kember
	RM Matthews	Mrs CAED Murfitt
	A Riley	Mrs HM Smith
	Mrs DSK Spink MBE	

and Councillor MP Howell, Environmental Health Portfolio Holder.

Councillor RF Bryant was also in attendance as Scrutiny and Overview Monitor.

Officers:	Myles Bebbington	Maggie Jennings
	Fiona McMillan	Dale Robinson

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors JP Chatfield (Opposition Spokesman) and DC McCraith.

2. DECLARATIONS OF INTEREST

2.1 Councillor R Hall declared a non-prejudicial interest, as he knew one of the correspondents who had written in response to consultations. Councillor Mrs HF Kember declared a non-prejudicial interest as she used one of the taxi companies mentioned in the agenda and Councillors Mrs CAED Murfitt declared a non-prejudicial interest as she used to live next door to one of the correspondents.

3. MINUTES OF LAST MEETING

3.1 The minutes of the meeting held on 16 October 2006 were agreed as a correct record.

4. ADOPTION OF DRIVING TEST FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

4.1 The Corporate Manager gave a brief resume of the four remaining agenda items and informed Members that the items were before them as a result of recognised areas of weakness in the existing documents.

4.2 As a result of discussion the following issues were raised:

- Was the driving test a new requirement?
- Was there a system for re-testing once a driver had passed an initial test?
- What happened if drivers were repeatedly reported for bad driving?
- Were spot checks carried out on drivers or action taken once complaints had been received?
- What action was taken when complaints were received?

4.3 The following responses were made:

- Yes, however it was not a government requirement. Members noted that RoSPA offered an advance testing procedure
- The test was valid for the duration of the licence, however if complaints regarding driving ability were received, the Corporate Manager would review the complaints and request the driver to re-test if he deemed it was necessary
- The licence could be revoked
- SCDC do not have the staffing levels to carry out spot checks, however action was taken once a complaint was made
- The driver, and the company if appropriate, were contacted immediately

4.4 The Licensing Committee, **RECOMMENDS** to the Environmental Health Portfolio Holder that:

4.5 All new applicants or existing drivers who have allowed their licenses to lapse in any manner are required to undertake and pass the Driving Standards Agency (DSA) test for Private Hire and Hackney Carriages before being granted a licence by South Cambridgeshire District Council except,

- (i) Where an applicant for a Private Hire or Hackney Carriage drivers licence has successfully completed all the Go Skills vocational qualification modules and/or
- (ii) Where an applicant already holds the Institute of Advanced Motoring qualification or RoSPA advanced driving test, the DSA driving test shall be waived.

(As subsequently advised by the DSA, the above would become effective on 23 April 2007)

4.6 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

5. PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENSING CONDITIONS

5.1 Members considered the amended vehicle licensing conditions contained in Appendix C of the report and the following comments were made:

- Vintage cars for use at weddings were not included in the conditions
- Re 2(d) - New cars tended to have a space saving wheel, does the wording in the conditions comply?
- Would vehicles be tested annually?
- Child seats were not contained in the conditions

5.2 In response, Members noted:

- As contained in the guidance for implementing conditions, vintage and funeral cars were exempt from the conditions
- Yes
- Yes
- Taxis and Private Hire vehicles were exempt

5.3 The following typographic amendments were made to the conditions as listed below:

- Deletion of (g) at para 1

- The addition of the word `to' at para 2(e) (not **to** vehicle seats ...)
- Substitute condition **16** for 15 in para 6(e)
- Substitute the word **od** for **of** in para 17 – is a right **of** appeal to the ...

5.4 The Licensing Committee **RECOMMENDS** to the Environmental Health Portfolio Holder that, subject to the typographical amendments stated above, the amended conditions as contained in Appendix C to the covering report be adopted.

5.5 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

6. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER APPLICATION GUIDELINES

6.1 Members considered the amended driver application guidelines and the following issues were raised:

- Re Drugs, it was felt that applications should not be considered until 5 or 6 years had elapsed since conviction/caution in order to avoid a person serving a sentence and then able to commence driving as soon as they were released
- Was it obligatory for drivers to inform the Council if they have convictions?
- If a driver were convicted of any of the offences listed in the guidelines, would a re-test be required?
- Were the approved licences logged with the DVLA?

6.2 In response, Members were informed:

- The sentence could be amended to say applications should not be considered for 3 years from the end of the sentence
- The Court Services inform the Council of offences by taxi drivers
- Yes, if the licence was revoked; any person serving a prison sentence would lose their licence by default
- Not automatically. An applicant was required to obtain a signed mandate from the DVLA that he had no recorded offences. It was noted that an enhanced CRB check was a requirement for all taxi drivers

6.3 Having considered the above issues and the conditions as contained in the agenda, it was agreed that the following amendments be made to the driver application guidelines:

- Minor Traffic Offences – SP20 – delete the word `goods' for **goods**
- Driving whilst under the influence of Alcohol – DR30 – the sentence should read Driving or attempting to drive then **failing to supply a specimen for analysis**
- Drugs – delete `a minimum of 3 years free of conviction/caution is shown' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not**
- Indecency Offences – delete `a period of 3 years free of conviction/caution is shown' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not**
- Indecency Offences – delete the sentence `Any application with a conviction/caution within this category will be put before the Licensing Committee for determination.'
- Violence – delete the sentence `a maximum period of 3 years free of conviction/caution is shown' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not**

- Dishonesty – delete the sentence `free of conviction' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not** should be requested before **consideration of an application**
- 6.4 The Licensing Committee **RECOMMENDS** to the Environmental Health Portfolio Holder that, subject to the amendments listed above, the conditions as contained in Appendix A to the covering report be adopted.
- 6.5 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.
- 7. PRIVATE DRIVER LICENSING CONDITIONS**
- 7.1 Members, having considered the proposed licence conditions in respect of drivers' licences, attached at Appendix C to the report, made the following amendments:
- Conduct of driver (d) – from 1 July 2007 when government regulations regarding smoking come into force, the word `smoke' will be deleted
 - Lost Property (b) – delete `Property Store at Parkside Police Station, Cambridge or to Royston Police Station' with **nearest police station**
- 7.2 The Licensing Committee **RECOMMENDS** to the Environmental Health Portfolio Holder that, subject to the amendments listed above, the conditions as contained in Appendix C to the covering report be adopted.
- 7.3 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

The Meeting ended at 11.23 a.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Licensing Committee/Housing & Environmental services Portfolio Holder Leader and Cabinet	20 June 2007 9 July 2007
AUTHOR/S:	Executive Director / Corporate Manager - Health & Environmental Services / Licensing Officer	

GAMBLING ACT 2005 – SETTING OF FEES

Purpose

1. To recommend to Cabinet that:
 - (a) the maximum fees as set out in **Appendix A** to the report are approved for applications and annual licence fees for the first year of the Gambling Act 2005, and
 - (b) fees for subsequent years are reviewed and set by the relevant Portfolio Holder to ensure full cost recovery, subject to any limitations laid out within the Act.

Background

2. The Gambling Act 2005 (the Act) passed responsibility for the licensing and regulation of gambling premises to District and Borough Councils as local Licensing Authorities.
3. The system is intended to be 'cost neutral' and not to place a burden upon local Council Tax payers. Gambling operators through a one-off application fee and annual fees for gambling premises licences will meet the costs of these new responsibilities.
4. The Act gives the Secretary of State the power to make Regulations prescribing the fees payable to the Licensing Authority for gambling premises licences and permits as well as other miscellaneous fees. Ministers decided in 2004 that Licensing Authorities would be able to determine their own gambling premises licence fee levels, limited to cost recovery only, but that the Secretary of State would prescribe the maximum fee payable for each category of licence (Appendix A). Fees for the various types of gambling permits will be set nationally by Central Government.
5. The Department for Culture, Media and Sport will require Licensing Authorities to review their fee structure on an annual basis to ensure that the income from gambling premises licence fees in any full year does not exceed the full costs incurred by Authorities in carrying out their various functions.

Considerations

6. As experience with implementation of the Licensing Act 2003 shows, the costs associated with setting-up and delivery of a new licensing system are difficult to predict with accuracy. It is important that fees are not set too low, as there is no

mechanism for recouping any loss. On the other hand if the fees were set too high then they can be adjusted in the following year.

7. In setting fee levels, Licensing Authorities can take into account various direct and indirect costs factors including the costs of administration (including hearings and appeals), inspection, compliance and enforcement costs associated with the new gambling regime and the setting up a satisfactory method of exchanging information with the Gambling Commission, as required by the Act.
8. Officers have used all information available at this time to formulate a best estimate of gambling premises application numbers (6 bookmakers and 1 Family Entertainment Centre) under the Gambling Act 2005. It is fair to say that at this time there is not a high prevalence of gambling premises in the District. In the short term, most of South Cambridgeshire's Gambling Act 2005 work will revolve around determining permits for AWP'S (amusement with prizes of which there are approximately 160 premises), and issuing Temporary Use Notices. However, the Authority must have full systems in place for dealing with any type of permission that could be sought at any time under the 2005 Act.
9. It is anticipated that most premises will opt for the fast track application where a maximum of £300 can be charged during the transition period.

Options

10. Members may adopt the following options
 - (a) Members may agree the proposed recommendation.
 - (b) Members may amend the recommendation.

Implications

11. Financial	As contained in the body of the report. Approximately £8,000 was included in the 07/08 base estimates for Gambling Act fee income.
Legal	Any fees structure adopted by the Council may be subject to Judicial review. Failure to adopt a set of fees will result in South Cambridgeshire District Council failing in its statutory duty to administer this piece of legislation.
Staffing	There are no staffing implications resulting from this report
Risk Management	Failure to adopt a sensible fee structure places the Authority at the legal risks above.
Equal Opportunities	The licensing regime promotes equal opportunity.

Consultations

12. All of the Cambridgeshire Licensing Authorities are intending to recommend that their own Authority's fees are set at or near to the maximum level permissible across the various categories of premises licence.

Effect on Annual Priorities and Corporate Objectives

13. Affordable Homes	Not applicable
Customer Service	An effective fee structure will provide clarity for applicants
Northstowe and other growth areas	Not applicable

Quality, Accessible Services	Cost neutrality should ensure an effective and transparent service.
Village Life	The objectives of the Act are all aimed at the promotion of Village life i.e. preventing gambling from being a source of crime and disorder, protecting children and other vulnerable persons from being harmed or exploited.
Sustainability	N/A
Partnership	Compliance will require a partnership approach.

Conclusions/Summary

14. Members should give consideration to:
- (a) The clear guidance from Government that any fees should be set in such a way as to be as near as possible to a cost neutral position.
 - (b) It is envisaged that existing licence holders will take advantage of the fast track application procedure during the transition process whereby an application fee will be a maximum of £300.
 - (c) The first set of annual fees will become payable no later than the 30 September 2007 and annually thereafter.
 - (d) The stance being taken by the Licensing Authorities across Cambridgeshire.

Recommendations

15. It is recommended that the Licensing Committee recommends to Cabinet that:
- (a) the maximum fees as set out in appendix A are approved for applications and annual licence fees for the first year of the Gambling Act 2005, and
 - (b) fees for subsequent years are reviewed and set by the relevant Portfolio Holder to ensure full cost recovery, subject to any limitations laid out within the Act.

Background Papers: the following background papers were used in the preparation of this report:

- Gambling Act 2005
- Government Guidance for Local Authorities on the Gambling Act 2005

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SCHEDULE OF MAXIMUM FEES – GAMBLING ACT 2005

Classes of premises licence	Maximum conversion application fee for non-fast track application	Maximum non-conversion application fee in respect of provisional statement premises	Maximum non-conversion application fee in respect of other premises	Maximum annual fee	Maximum fee for application to vary licence	Maximum fee for application to transfer a licence	Maximum fee for application for reinstatement of a licence	Maximum fee for application for provisional statement
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Licensing Committee (2003 Act) held on
Monday, 16 October 2006 at 11.20am

PRESENT: Councillor RE Barrett – Chairman
Councillor Mrs SA Hatton – Vice-Chairman

Councillors: Mrs PM Bear EW Bullman
Mrs SM Ellington Mrs A Elsby
R Hall RB Martlew
DC McCraith Mrs CAED Murfitt
A Riley

Officers: Myles Bebbington Catriona Dunnett
Maggie Jennings

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillor Mrs HF Kember, RM Matthews, Mrs HM Smith and Mrs DSK Spink MBE.

2. MINUTES OF LAST MEETING

2.1 The minutes of the meeting held on 10 August 2006 were agreed as a correct record.

3. SUB-COMMITTEE STRUCTURE

3.1 The Committee

AGREED that the Vice Chairman of the Licensing Committee (2003 Act), Mrs SA Hatton should retain her Chairmanship on the Sub-Committee hearing panels, unless the Chairman of the Licensing Committee (2003 Act) becomes incapacitated for any length of time and she was required to undertake the duties of the Chair of that Committee.

The Meeting ended at 11.23 a.m.

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