

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND  
REGULATORY COMMITTEE – 29 SEPTEMBER 2011

SUBMITTED TO THE COUNCIL MEETING – 11 OCTOBER 2011

(To be read in conjunction with the Agenda for the Meeting)

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|-------------------------------------|--------------------------|
| * Cllr Elizabeth Cable (Chairman)   | * Cllr Tony Gordon-Smith |
| Cllr Simon Inchbald (Vice-Chairman) | * Cllr Lynn Graffham     |
| * Cllr Gillian Beel                 | * Cllr Peter Isherwood   |
| * Cllr Maurice Byham                | * Cllr Carole King       |
| * Cllr Patricia Ellis               | * Cllr Bryn Morgan       |
| * Cllr Jenny Else                   | * Cllr Brett Vorley      |

\*Present

14. MINUTES (Agenda Item 1)

The Minutes of the Meeting held on 29 July 2011 were confirmed and signed.

15. APOLOGIES FOR ABSENCE (Agenda Item 2)

An apology for absence had been received from Cllr Simon Inchbald. Cllr Nick Williams attended as a substitute.

16. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

17. LICENSING VICE-CHAIRMAN

17.1 Members of the Committee wished to pass their very best wishes to Cllr Simon Inchbald, Vice-Chairman of the Licensing Committee for a speedy recovery.

17.2 In the interim, the Committee agreed that Cllr Gillian Beel, as immediate past Chairman, temporarily act as Vice-Chairman of the Licensing & Regulatory Committee and the Licensing (General Purposes) Sub-Committee.

**PART I – RECOMMENDATIONS TO THE COUNCIL**

There were no matters falling within the category.

**PARTS II AND III - MATTERS OF REPORT**

**PART II – Matters reported in detail for the information of the Council**

Background Papers

The background papers relating to the following items in Parts II & III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

18. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - REVIEW OF CONDITIONS (Appendix A)

18.1 The Committee received a report that asked the Committee to consider a review of a number of conditions in Taxi and Private Hire Licensing policy with a view to amending them if appropriate. The Council, in July 2010, adopted the current policy, and officers were now seeking members' agreement to review and revise a number of conditions which they felt required updating and/or clarifying.

18.2 Window Tinting

Following consideration of a driver's request, guidance from the Department for Transport, feedback from Local Authorities and comments from the Taxi Liaison meeting on 1 September, the Committee concurred with the Officer comment that the legal requirement for tinting was sufficient and the current Waverley Borough Council policy on window tinting should remain unchanged.

18.3 First Aid Kit & Fire Extinguisher

A request had been received from Surrey Police for all Licensing Authorities to standardise First Aid Kits and Fire Extinguishers carried in licensed taxis. Following discussion the Committee agreed that the minimum contents for a First Aid Kit should comply with the criteria identified in the report and that drivers be responsible for ensuring that items are replaced as necessary. First Aid Kits should also be marked using indelible ink with the licensed vehicle plate number.

The current requirement for a Fire Extinguisher was a minimum 1kg dry powder extinguisher fitted with a gauge to ensure it was not empty and indelibly identified to the licence plate of the vehicle.

The Committee noted the comments from the Taxi Liaison meeting and agreed that dry powder or foam (the equivalent weight of 1kg) should be a requirement for all licensed taxis.

18.4 Engine Efficiency

The Committee noted that the current minimum engine size for licensed taxis was 1600cc. However, the advances in engineering technology now meant that a smaller engine capacity could produce greater power with better fuel economy and it was suggested that a brake horse power rating might be more appropriate.

Members said that they would like to see the use of more environmentally-friendly vehicles, but acknowledged that those types of vehicles were more expensive to purchase and therefore might not be so attractive to licensed drivers. However, licensed drivers might be encouraged to purchase hybrid

vehicles if they were offered an incentive by way of reduced licensed fees to do so.

The Committee was conscious of the fact that this was not something that could be changed overnight and a longer lead-in time would be required, following further discussion and consultation with licensees.

Members therefore requested that officers look further into how minimum engine size might be replaced by brake horsepower or torque output to account for the advancement in power output of smaller engines as well as environmentally-friendly hybrid and electric powered vehicles. Officers were also asked to consult with licensed drivers on their findings. The Committee

RESOLVED that

1. the proposed changes relating to First Aid Kits and Fire Extinguishers be agreed; and
2. officers give further consideration to the discussions on engine size and consult other Licensing Authorities in order to prepare a proposal to submit to the next Taxi Liaison meeting in Spring 2012.

19. PROPOSED PUBLIC CONSULTATION AND DRAFT POLICY FOR SEXUAL ENTERTAINMENT VENUES (Appendix B)

- 19.1 The report provided members with a brief summary of the provisions introduced by the Police and Crime Act 2009, to reclassify lap dancing, pole dancing clubs etc. as sex establishment venue's (SEV's) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA).
- 19.2 The Committee was informed that if, following consultation, the policy was adopted by the Council, it would give extra powers to Waverley as the Licensing Authority to regulate SEV's. If the policy was not adopted and an application to open an SEV was received in the future, it could only be determined under the Licensing Act 2003 Objectives, whereas consultation would be wider, involve the Police and Safeguarding Children Agency and enable additional conditions to be applied to give tighter controls.
- 19.3 Members were advised that the statutory consultation would be open to all residents and businesses in the borough through the Waverley website and advertised in the press. Links would be available on the website to give greater information on the powers that would be available to the Council under the new policy.
- 19.4 The Committee was advised that one of the advantages of undertaking the consultation and implementing a SEV policy would be to determine the public's view on whether there should be any SEVs in the borough, and if so the vicinities in which it was considered appropriate for them to be licensed.

- 19.5 Following discussion on whether the consultation would provide the Council with relevant information and what would be the outcome if the public's view was zero tolerance for SEVs, the Committee was advised that if that was the case and it had been demonstrated through the consultation that SEVs were considered inappropriate for any locality in the borough, this could be taken into account when considering an application.
- 19.6 Members considered that the questionnaire was not specific enough to Waverley's circumstances to give significant responses and, following discussion, it was suggested that the Committee authorise officers, in consultation with the Chairman and Vice-Chairman, to redraft the questionnaire to take into consideration the Committee's comments.

Following consideration of the provisions it was

RESOLVED that

1. the Council adopt the new proposed public consultation process on whether Waverley Borough Council should formally adopt the additional powers to regulate lap dancing clubs and similar venues and for the public to comment on the draft policy for licensing SEVs; and
2. officers, in consultation with Chairman and Vice-Chairman, redraft the questionnaire to take into consideration the comments of the Committee and finalise the questionnaire and consultation summary.

**PART III – Brief summaries of other matters dealt with**

20. **MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE** (Appendix C)

RESOLVED that the Minutes of the Meeting held on 28 July 2011 be noted.

21. **MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES** (Appendices D and E)

RESOLVED that the Minutes of the Meeting of the Special Sub-Committee held on 11 August 2011 and Sub-Committee A held on 15 August 2011 be noted.

**The meeting commenced at 10.00 a.m. and concluded at 11.21 a.m.**

Chairman