



**WOKINGHAM
BOROUGH COUNCIL**

**MEETING OF THE
LICENSING AND APPEALS COMMITTEE**

ON

MONDAY 5 NOVEMBER 2012

AT

7:00PM

AGENDA

**Civic Offices
Shute End
Wokingham
Berkshire**

**Andy Couldrick
Chief Executive**



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

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WOKINGHAM BOROUGH COUNCIL

To: The Chairman and Members of the Licensing and Appeals Committee

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held at the Civic Offices, Shute End, Wokingham on **Monday 5 November 2012 at 7:00pm.**

Andy Couldrick
Chief Executive
Friday 26 October 2012

Members:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Gore, Mike Haines, Philip Houldsworth, Abdul Loyes, Ken Miall, Sam Rahmouni, Malcolm Richards, Chris Singleton, Sue Smith, Wayne Smith and Dee Tomlin

ITEM NO.	WARD	SUBJECT	PAGE NO.
9.00	None Specific	MINUTES To confirm the Minutes of the Meeting of the Committee held on 3 September 2012.	1-3
10.00	None Specific	APOLOGIES To receive any apologies for absence	-
11.00		DECLARATIONS OF INTEREST To receive any declarations of interest	-
12.00		PUBLIC QUESTION TIME To answer any public questions	-

The Council welcomes questions from members of the public about the work of this Committee

Subject to meeting certain timescales, questions can

relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact Democratic Services on the numbers listed below or go to www.wokingham.gov.uk/publicquestions
Explanatory leaflets are also available in the Civic Offices and Libraries.

13.00		MEMBER QUESTION TIME To answer any member questions	-
14.00	Non-Specific	GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES To agree the Statement of Principles as presented in the Appendix to the report and to recommend its adoption by Resolution to the Council.	4-34
15.00	Non-Specific	HOME BOARDING OF DOGS – ADDITIONAL CONSIDERATIONS To consider and review the representations made in the report to the Licensing and Appeals Committee on 3 September in the light of the legal advice asked for.	35-44
16.00	Non-Specific	HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AMENDMENTS – ENGINE CAPACITY OF VEHICLE To consider an amendment to the current Hackney Carriage and Private Hire Licensing Policy in the light of representations made to the Licensing Service.	45-52
17.00		ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading	-

This is an agenda for a meeting of the Licensing and Appeals Committee.

If you need help in understanding this document or if you would like a copy of it in large print please contact one of our Team Support Officers.

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON MONDAY 3 SEPTEMBER 2012 FROM 7:00PM TO 8:00PM**

Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Gore, Philip Houldsworth, Abdul Loyes, Ken Miall, Malcolm Richards, Sue Smith and Wayne Smith.

PART I

1. MINUTES

Councillor Bowring referred to the second bullet point at the top of page 4 of the minutes and advised that Members had not received an answer regarding where the Council would appear in the National League Tables Averages, which was published in Private Hire and Taxi Monthly, if a 5% increase be implemented as opposed to a 10% increase.

Julia O'Brien undertook to find out the information and advise Members accordingly.

The Minutes of the meeting of the Committee held on 5 March 2012 were confirmed as a correct record and signed by the Chairman.

2. APOLOGIES

Apologies for absence were submitted by Mike Haines, Sam Rahmouni and Chris Singleton.

3. DECLARATIONS OF INTEREST

No declarations of interest were submitted.

4. PUBLIC QUESTION TIME

There were no Public questions.

5. MEMBER QUESTION TIME

There were no Member questions.

6. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES REVIEW

The Committee considered a report, which set out the Statement of Gambling Principles for consideration, prior to consultation.

Members were advised that under the Gambling Act 2005, the Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The present Statement of Gambling Principles was published on 31 January 2010 and therefore must undergo a review and be re-published on or before 31 January 2013.

The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the Chief Officer of Police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions

under the Act. The Statement of Principles ('the Statement') will last for a maximum of three years and can be reviewed and revised by the authority at any time.

Members pointed out some typographical errors in the document as follows:

- Paragraph 5a) on page 16 - delete the first "to be";
- The paragraph after paragraph 5a) on page 16 - delete the apostrophe in "MP's"; and
- Reference to the Council as a "District" in paragraph 4 on page 29, be amended to "Borough".

With regard to the table on page 20, a Member asked why a Sub-Committee of the Licensing Committee was required to cancel club gaming / club machine permits. Julia O'Brien advised that this was set out in the legislation and undertook to investigate the reason and advise Members accordingly.

RESOLVED: That, subject to the above amendments, the content of the draft Statement of Gambling Principles be confirmed, prior to the statutory consultation exercise.

7. HOME BOARDING OF DOGS – ADDITIONAL CONSIDERATIONS

At the Licensing and Appeals Committee meeting held on 4 July 2011, Members considered a report regarding adopting a set of Licensing Conditions for the Home Boarding of Dogs, together with an operative date for these to be applied and a fee schedule for the activities. Members made the following resolution:

- 1) agree the various recommendations as set out in Appendix 1 to the report subject to the amendments agreed by members;
- 2) agree to apply the licence conditions with effect from 1 April 2012;
- 3) adopt the fee schedule as set out in Appendix 2 to the report; and
- 4) agree that licensing only be required when more than two dogs are boarded at the same time.

Application forms were sent out to known Home Boarders at the beginning of 2012 and officers then received representations on two points regarding the original Members' resolution:

- 1 the proposed fee structure; and
- 2 the non requirement of boarders having less than 2 dogs to be licensed.

The Committee received a new report at this meeting, which asked them to consider and review the representations made in light of its original resolution regarding home boarding licensing.

Some Members were concerned that the recommendation to add 1 and 2 dog fees to the 3-6 capacity was too bureaucratic. The Chairman pointed out that the fees would only be applicable to people running a business. If people looked after a friend's dog, then they would not incur the fee.

Councillor Miall reminded Members that at the original meeting to consider this matter, the Committee was advised that the Council was required by law to implement the policy, however, how it did that was the Council's own choice.

Members were concerned about the legality of charging for 1 or 2 dogs. Members were also unsure about what they were being asked to implement. The Chairman therefore suggested that in order that the issue could be clarified, the report be deferred until the next meeting of the Committee and that legal advice be sought on the Council's responsibilities.

RESOLVED: That:-

- 1) the report be deferred until the next meeting of the Committee on 5 November 2012; and
- 2) legal advice be sought and presented to the next meeting to clarify what the Council's responsibilities are in respect of this matter.

These are the Minutes of a meeting of the Licensing and Appeals Committee.

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