

Minutes of the Licensing Committee held on 6th March 2013 from 7.00 p.m. to 7.47 p.m.

Present: Chris Hersey (Chairman)
Mims Davies (Vice-Chairman)*

David Dorking
Kathleen Dumbovic
Bruce Forbes
Richard Goddard

Ginny Heard*
Margaret Hersey
Jim Knight*
Jacqui Landriani

Bob Mainstone
Gary Marsh
John O'Brien*
Peter Reed
Emily White*

* Absent.

17. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4

The Committee noted that no substitutes had been appointed in accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

18. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Davies, Heard, Jim Knight, O'Brien and White.

19. DECLARATION OF INTERESTS

No Declarations of Interest were made.

20. MINUTES

The Minutes of the meeting of the Committee held on 12th December 2012 were approved as a correct record and signed by the Chairman.

21. INCREASE IN HACKNEY CARRIAGE FARES AND ADJUSTMENTS OF FUEL SURCHARGE TRIGGER POINT AND ADDITION OF BOOKING FEE

The Committee considered an application which has been received from the Mid Sussex Taxi Association requesting an increase in Hackney Carriage fares, a re-adjustment of the Fuel Surcharge trigger point and the introduction of a discretionary booking fee for advance bookings. The Taxi Association has requested that these changes be introduced from 1st April 2013.

Alec Lee, the Council's Hackney Carriage and Private Hire Licensing Officer introduced the report and informed the Committee that there had been no tariff increase since April 2011.

In response to a question from a Member regarding the charge for soiling, the Hackney Carriage and Private Hire Licensing Officer confirmed that this is usual practice and no complaints had ever been received as to the amount charged.

The Chairman referred Members to Appendix 1 and highlighted the increase in trigger points under Codes A, B and C.

The Committee agreed that this was a modest increase in charges and supported the recommendation to increase the fares as requested.

RESOLVED

That the proposed new Hackney Tariffs, Fuel Surcharge Trigger Point and Booking Fees, as detailed in Appendix 5 to the report be agreed and introduced from 1st April 2013.

22. LICENSING CONDITIONS FOR PERFORMANCES OF HYPNOTISM

The Committee considered the adoption of a set of licence conditions for the exhibition, demonstration or performance of hypnosis under the Hypnotism Act 1952.

Yvonne Leddy, Business Unit Leader, Environmental Health and Building Control, introduced the report and explained that a request has been received to licence a hypnotic performance in early April 2013.

The Business Unit Leader referred Members to Appendix 1, conditions for hypnotism etc. and suggested that paragraph 3. (c) be amended to a minimum level of £5m public liability insurance being arranged

One Member asked whether it would be appropriate for the Council to state that they do not necessarily endorse the performer. The Assistant Solicitor to the Council said that she would look into the matter and respond direct to her. . The Business Unit Leader confirmed that Officers would check the application to ensure the criteria of the performer applying for the licence.

Another Member referred to paragraph 5. (h) of the Policy and requested that, to avoid any ambiguity, the hypnotist, as well as a reasonable number of attendants be in attendance during an interval in the performance if a volunteer remains hypnotised. This amendment was agreed by the Committee.

One Member asked what would happen should someone be taken ill. The Business Unit Leader confirmed that every set of premises would have their own Health and Safety Policy to deal with this type of emergency. Conditions are in place to protect the residents of Mid Sussex who choose to go to such performances.

One Member asked whether the information provided by a hypnotist would be checked. The Business Unit Leader confirmed that each performer would be asked for examples of their recent performances and if they are members of any official Organisation.

The Chairman, in response to a Member who sought assurance whether any amendments needed to be made to the Policy, confirmed that Officers would be present at the performance for monitoring purposes. The Policy could then be brought back to Committee and modified. He also suggested that a report be brought back to this Committee on feedback as to how the performance went.

Some Members expressed their concerns regarding the participation of under 18 year olds. One Member said that is purely down to choice whether to attend this type of event and the Assistant Solicitor to the Council added that it would be down to the performer to take a pragmatic approach and it is for the performer to make a judgement.

The Chairman took Members to the recommendation and it was agreed to adopt the licence conditions, subject to the amendments mentioned above.

RESOLVED

That the licence conditions for the exhibition, demonstration or performance of hypnosis, attached as Appendix 1 to the report be approved and adopted, subject to:-

- (1) Paragraph 3 (c) – Insurance – first sentence being amended to read:

“The performance shall be covered to a minimum level of £5m public liability insurance.”; and

- (2) paragraph 5 (h) being amended to read:

“if volunteers are to remain hypnotised during an internal interval in the performance the hypnotist and a reasonable number of attendants, as agreed with the licensing authority, shall be in attendance throughout to ensure their safety.”

23. LIQUOR LICENSING PANEL MINUTES

The Committee received and noted the minutes of the Liquor Licensing Panel meetings held on:-

- (a) 26th October 2012;
- (b) 19th November 2012;
- (c) 17th December 2012;
- (d) 4th January 2013;
- (e) 4th February 2013; and
- (f) 11th February 2013.

These minutes were signed by the Chairman of the Licensing Committee.

24. URGENT BUSINESS

[Note: The Chairman agreed to take this item as urgent business because of the progress made with regard to licensing taxi drivers outside of the District.]

The Business Unit Leader for Environmental Health and Building Control reported on a meeting that both she and the Hackney Carriage and Private Hire Licensing Officer had recently attending regarding taxi licensing.

She reported that both Wealden and Rother District Council's are no longer licensing operators outside of their area. New conditions and fares have been introduced as well as a penalty points system. She also reported that there appears to be no legal way of trying to revoke licences currently held by licence holders.

She suggested that it would be useful to hold a Member Training Session regarding Taxi Licensing. This suggestion was supported by the Committee.

Chairman.