

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

9 June 2014

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 17th June, 2014 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Licensing and Appeals Committee held on Wednesday, 19 March 2014

4. Minutes of Panel 9 - 18

To receive the Minutes of the following meetings of the Licensing and Appeals Committee sitting as a Panel:

Minutes – 27 March 2014

Minutes – 24 April 2014

Minutes – 6 June 2014 (To follow)

Matters for recommendation to the Council

5. Adoption of Byelaws to Regulate Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis 19 - 30

Decisions to be taken under Delegated Powers

6. Unmet Demand Survey - Hackney Carriage Vehicles 31 - 40
7. Annual Review of Performance/Key Changes 41 - 52
8. Relaxation of Licensing Hours for World Cup 53 - 60
9. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

10. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

11. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr C Brown (Chairman)
Cllr A W Allison (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Ms J A Atkinson
Cllr J A L Balcombe
Cllr O C Baldock
Cllr Mrs P Bates
Cllr Mrs B A Brown
Cllr M A Coffin

Cllr Mrs F A Kemp
Cllr S M King
Cllr M Parry-Waller
Cllr M Taylor
Cllr D J Trice
Cllr Mrs C J Woodger

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Wednesday, 19th March, 2014

Present: Cllr C Brown (Chairman), Cllr A W Allison (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr J A L Balcombe, Cllr O C Baldock, Cllr Mrs P Bates, Cllr Mrs B A Brown, Cllr Mrs F A Kemp, Cllr S M King, Cllr M Parry-Waller, Cllr M Taylor, Cllr D J Trice and Cllr Mrs C J Woodger.

An apology for absence was received from Councillor M A Coffin

PART 1 - PUBLIC

LA 14/7 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

LA 14/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 4 December 2013 be approved as a correct record and signed by the Chairman.

LA 14/9 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 11 December 2013, 29 January 2014 and 4 March 2014 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 14/10 ADOPTION OF BYELAWS TO REGULATE ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

The report of the Director of Central Services and Monitoring Officer set out details of a new single consolidated set of byelaws, produced by the Department of Health, to regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis. He advised that the byelaws would require persons conducting any of these activities to register themselves and their premises and to observe criteria relating to hygiene of premises, practitioners and equipment. Details of the model byelaws were set out in Annex 1 to the report.

RECOMMENDED: That

- (1) the Council adopt the model byelaws for the regulation of skin piercing activities in accordance with Section 15 of the Local Government Act (Miscellaneous Provisions) Act 1982 as amended by Section 120 of the Local Government Act 2003 and authorise the Director of Central Services to apply to the Secretary of State for confirmation; and
- (2) the relevant registration requirements come into effect from the date on which the byelaws referred to in (1) above are confirmed by the Secretary of State and the current byelaws revoked.

Referred to Council*LA 14/11 REVIEW OF PART OF THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2013**

The report of the Director of Central Services and Monitoring Officer set out details of a proposed amendment to Appendix I of the current Hackney Carriage and Private Hire Policy regarding the good conduct of licensed drivers. He advised that the current policy had been rewritten to reflect the aspiration to achieve a high level of customer service and to ensure that passengers were driven to their destinations in a safe, professional and courteous manner. Details of the proposed amendment and consultative arrangements were set out in Annex 1 and paragraph 1.2.4 of the report.

RECOMMENDED: That the consultative arrangements for the proposed amendment of Appendix I 'Code of Good Conduct for Licensed Drivers' of the Hackney Carriage and Private Hire Policy 2013 be approved.

Referred to Council*DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION****LA 14/12 REVIEW OF FEES AND CHARGES 2014/15 - LICENSING FEES**

The Director of Central Services and Monitoring Officer reminded Members that the setting of licensing fees and charges for 2014/15 was the responsibility of the Licensing and Appeals Committee and his report set out details of proposed changes to the existing fee structure.

RESOLVED: That the proposed scale of fees for licences, consents and registrations, as set out in Annex 1 to the report, be adopted with effect from 1 April 2014.

LA 14/13 UNMET DEMAND SURVEY - HACKNEY CARRIAGE VEHICLES

The Director of Central Services and Monitoring Officer submitted details of a proposal to undertake an 'Unmet Demand Survey' to determine the feasibility or necessity of restricting the number of licensed hackney carriage vehicles to current levels. He indicated that a petition, requesting a limit on the number of Hackney Carriage Vehicles, had yet to be submitted by the trade representatives. The Committee noted that the cost of undertaking the survey would be recovered by applying a levy to each Hackney Carriage and Dual Drivers fee.

RESOLVED: That consideration of the request to undertake an 'Unmet Demand Survey' be deferred pending receipt of the petition organised by the Hackney Carriage and Dual Drivers.

LA 14/14 REVIEW OF HACKNEY CARRIAGE FARES

The report of the Director of Central Services and Monitoring Officer set out details of a review of Hackney Carriage Fares undertaken at the request of the Hackney Carriage Drivers and Dual Driver badge holders within the Borough. The Committee noted that the Council was empowered to set maximum hackney carriage fares and the report gave details of the standard tariffs set by local authorities within Kent, current fuel costs and the outcome of consultation with the trade.

RESOLVED: That no increase in the maximum Hackney Carriage Fares be approved and the matter be reconsidered in 2015.

LA 14/15 HOME OFFICE CONSULTATION ON LICENSING ACT 2003 FEES

The report set out details of a Home Office Consultation on a proposal to introduce locally-set fees, subject to a national maximum 'cap' rather than those set nationally by Regulation under the Licensing Act 2003.

RESOLVED: The Director of Central Services and Monitoring Officer be authorised to prepare and submit a response to the consultation by 10 April 2014.

LA 14/16 HOME OFFICE CONSULTATION ON LICENSING HOURS DURING FIFA WORLD CUP 2014

The report set out details of a Home Office Consultation on whether to relax licensing hours nationally to mark England's participation in the FIFA World Cup 2014.

RESOLVED: That the relaxation of licensing hours be supported and the Director of Central Services be authorised to prepare and submit a response to the consultation accordingly.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 14/17 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 27th March, 2014

Present: Cllr C Brown (Chairman), Cllr Mrs P Bates and Cllr S M King.

Together with representatives of the Licensing Authority.

Councillor M Taylor was also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

LA 14/18 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 14/19 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 14/20 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE – CASE NO 04/2014

(Reason: LGA 1972 Sch 12A Para 1 – Information relating to an individual)

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for a Private Hire Driver's Licence. The Panel was advised that the Applicant had held an Operator's Licence, Vehicle Licence and Private Hire Driver's Licence with another Licensing Authority which had been revoked in 2008 following conviction for using a private hire vehicle without a current private hire vehicle licence.

The Panel listened carefully to the representations made by the applicant, had regard to the report of the Director of Central Services and found that the applicant was a 'fit and proper person' to hold a Private Hire Driver's Licence. The Panel advised the applicant that they had serious concerns about his previous conviction and suggested that he ensure that he understood fully the conditions applied to drivers under the Council's Hackney Carriage and Private Hire Licensing Policy. The Panel

RESOLVED: That the application for a Private Hire Driver's Licence be approved subject to the following condition:-

The Applicant will meet the Licensing and Community Safety Manager of Tonbridge and Malling Borough Council on a monthly basis for six months from the date of issue of the driver's licence and thereafter on two occasions at three monthly intervals to ensure that he remains a 'fit and proper person' to hold a licence.

The meeting ended at 8.09 pm
having commenced at 7.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 27th March, 2014

Present: Cllr C Brown (Chairman), Cllr Mrs P Bates and Cllr S M King

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/21 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 14/22 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 14/23 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – CASE NO 06/2014

(Reason: LGA 1972 Sch 12A Para 1 – Information relating to an individual)

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding a licensed Hackney Carriage Driver. The Panel listened carefully to the evidence presented by the Licensing and Community Safety Manager that the licensed vehicle had been found unattended, parked on a Taxi Rank within Tonbridge with out of date Hackney Carriage Licence plates.

The Panel gave careful consideration to the representations made by the licence holder, who acknowledged his responsibility for ensuring that the vehicle licence plates were up-to-date and confirmed that he had not

been plying for hire when the vehicle was left unattended. The Panel was very concerned that the driver seemed unaware of the responsibilities of a licence holder and

RESOLVED: That the driver be issued with a written warning and that 2 penalty points be added to his Hackney Carriage Driver's Licence in respect of leaving a hackney carriage unattended.

The meeting ended at 8.29 pm
having commenced at 8.12 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 27th March, 2014

Present: Cllr C Brown (Chairman), Cllr Mrs P Bates and Cllr S M King.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/24 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 14/25 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 14/26 RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – CASE NO 07/2014

(Reason: LGA 1972, Sch 12A Para 1 – Information relating to an individual)

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding the renewal of a Private Hire Driver's Licence. The Panel noted that the driver had advised, on submitting his application for renewal, that he may not conform to the medical standards as detailed in the Council's Hackney Carriage and Private Hire Licensing Policy 2013-16 in that he had Monocular Vision. The Panel listened carefully to the representations made by the applicant, had regard to the report of the Director of Central Services and found that the applicant had presented sufficient evidence of his ability to hold a Private Hire Driver's Licence.

The Panel therefore

RESOLVED: That the application for the renewal of a Private Hire Driver's Licence be approved.

The meeting ended at 8.55 pm
having commenced at 8.33 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 24th April, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson and
Cllr M A Coffin

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/27 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 14/28 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE
WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LA 14/29 RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE
(CASE NO 09/2014)**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to
an individual)**

The Panel was advised prior to the meeting that the applicant had requested that consideration of his application be adjourned to a later date. In response to this request the Panel took legal advice on the possible consequences of determining the case in the absence of the applicant, and offered to delay the start of the Hearing to 1015 hours to allow the applicant to attend. Following a further telephone call to the applicant the Panel was advised that he was at Gatwick Airport and unable to attend at the scheduled time.

The Panel gave careful consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for the renewal of a Private Hire Driver's Licence. The Panel was advised that the renewal application had been submitted on 4 September 2012 and that the current licence (12/00950/PHDL), issued on 20 September

2012, would expire on 24 August 2015. Subsequent to the issuing of the current licence information received from the Driving and Vehicle Licensing Agency (DVLA) had revealed that the applicant had 8 points on his Driving Licence and that his UK Driving Licence had been revoked three times in the last two years. The Panel noted that the applicant had failed to notify the licensing authority of the revocations of his driving licence and had not disclosed his conviction for motoring offences committed in October and December 2011 on his renewal application.

The Panel expressed great concern about the applicant's inability to reveal all pertinent information and his lack of attendance at the Hearing and unanimously

RESOLVED: That Private Hire Driver's Licence number 12/00950/PHDL be revoked with immediate effect and the applicant be advised accordingly.

The meeting ended at 10.22 am
having commenced at 10.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 24th April, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson and
Cllr M A Coffin

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/30 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 14/31 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE
WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**LA 14/32 RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE
(CASE NO 10/2014)**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to
an individual)**

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding the renewal of a Hackney Carriage Driver's Licence. The Panel noted that the driver had notified the Licensing Team on 31 December 2012 that he had received a Caution for Common Assault and, in submitting his application for renewal on 24 January 2014, had declared the same information. The Panel noted that the Disclosure and Barring Service (DBS) enhanced disclosure had shown a Caution for Common Assault (Criminal Justice Act 1988 S39) dated 17 January 2013. The Panel listened carefully to the representations made by the applicant who gave details of the incident which had led to the receipt of the Caution and acknowledged his responsibilities as a holder of a Hackney Carriage Driver's Licence. The Panel advised the applicant that it took an incident of Common Assault very seriously and warned that, should such an incident occur

again, it could lead to a suspension or revocation of his Hackney Carriage Driver's Licence. The Panel thanked the applicant for his full and honest explanation and

RESOLVED: That the driver be issued with a written warning and that no further action be taken.

The meeting ended at 11.27 am
having commenced at 11.00 am

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

17 June 2014

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 ADOPTION OF BYELAWS TO REGULATE ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

1.1 Purpose of report

- 1.1.1 Members will recall that at the meeting of the Licensing and Appeals Committee on 19 March 2014 it was recommended that the Council passes a resolution to adopt a new single consolidated set of byelaws, produced by the Department of Health, to regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis. A copy of the report is attached as Appendix 1.
- 1.1.2 The resolution was adopted by Council at its meeting on 8 April 2014.
- 1.1.3 Whilst the resolution made reference to adopting model byelaws for the regulation of skin piercing activity in accordance with section 15 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 120 of the Local Government Act 2003, which provides for tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, acupuncture is dealt with under section 14 of the Act. It will therefore be necessary to recommend that the Council passes a new resolution so that the byelaws also include acupuncture.

1.2 Recommendations

- 1.2.1 Members are asked to recommend to Council that
- (a) the Council passes a resolution to adopt model byelaws (attached as Appendix 2) for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis in accordance with sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003 and to authorise the Director of Central Services to apply to the Secretary of State for confirmation and

(b) the relevant registration requirements shall come into effect from the date on which the byelaws referred to above are confirmed by the Secretary of State and the current byelaws revoked.

Background papers:

contact: Cliff Cochrane

Appendix 1 –Report to Licensing and Appeals
Committee on 19 March 2014

Appendix 2 - Model byelaws

Adrian Stanfield
Director of Central Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

19 March 2014

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 ADOPTION OF BYELAWS TO REGULATE ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS**1.1 Purpose of report**

- 1.1.1 The purpose of this report is to recommend that the Council passes a resolution to adopt a new single consolidated set of byelaws, produced by the Department of Health, to regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.
- 1.1.2 The byelaws would require persons conducting any of the above activities to register themselves and their premises, and in carrying out the activities observe criteria relating to hygiene of premises, practitioners and equipment.

1.2 Background

1.2.1 The Council resolved to adopt the provision of the Local Government (Miscellaneous Provisions) Act 1982 in respect of skin piercing in 1985 and three separate sets of byelaws were adopted under section 236 of the Local Government Act 1972 to control the hygiene of premises, practitioners and equipment for persons undertaking the following within the Borough:

- acupuncture
- tattooing and
- ear piercing and electrolysis

1.2.2 Public demand for body piercing has increased significantly over the past 20 years. Industry practices have also changed and practitioners have adopted new cosmetic techniques, for example semi-permanent skin colouring. These activities cannot be regulated under the existing byelaws.

- 1.2.3 In response to these changes, section 120 and schedule 6 of the Local Government Act 2003 amended section 15 of the Local Government (Miscellaneous Provisions) Act 1982. The new legislation updated the law to allow for these new practices. The Council did not adopt the new byelaw at the time, instead opting to await for the production of model byelaws. It is these that are now available and that it is proposed the Council adopts.
- 1.2.4 There are advantages to both customer business and the Council from the adoption of these byelaws. Implementation of the byelaws reduces the risk to the public of contracting blood borne viruses such as HIV and Hepatitis B and C. In addition, a single set of byelaws will benefit business as the process of registration will be simplified, particularly for those conducting more than one type of cosmetic skin piercing activity.

1.3 Legal Implication

- 1.3.1 The Department of Health has provided model byelaws and guidance on applications to the Secretary of State for Health for confirmation of the byelaws. The guidance includes a model Council resolution which has been adapted for this report and a model newspaper notice which officers also intent to use. The Council will have to publish its intention to adopt the new legislation in the local press before it applies to the Secretary of State to confirm the byelaws.

1.4 Financial and Value for Money Considerations

- 1.4.1 Councils are allowed to charge a one off fee for registration which is currently £285. There will shortly be a review on the current charging policies.

1.5 Risk Assessment

- 1.5.1 The only way the Council can effectively control skin piercing is by adopting the byelaws. If the model byelaws are not adopted the Council will not be able to regulate hygiene practices and reduce the risk of infection in premises and by operatives offering body piercing and semi-permanent skin colouring procedures.

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

- 1.7.1 In recommending that the Council passes the resolution, committee shall ensure that regulation of acupuncture and cosmetic skin piercing in the Borough is consistent and up to date. There shall be an increased level of public health protection and business shall benefit from the simplification of legal requirements.

- 1.7.2 It is recommended that (a) committee pass resolutions to adopt model byelaws for the regulation of skin piercing activities in accordance with section 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003 and to authorise the Director of Central Services to apply to the Secretary of State for confirmation and (b) the relevant registration requirements come into effect from the date on which the byelaws referred to above are confirmed by the Secretary of State and the current byelaws revoked.

Background papers:

contact: Cliff Cochrane

Model byelaws

Adrian Stanfield

Director of Central Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Tonbridge and Malling Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is

disposed of in accordance with relevant legislation and guidance as advised by the local authority;

- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;

- (iii) an adequate and constant supply of clean hot and cold water on the premises;
- (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to tattooing that were made by Tonbridge and Malling Borough Council on the 9th day of August 1985 and the byelaws made by Tonbridge and Malling Borough Council relating to ear piercing and electrolysis and acupuncture made on 18th day of October 1985 and were confirmed by the Secretary of State for Social Services on 19th December 1985 are revoked.

THE COMMON SEAL OF THE TONBRIDGE
AND MALLING BOROUGH COUNCIL was hereunto
affixed this day of in the presence of

LS

Director of Central Services

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on and shall come into operation on

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist applies only to acupuncture (see section 14(8) of the Act).***

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

17 June 2014

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 UNMET DEMAND SURVEY – HACKNEY CARRIAGE VEHICLES

1.1 Executive Summary

- 1.1.1 Over the last few years the number of licensed hackney carriage vehicles working out of Tonbridge Waterloo rank has grown resulting in very long waiting times queuing on the rank waiting for a fare. As of the 1 March 2014 Tonbridge & Malling currently has 180 hackney carriage vehicles licensed.
- 1.1.2 The neighbouring Licensing Authorities of Tunbridge Wells Borough Council and Maidstone have a fixed limit as to the number of Hackney Carriage Vehicles that are allowed to be licensed. Sevenoaks District Council does not have a restriction, however you need a station permit to work on the main Sevenoaks Station rank.
- 1.1.3 The situation at Waterloo Road is further exacerbated by the economic climate where drivers are working longer hours and some hackney carriage vehicles are being worked longer with multiple drivers.
- 1.1.4 Before a Licensing Authority can restrict the number of hackney carriage vehicles to be licensed a detailed robust survey has to be commissioned to determine to assess hackney carriage services throughout the Borough.
- 1.1.5 To gauge opinion from the current licensed hackney carriage drivers and dual badge holders a questionnaire was sent out asking them if they would like an Unmet Demand Survey to be undertaken. It was clearly pointed out to all respondents of the questionnaire that this survey would have to be paid for by the hackney carriage and dual drivers through their fees.
- 1.1.6 As of the 5 March the licensing team have received back 57 (25.56%) responses from 223 that were sent out. 45 (79%) want a survey to be commissioned against 12 (21%) who do not. A copy of this letter is shown at **Annex 1**
- 1.1.7 Licensed Hackney Carriage Drivers have submitted a petition of 48 names asking drivers to indicate “yes” or “no” to impose a limit. 47 Drivers have ticked “yes” and one driver ticked “no”. A copy of the petition is shown at **Annex 2**

1.2 Background

1.2.1 Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no '*significant unmet demand*'. The existence of the concept of 'significant unmet demand' must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged. Such surveys are normally conducted every three/four years.

1.2.2 A refusal to grant a Hackney Carriage Proprietor's licence, on the grounds of the numbers of Hackney Carriages within the area could only be justified if the Council could demonstrate that there is no significant demand which remains unmet for Hackney Carriage vehicle services.

1.2.3 Significant unmet demand is made up of two components:

Patent demand – which is directly observable from observing queues and waiting time and the ranks; and

Latent demand – calculated using data from the rank observations and public attitude information gleaned from the survey.

Unmet Demand Survey

1.2.4 The key elements of an Unmet Demand Survey are to:

Review of relevant policies:

Extensive rank observations and audits

On street interviews

Consultation

Benchmarking_against other authorities

1.2.5 The research will focus on:

customer need and expectation

the existence and significance of unmet demand

service quality

safety

vehicle types

vehicle designs

accessibility

1.2.6 Target groups include:

customers

potential customers

individuals

groups

organisations on whom the hackney carriage service impacts

managers with whom the hackney carriage trade interacts.

Numbers of taxis in Kent

1.2.7 The following numbers are taken from the Department for Transport statistics

1 March 2013	Hackney Carriage Vehicles			Private Hire		
	Wheelchair accessible	Other taxis	Total HCV	Wheelchair accessible	Other taxis	Total PHV Operators
Ashford	18	57	75	0	111	47
Canterbury	163	89	252	..	169	50
Dartford	87	0	87	2	128	19
Dover	10	59	69	16	117	34
Gravesham	4	222	226	1	54	19
Maidstone	48	0	48	0	223	70
Sevenoaks	4	199	203	10	88	39
Shepway	15	253	268	..	24	51
Swale	40	124	164	7	49	26
Thanet	28	80	108	19	442	40
Tonbridge & Malling	1	189	190	15	245	76
Tunbridge Wells	16	88	104	2	139	54

Tonbridge & Malling	Hackney Carriage Vehicles			Private Hire		
	Wheelchair accessible	Other taxis	Total HCV	Wheelchair accessible	Other taxis	Total PHV Operators
1 March 2013	1	189	190	15	245	76
1 March 2014	1	179	180	15	248	65

1.3 Consultation with the Trade

- 1.3.1 In discussions with Hackney Carriage Drivers on the 14 January 2014, 18 February 2014 and 21 February 2014 the request for a limit on the number of Hackney Carriage Vehicles was made.
- 1.3.2 On Friday 21 February 2014 the Team sent out a letter and voting form to all Hackney Carriage Drivers and Dual Driver badge holders to ask if they wanted an Unmet Demand Survey. A copy of the letter is attached as **Annex 1**

Letters sent out	replies	%
223	57	25.56%

- 1.3.3 As of the 5 March the licensing team have received back 57 (25.56%) responses from 223 that were sent out. 45 (79%) want a survey to be commissioned against 12 (21%) who do not.

Reply	replies	%
Yes	45	79 %
No	12	21 %

1.4 Legal Implications

- 1.4.1 Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no '*significant unmet demand*'. The existence of the concept of 'significant unmet demand' must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged.

1.5 Financial and Value for Money Considerations

- 1.5.1 The Council would pay for the study to be undertaken and would levy an amount to each Hackney Carriage Drivers and Dual Drivers fees to recover the cost, which would be approximately £10,000.

1.6 Risk Assessment

- 1.6.1 There are no relevant issues

1.7 Equality Impact Assessment

- 1.7.1 See 'Screening for equality impacts' table at end of report

1.8 Recommendations

- 1.8.1 That the Licensing and Appeals Committee considers the request from the Hackney Carriage and Dual drivers for an Unmet Demand Survey to be undertaken and that the results of the Survey be discussed at a future meeting.

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield

Central Services Director and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

Switchboard 01732 844522
Minicom 01732 874958 (text only)
Web Site <http://www.tmbc.gov.uk>
Email licensing.services@tmbc.gov.uk

Hackney Carriage Proprietor / Driver

Contact Licensing
Direct line 01732 876368
Email licensing.services@tmbc.gov.uk
Fax 01732 876397
Your ref
Our ref Unmet Demand
Date 24th February 2014

Dear Sir/Madam

Number of Hackney Carriage Vehicles

Following discussions with Hackney Carriage Proprietors and drivers at the recent trade meetings there was concern over the number of licensed Hackney Carriage Vehicles operating with Tonbridge & Malling Borough Council (TMBC).

Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no 'significant unmet demand'. The existence of the concept of 'significant unmet demand' must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged. Such surveys are normally conducted every three years.

The effect of the above is that a refusal to grant a Hackney Carriage Proprietor's licence, on the grounds of the numbers of Hackney Carriages within the area could only be justified if the Council could demonstrate that there is no significant demand which remains unmet for Hackney Carriage vehicle services.

Significant unmet demand is made up of two components:

- Patent demand – which is directly observable from observing queues and waiting time and the ranks; and
- Latent demand – calculated using data from the rank observations and public attitude information gleaned from the survey.

A survey will cost between £8,000 - £14,000 to be completed and will have to be paid for out of future fees. This would result in an additional fee tariff of between £7-11 a year.

As a result I need to understand how many licence holders would like to invest in an Unmet Demand Survey to be carried out in Tonbridge & Malling Borough Council area. I will then report the finding to the Licensing and appeal Committee for consideration.

Director of Central Services and Monitoring Officer: Adrian Stanfield LL.B (Hons) Solicitor

Question 1	Please tick ✓		
Do you want Tonbridge & Malling Borough Council to commission an Unmet Demand Survey?	Yes		No

Proposed new fare increase.

Following discussions with Hackney Carriage Proprietors and drivers at the recent trade meetings there was support for a Fare Increase from those present. I need you to answer the following questions. The results will then be presented before the Licensing and Appeals Committee for their consideration. If the Licensing and Appeals Committee agrees a fare increase a public notice will be published and there will be a fourteen day period whereby objections can be raised.

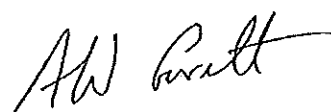
Question 2	Please tick ✓		
Do you want a fare increase?	Yes		No

Question 3
What fare increase do you want considered?

Driver Badge Number	Signature
Drivers Name	

Please return to the licensing team at Tonbridge and Malling Borough Council in the pre-paid envelope by Monday 3 March 2014. All papers will be available for inspection.

Yours faithfully



Anthony Garnett

Licensing and Community Safety Manager

Limiting the Number of Licensed Taxis within the Borough of Tonbridge & Malling

Should Tonbridge & Malling Borough Council limit the number of Taxi Licenses issued?

Name	Driver Number	Do you want the Council to impose a limit on the number of vehicles licensed as Taxis?		Signed
		Yes	No	
MARK SHIELDS	1781	<input checked="" type="checkbox"/>		
AHAW EVANS	3012	<input checked="" type="checkbox"/>		
Jan Smith	1743	<input checked="" type="checkbox"/>		
STEVIE PUGH	345	<input checked="" type="checkbox"/>		
MIR. MONIR	1025	<input checked="" type="checkbox"/>		
D MUMPHON	1968	<input checked="" type="checkbox"/>		
E K BENCHER	1136	<input checked="" type="checkbox"/>		
CH. CHAMBERLAIN	3055	<input checked="" type="checkbox"/>		
E - HASANI	1431	<input checked="" type="checkbox"/>		
ADAM GRADZKI	3001	<input type="checkbox"/>		
Colin Pouchol	1948	<input checked="" type="checkbox"/>		
Q. HASSANI	1516	<input checked="" type="checkbox"/>		
A. KNÖGE	2096	<input checked="" type="checkbox"/>		
W. MILLER	3031	<input checked="" type="checkbox"/>		
KEN SIMMS	1845	<input checked="" type="checkbox"/>		
Kemal AGDIRAN	1293	<input checked="" type="checkbox"/>		
PAUL NOBLETT	1763	<input checked="" type="checkbox"/>		
Roman Kasnik	1480	<input checked="" type="checkbox"/>		
IAN MARCHANT	1244	<input checked="" type="checkbox"/>		
Mrs Peice	2082	<input checked="" type="checkbox"/>		
STEPH NOBLETT	1790	<input checked="" type="checkbox"/>		
Tony Simms	1018	<input checked="" type="checkbox"/>		
DAVE GREENE	1037		<input checked="" type="checkbox"/>	
Colin Law	1750	<input checked="" type="checkbox"/>		
JOSE MONTEIRO	1768	<input checked="" type="checkbox"/>		

Limiting the Number of Licensed Taxis within the Borough of Tonbridge & Malling

Should Tonbridge & Malling Borough Council limit the number of Taxi Licenses issued?

Name	Driver Number	Do you want the Council to impose a limit on the number of vehicles licensed as Taxis?		Signed
		Yes	No	
DAVID HODGE	3054	✓		
A. Richards	1255	✓		
A. Vignati	2064	✓		
N. CHATFIELD	1408	✓		
M. Likord	1854	✓		
S. Allen	1986	✓		
J. Amies	1521	✓		
S. Leck	1766	✓		
A. HANMAN	478	✓		
BILBUH MIAH	3063	✓		
R. MARTIN	2022	✓		
GEORGE DAVIES	782	✓		
M. Khalid	21	✓		
S. AHMADI	1145	✓		
K. Aslan	61	✓		
J. BROWN	2081	✓		
J. MARCHANT	1244	✓		
F. J. MUNDOP	1679	✓		
M. Tahirov	3052	✓		
P. WITCHES	361	✓		
R. G. Davis	219	✓		
M. Costa	1699	✓		
D. J. PARRON	1271	✓		

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

17 June 2014

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 ANNUAL REVIEW OF PERFORMANCE / KEY CHANGES

1.1 Introduction

- 1.1.1 This report updates Members on the progress of Licensing Services over the period from April 2013 until May 2014.
- 1.1.2 The Licensing Service is part of Central Services and is responsible for the processing and grant of licences / authorisations under the Licensing Act 2003, the Gambling Act 2005 (including Small Society Registrations), Taxis/ Private Hire vehicles, Scrap Metal Dealers, Charitable Collections and Sexual Entertainment Venues.
- 1.1.3 At the time of preparing this report, Licensing Services have administered some 2,764 licences during the 2013 – 2014 financial year.
- 1.1.4 The team is made up of a Licensing and Community Safety Manager, one Licensing Officer and one an administration assistant.
- 1.1.5 This year has again been an extremely challenging year with Licensing Services focusing on processing and granting applications to ensure “fit and proper” applicants have granted licenses and permits; process and data cleansing and enforcement ensuring compliance.

1.2 Service Aims

- 1.2.1 The Licensing Services aims are to:
- To meet statutory responsibilities in a cost effective and responsible manner
 - To provide a first class customer service
 - To support a strong night-time economy whilst ensuring residents have a good night sleep.

1.3 Licences

- 1.3.1 The Borough Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices (TENs) and Personal Licences in the Borough with respect to the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.3.2 Under the Gambling Act 2005 the licensing team issues Premises Licences; Gaming Machine Permits; Temporary Usage Notices (TUNs) and Occasional Usage Notices (OUNs), as well as administering Small Society Lottery Registrations.
- 1.3.3 The team also process applications for Taxi licences, including Hackney Vehicle Licences; Private Hire Vehicle Licences; Hackney Vehicle Driver Licences; Private Hire Driver Licences and Private Hire Operators licences.
- 1.3.4 New legislation came in in 2013 with the Scrap Metal Dealers Act 2013 which made provision to licence "Site" and "Mobile collector" licences. Within the first six months Tonbridge & Malling Borough Council has issued 4 "Site" and 17 "Mobile Collector" licences.
- 1.3.5 Other licensing activities include Street Collections and House-to-House Collections.

1.4 Licensing Policies

- 1.4.1 The following policies are currently in force -
- 1.4.2 **Statement of Licensing Policy** (Licensing Act 2003) - The current policy runs from January 2014 until January 2019.
- 1.4.3 **Gambling Policy Statement** - The current policy runs from January 2013 until January 2016.
- 1.4.4 **Hackney Carriage and Private Hire Taxi policy** – The current policy runs from May 2013 until May 2016. During 2013-14 we consulted on the sections relating to Probationary Badges and Code of Conduct.

1.5 Breakdown of premises licences –

Ward	Club premises certificate	Premises licence	Total 2014	Total 2013	Total 2012
Aylesford	1	14	15	15	15
Blue Bell Hill and Walderslade	2	7	9	9	8
Borough Green and Long Mill	1	25	26	25	24
Burham Wouldham and Eccles	0	12	12	12	13
Cage Green	0	2	2	2	2
Castle	2	33	35	34	32
Ditton	2	10	12	12	11
Downs	3	22	25	25	24
East Malling	0	8	8	7	7
East Peckham and Golden Green	0	20	20	21	17
Hadlow, Mereworth and West	2	20	22	22	21
Higham	0	4	4	4	4
Hildenborough	2	13	15	15	16
Ightham	1	8	9	9	8
Judd	0	10	10	11	9
Kings Hill	1	12	13	13	12
Larkfield North	0	7	7	7	6
Larkfield South	0	9	9	9	8
Medway	2	27	29	29	28
Snodland East	2	8	10	10	9
Snodland West	1	8	9	9	9
Trench	1	4	5	5	4
Vauxhall	1	13	14	14	14
Wateringbury	1	5	6	6	6
West Malling and Leybourne	4	25	29	29	29
Wrotham	1	8	9	9	8
Total	30	334	364	364	344

1.5.1 Presently, there are 30 Club Premises Certificates and 332 premises licences

1.6 Premises licences – Reviews

2013-14		2012-13	2011-12
Summary Review			
The Farmhouse, West Malling (17.05.2013)			
Review			
The Somerhill, Tonbridge (05.08.2013)			
Total – reviews		2	2

1.7 New Premises licences

2013-14		2012-13	2011-12
#1	Blue Bell Village Hall (09.04.2013)		
#2	Borough Green Parish Church Hall (09.04.13)		
#3	Nisa Loco, Borough Green - (06.12.2013)		
#4	Tonbridge Town Centre (15.05.2013)		
#5	Amero Libero, Tonbridge (17.07.2013)		
#6	Portuguese Grill House (22.07.2013)		
#7	Kings Hill Sports Park - (26.09.2013)		
#8	Olive Stores, The Hop Farm (16.05.2013)		
#9	Mereworth Village Hall (07.01.2014)		
#10	Bottle Bazaar Ltd, Kings Hill - (31.01.2014)		
#11	Palmer And Harvey, Snodland (08.11.2013)		
#12	The Swan 18.09.2013)		
#13	The Hungry Guest (02.10.2013)		
Total – new premises	13	21	7

1.8 Premises licences – Minor Variations

2013-14		2012-13	2011-12
Minor variation	Co-op, Borough Green		
	Sainsbury's , Aylesford		
	Pizza Express, Tonbridge -		
	Co-op, Snodland		
	Veblen Wines Ltd		
	One Stop, East Malling		
	One Stop, Hildenborough		
	One Stop, Ditton		
Total –	8	3	10

1.9 Premises licences –Variations

2013-14		2012-13	2011-12
Variation	Tonbridge Angels Football Club (15.01.2014)		
	Co-operative, Snodland (16.10.2013)		
	Hadlow Manor Hotel (28.05.2013)		
	Kathmandu Valley, Tonbridge (11.02.2014)		
Total – variations	4	10	2









1.10 Breakdown of premises licences – sales of alcohol

<u>WARD</u>	Off sales	On sales	Off & On	None
Aylesford	5	0	10	0
Blue Bell Hill and Walderslade	3	1	4	2
Borough Green and Long Mill	7	6	10	3
Burham Wouldham and Eccles	4	0	7	1
Cage Green	1	0	0	1
Castle	5	16	12	2
Ditton	3	3	6	0
Downs	0	5	14	6
East Malling	1	4	2	1
East Peckham and Golden Green	5	2	12	1
Hadlow, Mereworth and West Peckham	2	4	12	4
Higham	3	0	1	0
Hildenborough	3	3	8	1
Ightham	1	1	6	1
Judd	4	0	4	2
Kings Hill	3	3	7	0
Larkfield North	3	2	2	0
Larkfield South	4	1	3	1
Medway	9	8	9	3
Snodland East	4	3	3	0
Snodland West	3	0	6	0
Trench	3	1	0	1
Vauxhall	4	2	6	2
Wateringbury	2	1	3	0
West Malling and Leybourne	4	7	17	1
Wrotham	2	1	4	2
Total	88	74	168	35


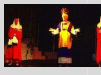







1.10.1 With respect to sales of alcohol, there are currently:

- 88 premises that can sell alcohol for consumption off the premises
- 74 premises that can sell alcohol for consumption within the premises
- 168 premises that can sell alcohol for consumption off and within the premises
- 35 premises where a premises licence is in place detailing licensable activities but no authorised sale of alcohol

1.11 Breakdown of premises licences – activity




Ward	plays	films	indoor sport	boxing wrest	live music	record music	dance	Late refresh
								
Aylesford	2	4	5	0	7	7	6	5
Blue Bell Hill and	1	1	1	0	2	3	2	2
Borough Green and Long Mill	4	4	5	1	10	12	10	8
Burham Wouldham and	2	5	5	0	7	8	6	5
Cage Green	1	0	1	0	1	1	1	0
Castle	7	11	13	0	18	21	14	16
Ditton	2	4	7	1	8	8	6	6
Downs	6	9	7	0	19	18	13	7
East Malling	2	1	0	0	5	5	5	3
East Peckham and Golden	5	7	8	3	11	11	11	10
Hadlow, Mereworth and West	3	5	11	1	16	15	13	11
Higham	0	1	0	0	1	1	1	2
Hildenborough	5	7	6	1	10	11	9	8
Ightham	2	1	3	0	4	5	3	3
Judd	3	4	4	1	4	5	4	6
Kings Hill	2	5	3	1	7	8	6	6
Larkfield North	2	1	1	0	3	3	3	1
Larkfield South	2	1	0	0	3	3	2	3
Medway	4	7	11	0	13	14	6	13
Snodland East	2	2	3	0	4	6	3	2
Snodland West	2	2	4	1	4	5	2	2
Trench	1	1	1	0	1	1	1	1
Vauxhall	2	3	5	0	6	8	4	6
Wateringbury	2	3	3	1	4	4	3	3
West Malling and Leybourne	4	7	8	1	13	15	9	13
Wrotham	3	4	2	0	6	7	6	4
Total	71	100	117	12	187	205	149	146

1.12 Breakdown of premises licences – activity by time

time	alcohol	plays	films	indoor sport	boxing wrest	live music	record music	dance	Late refresh
									
23:00	115	13	12	14	2	30	26	22	0
23:30	11	7	4	7	0	15	11	7	4
00:00	85	27	44	50	19	79	76	59	29
00:30	17	0	9	15	0	8	14	10	15
01:00	48	4	11	13	1	23	28	18	33
01:30	5	0	1	3	0	1	10	3	7
02:00	23	5	11	9	5	17	20	14	23
02:30	0	1	2	2	0	0	2	1	2
03:00	1	0	1	1	0	1	1	1	5
03:30	0	0	0	0	0	0	0	0	0
04:00	1	0	0	0	0	1	1	1	4

1.12.1 This table details the high number of premises that are authorised for licensable activities until the early hours of a Saturday morning. This also highlights the importance of late night enforcement to ensure compliance with issued licences.

1.13 Breakdown of premises licences – activity by percentage

	 alcohol	 Live music	 Recorded music			
time	Num of premises	% of premises	Num of premises	% of premises	Num of premises	% of premises
23:00	115	37.58%	30	17.14%	26	13.76%
23:30	11	3.59%	15	8.57%	11	5.82%
00:00	85	27.78%	79	45.14%	76	40.21%
00:30	17	5.56%	8	4.57%	14	7.41%
01:00	48	15.69%	23	13.14%	28	14.81%
01:30	5	1.63%	1	0.57%	10	5.29%
02:00	23	7.52%	17	9.71%	20	10.58%
02:30	0	0.00%	0	0.00%	2	1.06%
03:00	1	0.33%	1	0.57%	1	0.53%
03:30	0	0.00%	0	0.00%	0	0.00%
04:00	1	0.33%	1	0.57%	1	0.53%

1.14 Premises enforcement

1.14.1 Regular enforcement of all premises takes place, the frequency of which (either six monthly; yearly or every eighteen months) will be determined through a risk assessment of the premises and the activities authorised under the licence.

In addition premises enforcement currently takes place:

- Through joint visits with Responsible Authorities (Kent Police; Environmental Health etc)
- Where complaints are received with respect to non compliance
- Where a new management team has taken over licensed premises

1.14.2 **Premises Inspection sheets** – During premises visits the following information is tracked to ensure compliance with granted licence - Premises Uniform reference number; date and time; Designated Premises Supervisor (DPS); DPS on duty; Managers name; Door Security on duty; Summary premises licence (Part B) displayed; Notice specifying the position displayed; Capacity; Number of people on premises; Plastic bottles/glasses; TV Screens; Number of Gaming machines; Live Music; Recorded Music and General Comments (conditions on the premises licence being complied with).

1.15 Hackney Carriage & Private Hire

1.15.1 A breakdown of taxi licences in force as of February 2012 is set out below

Type of licence	2013-14	2012-13
Dual drivers	62	51
Hackney Carriage Drivers	174	151
Hackney Carriage Vehicles	172	151
Private hire drivers	230	214
Private hire vehicles	270	211
Private hire operator	68	69
Total	976	847

1.15.2 Taxi drivers liaison meeting

Meetings/workshops have been held in October 2013 and January 2014 with representatives from the taxi trade and Licensing & Appeals Committee Members attending.

1.15.3 Taxi Enforcement

Regular enforcement of taxi operations by both Hackney Carriage and Private Hire take place at different times during the day to ensure compliance with legislation and the Borough Council Taxi Policy.

Taxi Vehicle Inspection sheets - During any vehicle inspection twelve pieces of information are recorded: date and time; Plate No; Registration; Drivers Badge; Drivers Name; Valid Insurance; Expiry date of Insurance; Plates in date; Plates shown (Outside/inside); Condition of Taxi; Roof light working (HCV) and Notes.

Joint enforcement

The Licensing team has undertaken joint enforcement with Kent Police, Kent County Council (School contracts) and the Border Agency.

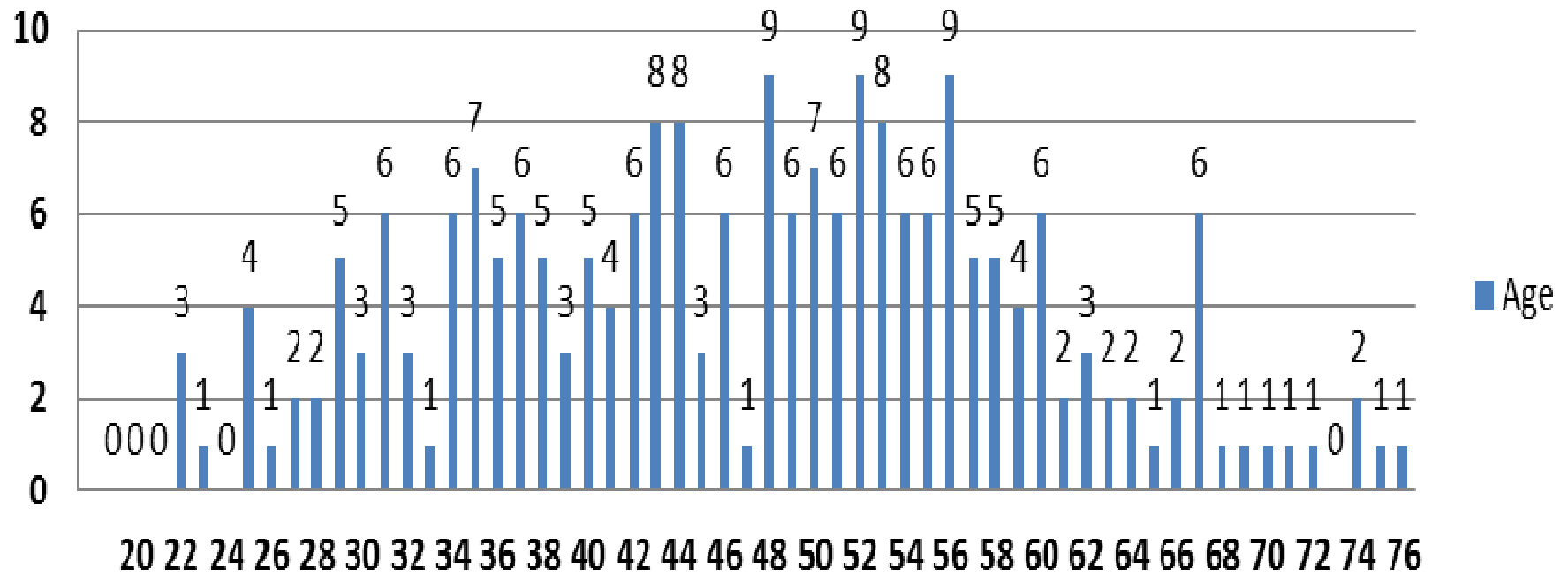
The Licensing team have also worked with Maidstone and Medway undertaking enforcement in the early hours of the morning focusing on Tonbridge & Malling Taxis working outside the Borough.

1.16 Age of licensed taxi drivers

1.16.1 On a secure database the licensing team track the submissions to the Data Barring Service and at the same time capture the age profile of the drivers.

1.16.2 As you can see from the applications processed between 22 February 2013 and 25 April 2014 we have an age range from 22 to 76 years of age.

Age of licensed taxi drivers - DBS submissions 22nd February 2013 until 25th April 2014 (217 drivers)



1.17 Legal Implications

1.17.1 As set out in the report

1.18 Financial and Value for Money Considerations

1.18.1 None arising from this report

1.19 Equality Impact Assessment

1.19.1 See 'Screening for equality impacts' table at end of report

1.20 Recommendations

1.20.1 Members are asked to note the annual review of licensing report.

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield

Director of Central Services and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

17 June 2014

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 RELAXATION OF LICENSING HOURS FOR WORLD CUP

1.1 Introduction

1.1.1 The *Relaxation of licensing hours during the FIFA World Cup, 2014* (the 'consultation') ran from 13 – 26 March. This argued that the FIFA World Cup 2014 ('the World Cup') taking place in June and July 2014 is an important sporting event for which licensed premises are likely to wish to be able to sell alcohol and hot food later than their traditional hours allow. It explained the options for doing this either nationally, under section 172 of the Licensing Act 2003 ('2003 Act'), or locally, using the existing system of Temporary Event Notices (TENs).

1.1.2 The Government believes that England playing in a World Cup is an event of exceptional national significance and given the time difference with host nation Brazil, a number of games kick off late in the evening. As such, many pubs and other licensed premises may wish to extend their licensing hours in order to sell alcohol and hot food alongside these matches. In particular, England's opening game on Saturday 14 June is due to kick off at 11pm, the traditional closing time for many pubs.

Statutory Instruments 2014 No. 1294

1.1.3 The Government has made an Order under Statutory Instruments 2014 No. 1294, which was made on the 20th May 2014 and came into force on the 12th June 2014.

1.1.4 The Order permits premises to be used for the provision of late night refreshment at the specified times only if at those times the premises may also be used for the sale or supply of alcohol for consumption on the premises.

1.1.5 This does not apply to—

- a) the sale by retail of alcohol for consumption off the premises,
- b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption off the premises, or
- c) the provision of regulated entertainment.

1.1.6 A copy of the order is shown at **Annex 1**

1.2 Group D qualifying matches (England's Group)

Date	Match	Kick Off	Extended hours
14 June 2014	England - Italy	23:00 hours	11pm on 14 th June 2014 and ending at 1am on 15 th June 2014
19 June 2014	England - Uruguay	20:00 hours	8pm until Midnight on 19th June 2014
24 June 2014	England – Costa Rica	17:00 hours	NO EXTENSION

1.3 Providing England are still in the tournament

Date	Match	Kick Off	Extended hours
28 June 2014	Second-round 2: Winner Group C v Runner-up Group D,	21:00 hours	9pm on 28th June 2014 and ending at 1am on 29th June 2014
29 June 2014	Second-round 2 Winner Group D v Runner-up Group C	21:00 hours	9pm on 29th June 2014 and ending at 1am on 30th June 2014
4 July 2014	Quarter-final 2: Winner Second-round 1 v Winner Second-round 2	21:00 hours	9pm on 4th July 2014 and ending at 1am on 5th July 2014
5 July 2014	Quarter-final 4: Winner Second-round 3 v Winner Second-round 4	21:00 hours	9pm on 5th July 2014 and ending at 1am on 6th July 2014
8 July 2014	Semi-final 1: Winner Quarter-final 1 v Winner Quarter-final 2	21:00 hours	9pm on 8th July 2014 and ending at 1am on 9th July 2014
9 July 2014	Semi-final 2: Winner Quarter-final 3 v Winner Quarter-final 4	21:00 hours	9pm on 9th July 2014 and ending at 1am on 10th July 2014

Date	Match	Kick Off	Extended hours
12 July 2014	Third-place match Loser semi-final 1 v Loser semi-final 2	21:00 hours	9pm on 12th July 2014 and ending at 1am on 13th July 2014
13 July 2014	World Cup Final Winner semi-final 1 v Winner semi-final 2	21:00 hours	9pm on 13th July 2014 and ending at 1am on 14th July 2014

1.4 Legal Implications

Section 136 – Licensing Act 2003

- 1.4.1 A person commits an offence if they carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation under the Licensing Act 2003, or he knowingly allows a licensable activity to be so carried on.
- 1.4.2 A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

1.5 Financial and Value for Money Considerations

- 1.5.1 None arising from this report

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

- 1.7.1 Members are asked to note the World Cup licensing report.
- 1.7.2

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield
Director of Central Services and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

2014 No. 1294

LICENCES AND LICENSING, ENGLAND

**The Licensing Act 2003 (FIFA World Cup Licensing Hours)
Order 2014**

Made - - - - - 20th May 2014
Coming into force - - - - - 12th June 2014

The Secretary of State, in exercise of the powers conferred by sections 172(1) and (3) and 197(2) of the Licensing Act 2003(a), makes the following Order.

The Secretary of State considers that the celebration period in relation to which this Order is made marks an occasion of exceptional national significance.

The Secretary of State has consulted in accordance with section 172(4) of the Licensing Act 2003.

In accordance with section 197(4) of the Licensing Act 2003 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement, application and interpretation

1. This Order may be cited as the Licensing Act 2003 (FIFA World Cup Licensing Hours) Order 2014 and comes into force on 12th June 2014.
2. This Order applies only in relation to England.
3. In this Order—
 - (a) the “celebration period” means the period beginning on 12th June 2014 and ending on 14th July 2014;
 - (b) the “specified relaxation period” means the parts of the celebration period set out in article 4; and
 - (c) the “tournament” means the external tournament known as the 2014 FIFA (Fédération Internationale de Football Association) World Cup in Brazil.

Specified times

4. For the purposes of article 5, the “specified times” are—
 - (a) the period beginning at 11pm on 14th June 2014 and ending at 1am on 15th June 2014 (in relation to the tournament match between the Men’s Senior England Football Team and the Men’s Senior Italy Football Team);

(a) 2003 c.17.

- (b) the period of four hours beginning at 8pm on 19th June 2014 (in relation to the tournament match between the Men's Senior England Football Team and the Men's Senior Uruguay Football Team);
- (c) the period of four hours beginning at 9pm on 28th June 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 28th June 2014;
- (d) the period of four hours beginning at 9pm on 29th June 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 29th June 2014;
- (e) the period of four hours beginning at 9pm on 4th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 4th July 2014;
- (f) the period of four hours beginning at 9pm on 5th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 5th July 2014;
- (g) the period of four hours beginning at 9pm on 8th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 8th July 2014;
- (h) the period of four hours beginning at 9pm on 9th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 9th July 2014;
- (i) the period of four hours beginning at 9pm on 12th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 12th July 2014; and
- (j) the period of four hours beginning at 8pm on 13th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 8pm on 13th July 2014.

Licensing hours

5. Subject to articles 7 and 8, premises licences and club premises certificates to which article 6 applies have effect (to the extent that it is not already the case) during the specified relaxation period as if the specified times were included in the opening hours(a).

6. This article applies to premises licences and club premises certificates by virtue of which the opening hours immediately precede or continue into the specified times.

7. The opening hours are not to be treated by virtue of article 5 as including the specified times insofar as they relate to the use of premises for—

- (a) the sale by retail of alcohol for consumption off the premises;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption off the premises; or
- (c) the provision of regulated entertainment.

8. In relation to the use of premises for the provision of late night refreshment, the opening hours are only to be treated by virtue of article 5 as including the specified times if the premises may also be used at those times for—

- (a) the sale by retail of alcohol for consumption on the premises; or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises.

(a) The definition of "opening hours" is contained in section 172(5) of the Licensing Act 2003.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 172 of the Licensing Act 2003, and marks the occasion of the participation of the Men's Senior England Football Team in the 2014 FIFA World Cup ("the tournament") which begins on 12th June 2014.

This Order provides for premises licences and club premises certificates to have effect during the specified times (to the extent that this is not already the case) as if the specified times were included in the opening hours under the licence or certificate. The specified times are set out in Article 4. The specified times in respect of the matches set out in Article 4(c) to (j) will only apply if the Men's Senior England Football Team qualify to play in the match in relation to which the specified times are set out.

This Order only applies to licences and certificates which authorise licensable activities to be carried on up to or after the beginning of the period of the specified times.

This Order does not apply to—

- (a) the sale by retail of alcohol for consumption off the premises,
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption off the premises, or
- (c) the provision of regulated entertainment.

This Order permits premises to be used for the provision of late night refreshment at the specified times only if at those times the premises may also be used for the sale or supply of alcohol for consumption on the premises.

This Order applies only in relation to England.

A full regulatory impact of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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