

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 28th June 2010

**Present: Councillor Eaton (in the Chair)
Councillors Cheetham, Crawforth, Evans, Farrington, Gill,
Neal, Morris, C Pilling, Sandiford (substituting for H Steen)
and Unsworth**

**In Attendance: Tracy Brzozowski, Licensing and Planning Enforcement
Manager
Danny Dobson, Principal Licensing Enforcement Officer
Clare Birtwistle, Principal Legal Officer
Carolyn Sharples, Committee and Member Services
Manager**

Also Present: 2 Members of the Public

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies were submitted by Councillor H.Steen.

2. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 10th March 2010 be approved and signed by the Chair as a correct record.

3. URGENT ITEM OF BUSINESS

The Chair introduced one urgent item of business concerning the Animal Boarding Establishments Policy Review which would be going to Policy Overview and Scrutiny on 27th July and Council on 13th September. The review would be based on good practice and would include new legislation and localised responses. A consultation process had commenced and any recommendations received would be considered prior to the report going to Policy Overview and Scrutiny Committee. Further questions on the policy could be directed to the Regeneration Delivery Manager.

In considering this item members discussed the following:

- If an animal sanctuary is split between two areas and two councils, who takes priority in relation to policy?
- Does it include livery stables?

It was agreed that the Chair would take up these questions with the Regeneration Delivery Manager.

4. DECLARATIONS OF INTEREST

There were no declarations of interest declared at this point in the meeting, however the following interests were declared during the items listed below:

Item 7 - Councillor Cheetham declared a Personal Interest in that she was a Governor of Haslingden High School.

Item 10 - Councillor Cheetham declared a Personal Interest in that she was Chair of the Bench.

5. LICENSING UNIT ENFORCEMENT REPORT

The Principal Licensing Enforcement Officer outlined the purpose of the report which was to present to the committee the summary of the enforcement activity undertaken by the Licensing Team between 1st January 2010 and 31st March 2010. The report detailed the numbers of enforcement complaints and test purchase operations carried out by the Licensing Unit and other agencies. The Principal Licensing Enforcement Officer informed the Committee that a Licensing Conference would be taking place at the Riverside in Whitworth on 15th July 2010. Funding has been obtained and free training has been offered to all those premises who have failed test purchases over the last 12-months. Those who receive the training will be working towards a British Institute of Innkeeping Awarding Body (BIAB) Level 1 Award in Responsible Alcohol Retailing.

Upon hearing the item, the committee discussed the following:

- Good test purchasing results for Haslingden premises.
- Query on the numbers tested.
- Businesses who sell on with little charitable concern.
- Only a number of recognised charities out of those who post collection bags.

Resolved:

That the contents of the report and appendices be noted.

6. ADOPTION OF AMENDED SCHEDULE 3, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Principal Licensing Enforcement Officer introduced a report to adopt Schedule 3 (as amended) of the Local Government (Miscellaneous Provisions) Act 1982 which, when adopted, would give the Council the ability to regulate Sexual Entertainment Venues, their numbers in a particular area and impose a wider range of conditions on them than is currently available under the Licensing act 2003. It would also allow local people to oppose such an application if they had concerns that it was inappropriate given the character of the area.

In considering the report members discussed the following:

- Pubs/clubs having regular events in residential areas.
- Legislation not as substantial as expected.
- Part of 2004 legislation?

- Legislation change prior to the election.
- Adding amendments in.
- Disadvantaged if not adopted.
- Better to have some safeguard than none at all.
- Local residents unable to afford taking to appeal.

The Principal Legal Officer advised that if the Council did not adopt the Schedule, it could not then rely on it as a reason for refusing an application at a later date, in addition amendments could not be made to the legislation, it would be a case of whether they were acting within the remit of the legislation.

The Licensing and Planning Enforcement Manager noted that 9.1, 9.2 and 9.3 should refer to Council instead of Cabinet, she clarified the report would not be going to Cabinet however it would be going to Cabinet Briefing before being presented at Council.

Resolved:

- That the Licensing Committee recommend Council to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 and also recommend that an implementation date be set six weeks from the date the resolution is passed in order that the necessary advertisements may be placed.

7. STREET TRADING APPLICATION

The Chair introduced the item and asked if members were in agreement to determine the item even though the applicant was not in attendance. The committee agreed to continue and determine the application. The Committee Members and Officers introduced themselves to the meeting.

The Licensing and Planning Enforcement Manager introduced the application for street trading consent and outlined the application details, the representations received from LCC – Highways and the location photographs in the appendices.

In considering the application members discussed the following:

- Hard standing/ tarmac / gravelled area.
- On a bend in a busy area.
- Location near Rossendale Transport and also the schools off Broadway.
- Off the road at what used to be an entrance/company access gate.
- Would be used by companies on the industrial estate.
- Later opening time.
- Grant licence for 1 year.
- Closed shops in the area.
- Planning permission for the bus company granted on the basis of there being few impediments in the area.
- Companies with their own canteens.
- Putting yellow lines on one side of the road?
- Location part of a possible future exit from the site.

In response to a question concerning the hard standing, the Principal Licensing Enforcement Officer confirmed that whilst it was not classed as hard standing it was impacted dirt, gravel and tarmac.

It was moved and seconded to refuse the application.

Resolved:

That the Licensing Committee resolves that the application for Street Trading Consent is refused.

8. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involve the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

9. REPORT TO CONSIDER AN APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – SN

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members and Officers introduced themselves to the Applicant and Representative.

The Licensing and Planning Enforcement Manager presented the report detailing the application for a Hackney Carriage Drivers Licence.

The Applicant's Representative spoke in favour of the applicant's case.

The Committee Members asked questions of the Licensing and Planning Enforcement Manager, Applicant's Representative and the Applicant for clarification purposes only.

The Applicant, Representative and Licensing Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence be refused. The Committee consider that the applicant is not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- That the applicant will be notified in writing of the decision and will have a right of appeal to the magistrates' court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

- The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

10. ANY OTHER BUSINESS

The Chair raised an item concerning the closure of the courts in Rawtenstall following recent notification of the closures.

In relation to this item members discussed the following:

- Showing support for keeping the facilities open.
- Cost.
- Move to Accrington with fixed penalties moving to Burnley and Reedley.
- Newspaper report on costs inaccurate.
- Accessibility – ramp, widened doors, hearing loop.
- Cost in officer time/travel time.
- Urgent item for Council.

The Principal Legal Officer informed members that representations were already in the process of being made on this matter.

Members agreed that the item would be raised at Full Council under Urgent Items of Business.

The meeting commenced at 6.30pm and closed at 8.30pm

CHAIRMAN _____