

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 12th March 2013

**Present: Councillor Gill (in the Chair)
Councillors: Ashworth, Cheetham, Crawforth, De Souza,
Eaton, Farrington, Hughes, Shipley and Wilkinson.**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
James Dalglish, Licensing and Enforcement Officer
Michelle Hargreaves, Committee and Member Services
Officer
Lorna McShane, Legal and Democratic Services Manager**

Also Present: 25 members of the public

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Neal.

2. MINUTES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 21st February 2013 be approved and signed by the Chair as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Wilkinson declared an interest on minute number 5 as he was a member of the CAB that had put in an objection.

Councillor Cheetham declared an interest in minute number 5 as she was a non-executive member of Rossendale Bus Company that had also put in an objection.

4. URGENT ITEM OF BUSINESS

There were no urgent items of business.

5. HACKNEY CARRIAGE STANDS, SOUTH STREET, BACUP AND KING STREET, BACUP

The Licensing and Enforcement Officer outlined the purpose of the report which was to request the committee to revise the decisions made on the 23rd October and 4th December 2012 to formally approve the adoption of hackney carriage stands under section 63 of the Local Government (Miscellaneous Provisions) Act 1976, as follows:

- three hackney carriages on South Street, Bacup
- six hackney carriages on South Street, Bacup

- two hackney carriages on South Street, Bacup , and;
- five hackney carriages on King Street, Bacup

It was clarified that the proposed hackney carriage stand for three vehicles on South Street was for the North side. The Licensing and Enforcement Officer also informed the committee that a number of objections had been received, in total, 8 objections for King Street and 5 objections for South Street, these included representations from the Police and Rossendale Transport to the stands on South Street. Members were asked to approve recommendations detailed at 1.1 to 1.4 of the report.

PCSO Chris Hamer, David Lawrie and Glen Bulcock spoke on the item.

Upon hearing the item, the committee discussed the following:

- Length of time taken on the stands in question
- Objections received by Irwell Medical Centre
- Cars parking on opposite side to proposed taxi rank on South Street
- Number of objections received and who they were from
- Concerns to what Police had submitted in relation to the proposed new development on South Street
- Plenty of consultation for the proposed stands
- Number of taxis at Lumb Scar
- Number of taxi ranks within Haslingden
- Photos of new fencing erected at Lumb Scar
- Traffic congestion at South Street
- Option of a trial basis

The Licensing and Enforcement Manager clarified to the committee that each stand was to be considered individually and that there was no such thing as a 'feeder rank' and with regard to the objection about disabled parking, LCC had confirmed that it should not be a reason to refuse, it had been noted that there was a shortage of disabled spots within Bacup and this issue would be addressed if necessary by LCC Highways who could nominate disabled parking spaces if there is a need.

The Legal and Democratic Services Manager clarified issues raised by the committee.

Members were asked to vote on each recommendation individually.

Recommendation 1.1, Councillor Wilkinson moved that the committee refuse a Hackney carriage stand for three Hackney Carriages on South Street Bacup (North Side), however this was not seconded. Councillor Eaton moved and Councillor Cheetham seconded that the committee approved a Hackney carriage stand for three Hackney Carriages on South Street, Bacup (North Side).

Recommendation 1.2, Councillor Eaton moved and Councillor Cheetham seconded that the committee approve a Hackney Carriage stand for six Hackney Carriages on South Street, Bacup (South Side).

Recommendation 1.3, Councillor Eaton moved and Councillor Cheetham seconded that the committee approve a Hackney Carriage stand for two Hackney Carriages on South Street, Bacup (South Side).

Recommendation 1.4, Councillor Wilkinson moved and Councillor Hughes seconded that the committee approve a Hackney Carriage stand for Five Hackney Carriages on King Street, Bacup.

Resolved:

1. That the Licensing Committee do not appoint a hackney carriage stand for 3 hackney carriages at South Street, Bacup (North Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
2. That the Licensing Committee do not appoint a hackney carriage stand for six hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
3. That the Licensing Committee do not appoint a hackney carriage stand for two hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
4. That the Licensing Committee appoint a hackney carriage stand for five hackney carriages at King Street, Bacup under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976. That the hours of operation should be Monday to Sunday, 24 hours.

6. POLICY FOR THE LICENSING OF SEXUAL ENTERTAINMENT VENUES

The Licensing and Enforcement Manager outlined the purpose of the report which was to propose a policy that would guide the Council when it considers an application for a sex establishment licence. It was clarified that currently in Rossendale there were no current sexual entertainment venues. This policy had already been considered by Policy O&S on 11th February 2013. Members of the committee were asked to approve recommendations detailed at 1.1 and 1.3 of the report.

Upon hearing the item, the committee discussed the following:

- Update on the policy

Resolved:

1. That the Committee resolved to recommend Council adopt the policy for the control of sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982.
2. That the Committee resolved to recommend Council approve the standard conditions applicable to licences for Sexual Entertainment Venues.

3. That the Committee resolved to recommend to Council that all future minor amendments to the policy to be delegated to the Director of Business in consultation with the Portfolio Holder.

7. ENHANCED DISCLOSURES

The Licensing and Enforcement Officer outlined the purpose of the report which was to inform the Committee that the Licensing and Enforcement Unit (LEU) was currently experiencing a high volume of applications for hackney carriage driver and vehicle licensing, because of this demand it has had to look at how services were being delivered to ensure that other areas of work did not experience any negative effects from this.

It was clear that from 2010/11 the number of applications had increased, details of these were outlined within the report. Appointments were offered two mornings a week however identity checking process, including creating a record on the licensing system took approximately 16 hours per week in officer time.

A survey had been done which had looked at other whether other authorities charged for this service, it was found that 25% did charge, prices varied from £1 to £10.

Mr David Lawrie spoke on the item.

Upon hearing the item, the committee discussed the following:

- Charges and whether they varied in price following survey
- Financial position of the Council
- Responsibility for protecting the general public
- Implementation from 1st April 2013

Resolved:

1. That the Committee resolves to introduce an administration charge of £10 for processing enhanced disclosures for the disclosure and barring service to be implemented from 1st April 2013.
2. That the administration fee be regularly reviewed by the Director of Business in consultation with the Portfolio Holder for Customers, Legal and Licensing.

8. QUARTER 3 ENFORCEMENT REPORT

The Licensing and Enforcement Manager outlined the purpose of the report which was to inform the Committee of enforcement action and issues in respect of licensing matters for the period 1st October to 31st December 2012. This included information in relation to premises licences, temporary event notices, charitable collections, taxi licensing and various exercises conducted.

Mr David Lawrie spoke on the item.

Upon hearing the item, the committee discussed the following:

- Keeping on top of basic checks on the taxi vehicles
- Number of lottery licences issued per year

The Licensing and Enforcement Manager clarified that the school checks were LCC run exercises and that she would report back with the number of lottery licences as the information was not to hand.

Resolved:

That the Committee note the contents of the report.

Due to the number of items on the agenda the Chair asked the Licensing and Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

9. 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.

10. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – EM

The Chair welcomed the Applicant to the meeting.

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

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
2. That the applicant be notified in writing of the decision and has the 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.

11. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MA

The Chair welcomed the Applicant to the meeting.

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

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
2. That the applicant be notified in writing of the decision and has the 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.

12. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – AA

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

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

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

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

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

Resolved:

That the licence be granted. The Committee consider that the applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.

Reason for Decision

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

13. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER LICENCE – TMK

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

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

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

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

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

Resolved:

1. That the licence be revoked. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
2. That the applicant be notified in writing of the decision and has the 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.

14. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER LICENCE – SFS

The Applicant was unable to attend the meeting. The committee agreed to determine the application in the absence of the Applicant.

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

The Committee Members asked questions of the Licensing and Enforcement Manager for clarification purposes only.

The Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. That the licence be revoked. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
2. That the applicant be notified in writing of the decision and has the 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.

The meeting commenced at 6.30pm and closed at 9.05pm

CHAIRMAN
