

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 11th March 2014

**Present: Councillor Gill (in the Chair)
Councillors Ashworth, Cheetham, Essex, Farrington,
Hughes, Neal, Shipley and Wilkinson**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Clare Birtwistle, Principal Legal Officer
Jenni Cook, Committee Officer**

Also Present: 11 members of the public

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Crawforth (Councillor Oakes substituting), Councillor Eaton (Councillor Essex substituting) and Councillor De Souza.

2. MINUTES OF COMMITTEES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 4th June 2013 be approved and signed by the Chair as a correct record.

3. MINUTES OF SUB-COMMITTEES

Resolved:

That the minutes of the following Driver Sub-Committees be approved and signed by the Chair as a correct record:-

- a) 6th June 2013
- b) 18th June 2013
- c) 20th August 2013
- d) 25th September 2013
- e) 30th October 2013
- f) 28th November 2013
- g) 9th December 2013
- h) 12th December 2013 (am)
- i) 12th December 2013 (pm)
- j) 23rd January 2014
- k) 25th February 2014

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. URGENT ITEM OF BUSINESS

There were no urgent items of business.

6. REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

The Licensing and Enforcement Manager introduced the report which recommended that the Licensing Committee recommended to Full Council that the revised Statement of Licensing Policy relating to the Licensing Act 2003 be adopted for a further five years. It was noted that this was a statutory document and that the proposed changes were minor changes brought about by changes in legislation and practical experience. The proposed changes were outlined as follows:-

- New Rossendale statistic details from the 2011 Census.
- Change of name of Office Manager to Licensing and Enforcement Unit Manager.
- Addition of new legislation, Live Music Act 2012 and the Police and Social Responsibility Act 2011.
- Clarification of Live Music Act exemptions at section 5.2.
- Removal of the words 'in particular live music and dancing' at paragraph 17.
- Addition of paragraph 20.2 in relation to an application for a Late Temporary Event Notice.
- Increase of the hours a Temporary event notice can be in existence.
- Confirmation that the Sexual Entertainments Venues Policy has now been adopted.
- Removal of the vicinity test.

Discussion took place on the item, summarised below:

- Clarification was given regarding who the Council was permitted to consult regarding Temporary and Late Temporary Event Notices. It was noted that the Council was only permitted to consult with statutory consultees and that the numbers of people likely to attend an event would be within the remit of the fire service or environmental health to consider.
- Discussion took place regarding the potential impact that World Cup may have on licensed premises and surrounding residential areas. It was noted that during the summer months and busy times the Licensing and Enforcement Unit staff worked closely with the Police to ensure that licensees were aware of any issues.

Resolved:

1. That Full Council be recommended to adopt the revised Statement of Licensing Policy relating to the Licensing Act 2003 for a further five years.

7. REVISED POLICY STATEMENT ON GUIDELINES TO CONVICTIONS INCLUDING STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

The Licensing and Enforcement Manager outlined the purpose of the report which was sought the Licensing Committee's recommendation to Full Council of the Revised Policy Statement on Guidelines to Convictions including Statement of

Policy about Relevant Convictions. It was noted that the current Policy Statement had been adopted by the Cabinet on 21st March 2007 and that the Policy was relieved upon by the taxi trade by providing guidance on the view that a Licensing Sub-Committee is likely to take when determining applications for those applicants falling within the scope of the policy. The Policy had been updated and the Licensing and Enforcement Manager noted that the proposed amendments were appended at Appendix C of the committee report. The Licensing and Enforcement Manager outlined the consultation that had been carried out on the proposed revised Policy Statement.

Mr David Lawrie spoke on the item.

Discussion took place on the item, summarised below:

- Concerns were expressed regarding the failure of some garages to notify the Council about MOT failures. The Licensing and Enforcement Manager noted that this had been dealt with.
- It was clarified that the 'future minor amendments' referred to within recommendation 1.2 referred to typographical errors, job title changes and legislative changes, not to changes to the policy itself.
- Discussion took place regarding the Sexual Offences Register and the Licensing and Enforcement Manager noted that the Policy stated that applications would normally be refused, however it was important that Members did not pre-determine applications, and that the Sub-Committee provided an opportunity for applicants to explain their convictions.

Resolved:

1. That Council are recommended to adopt the Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions.
2. That Council are recommended to delegate all future minor amendments to the policy to the Director of Business.

8. PURPOSE-BUILT TAXIS AND MINIBUSES AGE LIMITS

The Licensing and Enforcement Manager introduced the report which requested that the Licensing Committee determine an appropriate age limit for purpose-built taxis and minibuses which were licensed as hackney carriages or private hire vehicles. It was noted that there were currently 15 minibuses, 1 purpose-built vehicle and no private hire vehicles. The Licensing and Enforcement Manager noted that at present, these vehicles were required to have 2 MOTs and 2 Rossendale Tests per year. Members' attention was drawn to the appendices to the committee report which outlined the current vehicles and also the age limits set by neighbouring authorities. The consultation carried out on the report was outlined and it was noted that Mr David Lawrie had responded to the consultation.

Mr David Lawrie spoke on the item.

Upon hearing the item the Committee discussed the following:-

- It was noted that vehicles built around a van chassis were considered more effective by VOSA. Discussion took place around this matter.
- Concerns were raised that raising the age limit on these vehicles could make applying for a licence within the valley more attractive to non-local drivers.
- It was noted that the issue of MOTs was an important one.

Resolved:

1. That the upper age limit on purpose-built hackney carriages and minibuses be increased to 12 years and upon reaching the age of 10 years, those vehicles shall be required to have an MOT and Rossendale test conducted at one of the Council's authorised testing centres and every 4 months thereafter.

9. QUARTER 1, 2 and 3 2013 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 April to 31st December 2013.

Upon hearing the item, the committee discussed the following:

- It was noted that the lottery licences for raffles had been omitted from the report and the Licensing and Enforcement Manager would circulate this information to committee members.
- Discussion took place regarding the number of hackney carriage drivers who were not working in the borough of Rossendale. It was noted that options were being considered at management level and that this would come through the consultation and committee process in due course.
- The Licensing and Enforcement Manager clarified further that the number of attendees stated on the TEN applications was not within the Licensing and Enforcement Unit's remit to determine and that any objections would have to come from the relevant statutory consultees, such as Environmental Health or the Fire Service.

Resolved:

That the contents of the report are noted.

The meeting commenced at 6.30pm and closed at 7.40pm

CHAIR: _____