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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Wednesday 15 April 2020 via zoom at 6.00pm

PRESENT

Councillor Tom Donnelly - In the Chair

Councillors Jacqueline Allison, Graham Elliott, Alyson Hill, Stuart Lees, Michele Morley, Andrew Statham, Steve Wain, Mark Wakeman

Tim Braund (Director of Regulatory Services), Lee Gardner (Legal Services Manager), Eileen Tierney (Licensing Manager), Jason Spencer (Electoral and Democratic Services Manager) and Angela Gratton (Democratic Services Officer).

A minutes silence was held to pay tribute to His late Royal Highness, The Prince Philip, Duke of Edinburgh.

APOLOGIES

An apology for absence was received from Councillor Paul Cruise.

318/20 – MINUTES

It was moved by Councillor Michelle Morley seconded by Councillor Tom Donnelly

RESOLVED (unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 7th October 2021 be approved as a correct record.

The Chairman declared the motion CARRIED.

319/20 INTERESTS

None

320/20 – INTRODUCTION OF POLICY ON STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS

The Committee considered a report seeking approval of a new Licensing Policy for House to House and Street Collections (Charity Collections) and approval for it be referred to Council for adoption for adoption at the next available meeting of the full Council

The Licensing Manager gave a brief introduction to the report and informed Members the responses received to the consultation were largely complimentary and have been reviewed as seen in Appendix 1. The draft policy document at Appendix 2 has been updated to reflect the proposals where appropriate.

The draft Policy will need to be approved at a meeting of the full Council, with a view to a final Policy being published. It is proposed that a further review of the policy is carried out in 2024, but in the interim period it will be kept under review to assess whether it works well and to take account of any legislative or administrative changes that may be needed before 2024.

It was moved by Councillor Andrew Statham, seconded by Councillor Stuart Lees

RESOLVED The final Draft Policy (Appendix 2), relating to Street Collections and House to House Collections (for charitable and other good causes), is approved for referral to the next available meeting of the full Council, with a view to adoption as soon as possible
(Unanimously)

The Chairman declared the motion CARRIED.

Councillor Wakeman joined the meeting 18:08 after Item 5 voting.

321/20 – REVIEW OF GAMBLING POLICY – STATEMENT OF LICENSING PRINCIPLES: 2022 - 2025

The Committee considered a report seeking approval for a 12 week period of consultation, on the draft policy (Appendix 1), relating to the licensing of gambling related activities and that the results of this consultation be reported to a future meeting of this committee. Also to note that a more detailed report, on the Review of the Gambling Act 2005, will be submitted to this Committee as information from Government becomes available.

The Licensing Manager presented the report informing Members that the Policy must be reviewed 3 yearly and approved by the full Council. Since the policy was first adopted and published it has been kept under review by officers and it was not necessary to make any changes to the current Policy before the proposed consultation exercise. Any comments received will be reviewed and reported to a future meeting of this Committee for consideration. The final draft Policy will then be considered by a meeting of the full Council, so it can be approved and re-published to take effect by the legally set deadline of 31st January 2022.

It was moved by Councillor Andrew Statham, seconded by Councillor Michele Morley

RESOLVED 1) The Draft Policy in Appendix 1, relating to the licensing of gambling-related activities is approved for a 12-week consultation exercise to take place.
(Unanimously) 2) The results of the consultation exercise are reported back to a future meeting of this Committee for consideration.
3) A more detailed report on the Review of the Gambling Act 2005 is submitted to a future meeting of this Committee, as information from Government becomes available.

The Chairman declared the motion CARRIED.

322/20 - REVIEW OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING POLICY

The Committee considered a report seeking approval of the final Draft Policy (Appendix 2), as required under the provisions of Licensing Act 2003, relating to the licensing of Alcohol, Entertainment and Late Night Refreshment and that the Draft Policy is referred to Council for consideration.

The Licensing Manager presented the report informing Members that the consultation ended on 31st March and the responses received had been reviewed by Officers. These were detailed in **Appendix 1** for the Committee's consideration. The draft document at **Appendix 2** had been updated to reflect the proposals and officer recommendations.

A question was raised regarding the wording of paragraph 7.3 in Appendix 2 - asking if the word '*affected*' should be removed. The Licensing Manager agreed that it should be removed and the paragraph would be amended to read as follows:

'Applicants should be aware that there are few areas in the District where licensed premises do not have the potential to impact upon residential properties and affected business premises and they will be expected to demonstrate how they will prevent their premises from giving rise to crime, disorder and public nuisance.'

A question was raised as to what fulfils a relevant representation (10.4 Draft Policy). The Licensing Manager informed Members that a person had to demonstrate in their representation objecting to an application how the licensing objectives would be undermined (or promoted if the representation was in support of an application) takes in undermining or promoting their case.

The recommendations with the amendment was moved by Councillor Mark Wakeman, seconded by Councillor Michele Morley

RESOLVED
(Unanimously)

The final Draft Policy (Appendix 2), relating to the licensing of Alcohol, Entertainment and Late Night Refreshment, required under the provisions of Licensing Act 2003, is approved for referral to the next available meeting of the full Council, for consideration.

Update 7, 7.3 on the draft Policy to read:

'Applicants should be aware that there are few areas in the District where licensed premises do not have the potential to impact upon residential properties and business premises and they will be expected to demonstrate how they will prevent their premises from giving rise to crime, disorder and public nuisance'

The Chairman declared the motion CARRIED.

323/20 - REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY TO INCORPORATE THE DEPARTMENT FOR TRANSPORT'S (DfT) STATUTORY STANDARDS/GUIDANCE

The Committee received a report updating the Committee on the progress made, since the

October 2020 meeting, in implementing the recommendations of the statutory guidance/standards for taxi and private hire licensing, issued by the Secretary of State for Transport in July 2020 under section 177(1) of the Policing and Crime Act 2017.

The Director of Regulatory Services presented the report informing Members of the comparison made of the Council's current Taxi & Private Hire Licensing Policy standards, against the statutory guidance/standards published by the DfT in July 2020. The findings were provided for Members' consideration in **Appendix 1** and approval sought to carry out a 4 week consultation exercise with the local taxi and private hire trade and other stakeholders on any proposed changes agreed by the Committee.

A full 12-week consultation period is not considered to be appropriate at this time. There will also be other opportunities to consult on those issues it has not been possible to consider at the current time, due to other demands on officer time, of equal importance; eg: consideration of mandatory CCTV in vehicles. This would be a major change to the Policy and would need to be considered separately before any recommendation could be brought before this Committee.

At the end of the consultation exercise any comments will be assessed and reported to the July meeting of the Committee, with a proposed final draft Policy document for consideration for referral to Council.

Members were informed that these were National Standards concentrating mainly on improving safeguarding and fit and proper person standards in the taxi and private hire licensing regime. The Committee were advised that it is a national exercise and in the longer term should promote consistency across the Country.

It was moved by Councillor Andrew Statham seconded by Councillor Michele Morley

RESOLVED
(unanimously)

- 1) A 4-week consultation exercise with the local taxi and private hire trade, and other stakeholders be carried out, on the proposed changes to the Council's current Taxi Licensing Policy, identified in the review, as detailed in **Appendix 1**.
- 2) Any consultation responses, and a revised draft of the Council's 2018 Taxi and Private Hire Licensing Policy, are reported to the next meeting of this Committee for further consideration, so that a draft revised Policy can be referred to the full Council seeking approval to republish.
- 3) The Council's current Hearings Procedure for Taxi Licensing Appeals is reviewed and updated for consideration at the next meeting of the Committee.

The Chairman declared the motion CARRIED.

MEETING CLOSED 6.31PM

CHAIRMAN