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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Wednesday, 30 June 2021 via zoom at 6.00pm

PRESENT

Councillor Tony Morley - In the Chair

Councillors Jacqueline Allison, Paul Cruise, Graham Elliott, Clare Gamble, Alyson Hill, Stuart Lees, Andrew Statham, Steve Wain, Mark Wakeman

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

APOLOGIES

An apology for absence was received from Councillors Michelle Morley and Colin Swindell.

32/21 – MINUTES

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

RESOLVED (unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 15 April 2021 be approved as a correct record.

The Chairman declared the motion CARRIED.

33/21 INTERESTS

No Interests were declared.

34/21 – LICENSING ACT 2003 AND GAMBLING ACT 2005 ANNUAL REPORT

The Committee considered a report providing Members with a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Section during the last financial year, and the previous two financial-year periods, to allow comparisons to be made. This updates the annual report for 20/21 which was considered at the October 2020 meeting, as the July 2020 meeting was cancelled.

The Licensing Manager gave a brief introduction to the report highlighting the following:

The data for licences processed under the Licensing Act 2003 for the financial year 2020/2021 is as follows:

Licences	Number of Applications Processed		
	2018/2019	2019/2020	2020/2021
New Premises Licences/Club Premises	16	12	14
Transfers of Premises Licences/Club Premises Certificates	22	24	16
Variations (full)	7	10	3
Minor Variations	6	9	6
Variation of (DPS)	74	89	38
Removal of DPS Condition	1 + 1 withdrawn	0	0
New Personal Licences	42	61	40
Temporary Event Notices (TENs)	454	467	67
LATE Temporary Event Notices	125	173	28
Surrendered Premises Licences	9	14	11

As a result of the Coronavirus Pandemic restrictions, only 67 Temporary Event Notices and 28 LATE Temporary Event Notices have been given to the Council between 1st April 2021 and 31st March 2021, to allow the occasional sale of alcohol and/or provision of regulated entertainment.

The Minor Variation applications determined by Officers under delegated powers between 1st April 2020 and 31st March 2021 were:

Premises	Variation
The Red Lion, Rutland Square, Bakewell, DE45 1BT.	To update the premises plan to reflect a change of internal layout.
Marks & Spencer Simply Foods, Units B2 And B3, Waterside Park, Waterside Road, Ashbourne, DE6 1DG.	To update the premises plan to reflect change of internal layout.
Barringtons, Station Road, Darley Dale, DE4 2EQ.	To update the premises plan to reflect change of location of the bar from one room to another.
Clifton Smith Church Hall, Cock Hill, Clifton, DE6 2GJ.	To remove outdated Public Entertainment conditions imposed on the licence by Derbyshire Dales District Council in 2005.
The Horns, 15 Victoria Square, Ashbourne, DE6 1GG.	To Update premises plan to reflect minor changes to internal layout.
Marks & Spencer, 4 Bakewell Road, Matlock, DE4 3AU.	To update plan to reflect changes to the interior layout - ie removal of the customer cafe area.

During 2020-2021, applications were received for 14 new premises licences and 3 major variations to existing premises licences. Only two of these applications attracted representations (relevant objections), that could not be resolved by the Licensing Manager, and had to be referred to meetings of the Licensing and Appeals Sub-Committee, to be determined.

Members questioned if there had been any increase in the number of applications and whether all complaints were dealt with by telephone.

The Licensing Manager informed Members that applications had started to increase and visits had started to be made again with the Police.

It was moved by Councillor Steve Wain, seconded by Councillor Mark Wakeman

RESOLVED
(Unanimously)

- 1) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the following number of planned compliance/enforcement visits in the District by 31 March 2022:
 - 20+ licensing awareness visits to premises licensed for alcohol sales, gambling (or scrap metal).
- 2) That the Licensing Team continues to contribute to the work of the Derbyshire Licensing Group (DGL), the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group; and continues to support initiatives promoted by the Institute of Licensing, and the Gambling Commission.

The Chairman declared the motion CARRIED.

35/21 – BUSINESS AND PLANNING ACT 2020 - UPDATE REPORT – TEMPORARY PAVEMENT LICENSING PROVISIONS

The Committee considered a report updating Members on the implementation of the provisions of the Business and Planning Act 2020, in respect of temporary pavement licenses and advises of the Government's plans to extend the licensing regime until 30 September 2022. Approval was sought to put administrative arrangements in place and to consider whether or not an application fee should be applied.

The Licensing Manager presented the report informing Members if and when the regulations come into force, the expiry date of the Pavement Licensing regime will be extended from 30 September 2021, to 30 September 2022. Only pavement licence applications submitted after the date that the amended regulations are made will be granted to expire on 30 September 2022 – any granted before that date may require a further application to extend the life of the license.

Members were informed only Derbyshire Dales District Council and North East and Bolsover Alliance were not charging for Pavement Licenses at present other Councils were charging £100.

The Director of Regulatory Services informed Members is cost on average £80 for DDDC to process an application.

Councillor Jacqueline Allison proposed charging a fee of £80 for the Pavement and Seating out Licenses.

It was moved by Councillor Jacqueline Allison, seconded by Councillor Clare Gamble

Councillor Wakeman proposed that administrative arrangements are put in place to extend the Pavement Licensing regime until 30 September 2022.

It was moved by Councillor Mark Wakeman, seconded by Councillor Graham Elliott

RESOLVED
(Unanimously)

- 1) Administrative arrangements be put in place to extend the Pavement Licensing regime until 30 September 2022.
- 2) An application fee of £80 for a pavement licence determined by this Committee, be referred to the Governance and Resources Committee for consideration.

The Chairman declared the motions CARRIED.

36/21 - TAXI AND PRIVATE HIRE LICENSING – ANNUAL REPORT

The Committee considered a report providing Members with a summary of the work relating specifically to taxi and private hire licensing, undertaken by the Licensing Team during the last financial year. Particular attention being paid to actions taken following the implementation of the reviewed Taxi and private Hire Licensing Policy, in May 2018.

The report also provided a brief overview of the progress made since the last meeting, in implementing the requirements of the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport (DfT).

The Licensing Manager presented the report informing Members the revised Policy introduced mandatory requirements for Licensed Drivers, which included:

- Safeguarding Awareness Training with refresher training every 3 years;
- Mandatory Subscription to the DBS (Disclosure and Barring Service) On Line Update Service for checking for criminal records.
- Introduction of a Penalty Points Scheme for Licensed Drivers to ensure that drivers are treated fairly and proportionately when they breach licence conditions.
- Driver Knowledge Test – Applicants will be allowed 3 attempts at the Council's Knowledge Test.

It was moved by Councillor Graham Elliott, seconded by Councillor Stuart Lees

RESOLVED
(Unanimously)

- 1) The report be noted; and an updated report be submitted to the first meeting of each civic year.
- 2) Further reports in respect of progress made with implementing the national Statutory Taxi and Private Hire Vehicle Standards, be submitted to future meetings of the Committee as and when changes are required to the Council's current Taxi and Private Hire Licensing Policy.

The Chairman declared the motion CARRIED.

MEETING CLOSED 6.54PM

CHAIRMAN