

## Minutes of Licensing Committee

Meeting Date: Tuesday, 31 August 2010, starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

P Ainsworth	C Ross
S Brunskill	M Sutcliffe
R Croasdale	M Thomas
J Holgate	J Waddington
S Hore	N C Walsh

Also in attendance: Legal Services Manager.

### 222 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors R Hargreaves and C Punchard.

### 223 MINUTES

The minutes of the meeting held on 15 June 2010 were approved as a correct record and signed by the Chairman.

### 224 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 225 PUBLIC PARTICIPATION

There was no public participation.

### 226 REFERENCES FROM OVERVIEW AND SCRUTINY COMMITTEE

There were no references from Overview and Scrutiny Committee.

### 227 ANNUAL TAXI MEETING

The Legal Services Manager sought Committee's instructions about whether or not to continue to hold an annual public meeting.

She reminded Members that the Council had held an annual meeting with licence holders for several years. During 2009/10 the Council had its annual public meeting and approximately 20 licence holders attended. However the meeting held this year on the 15 June 2010 had been well attended by Members, representatives from the Police, Highway Authority and Local Disability Forum, but only 1 licence holder had attended.

No explanation had been given for this by licence holders. The Council was not proposing to make any changes to its current practice in licensing and the system post-transfer to this Committee had now become established. There were therefore no significant changes that affected licence holders and this may have influenced attendance figures.

Since the original meeting other opportunities had arisen to consult more widely with licence holders via the Council's website. In addition there had been recently extended arrangements for petitions which encourage public participation in Council business.

Members then discussed this matter in some detail.

RESOLVED: Committee agreed to:

1. cease holding an annual public meeting with licence holders;
2. encourage licence holders to take advantage of existing opportunities for public participation at each meeting of the Licensing Committee;
3. hold an annual public meeting, no more than 1 in any municipal year, if a request is received from at least 10 licence holders; and
4. information on licensing issues and the change to the Annual Meeting arrangements be put on the Borough Council's website and the enforcement officer also make licence holders aware of any current issues.

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#### ENFORCEMENT ISSUES – CROSS BORDER HIRINGS

The Legal Services Manager submitted a report dealing with a recent request from Hyndburn Borough Council on Cross Border Hirings.

She informed Committee that the Licensing Manager at Hyndburn Borough Council had contacted this Council to discuss how to resolve problems arising as a result of drivers licensed by this Council working in Hyndburn.

The activities taking place were summarised as following:

Hackney carriage vehicle drivers using hackney vehicles registered with this Council carrying out private hire work in Hyndburn. It had not been possible to clarify whether this work had been pre-booked with the driver or pre-booked via an operator and if via an operator, whether the operator was licensed in Ribble Valley or in Hyndburn, or in fact whether the work was really hackney work. The scale of the problems had not been quantified, however Hyndburn was receiving complaints from its own licence holders relating to Ribble Valley Borough Council licensed drivers.

She further explained that the legal position was complex in that there was conflicting case law about the necessary licences required for work of a given

nature in each area. Some operators were seeking to rely on a case dating from 2008 RC Newcastle CC -v- Berwick on Tweed BC to sanction the practice of hackney drivers with hackney vehicles carrying out private hire work not booked through an operator in an area where the hackney driver or vehicle were not licensed.

The case had been reviewed as part of further legal proceedings and a decision was expected shortly. The situation was further complicated by the use of computerised system which may have the capacity to route calls into such a way as to avoid contravening the licensing requirements but were not necessarily in use in all cases. The important issue for Committee to decide was what action, if any, to take to address the problems generated by Ribble Valley licence holders operating outside the area controlled by this Council.

Amongst the issues for consideration were reciprocal staffing arrangements, variation of existing conditions and managing the supply of hackney vehicles.

Members then discussed this matter in some detail. Incidents were cited where illegal taxi activities had been reported and stopped by routine enforcement. There was real concern that, with no uniformity of licensing regimes between neighbouring Councils a strict regime in one town could lead to an influx of out of area taxis coming into the Ribble Valley.

The Legal Services Manager commented that until the outcome of the Newcastle case review was known an informed decision on such arrangements could not be made.

RESOLVED: That Committee defer consideration of this matter until the outcome of the Court Case review is known.

## 229 COALITION GOVERNMENT'S CONSULTATION ABOUT REBALANCING THE LICENSING ACT

The Legal Services Manager presented her report on a Government consultation document issued on 28 July 2010 concerning the Licensing Act 2003 entitled Rebalancing the Licensing Act.

She commented that the consultation document emphasised the importance of empowering individuals, families and local communities to shape and determine local licensing. The purpose of the proposals, if implemented, would be to give more power to Local Authorities and to local Police Forces in order to tailor to the local needs the promotion of businesses as against problems created by alcohol related crime disorder.

The proposals included:

- giving Local Authorities and the Police much stronger powers to remove licences from or refuse to grant licences to problematic premises;
- increasing the maximum fine for those caught selling alcohol to minors to £20,000;

- Councils to be able to charge higher fees for late night licences to help pay for additional costs incurred in enforcement;
- Councils and Police to have the powers to close any shop or bar premise that is found to be repeatedly selling alcohol to children; and
- preventing the sale of alcohol at a low cost price.

Members discussed the consultation document in some detail. There was a recognition that the recent moves towards a 'café culture' in licensing had failed and had only led to requests for later licences from pubs, clubs and restaurants. There were also issues about legislating for safer drinking glasses, providing free tap water, cheaper soft drinks and the displaying of opening hours to be in a prominent position.

RESOLVED: That the Legal Services Manager formally respond to the Government along the lines indicated above.

230 LICENSING STATEMENT OF PRINCIPLES AND PROPOSAL TO ADOPT THE SEXUAL ENTERTAINMENT VENUE POWERS

The Legal Services Manager informed Committee of the timetable for approval of the Council's Licensing Statement of Policy and the proposal to adopt the Sexual Entertainment Venue powers.

The Committee timetable was such that the next meeting of Policy and Finance Committee after the 1 October would be on the 16 November. It would not therefore be possible to refer any consultation responses received to the Licensing Committee and meet the statutory deadline. The matter would then go before full Council on 14 December and this would ensure that the Council's policy was approved in time for the required implementation in January 2011.

The adoption of the Sexual Entertainment Venue powers would also be considered by Policy and Finance Committee at its November meeting.

RESOLVED: That the report be noted.

231 EXCLUSION OF PRESS AND PUBLIC

Resolved that by virtue of the nature of the next items of business to be discussed under Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

232 COMPLAINTS REGARDING LOCAL PREMISES

The Legal Services Manager informed Committee about complaints which had been received relating to two premises within the Council's area.

RESOLVED: That the matter be noted.

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PROCEEDINGS IN THE MAGISTRATES COURT ON APPEAL

The Legal Services Manager reported on the outcome of an appeal against a sub-committee decision to refuse to grant a private hire licence to an individual and potential proceedings in the Magistrates Court relating to the revocation of a current operator's licence.

RESOLVED: That the report be noted.

The meeting closed at 7.49pm.

If you have any queries on these minutes please contact Diane Rice (414418).