

## Minutes of Licensing Committee

Meeting Date: Tuesday, 29 November 2011, starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

P Ainsworth	S Knox
S Brunskill	R Moores
P Dowson	C Ross
R Hargreaves	G Scott
K Hind	R Swarbrick
J Holgate	M Thomas

Also in attendance: Head of Legal and Democratic Services.

### 540 APOLOGIES

An apology for absence from the meeting was submitted on behalf of Councillor C Conner.

### 541 MINUTES

The minutes of the meeting held on 6 September 2011 were approved as a correct record and signed by the Chairman.

### 542 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 543 PUBLIC PARTICIPATION

There was no public participation.

### 544 REFERENCES FROM OVERVIEW AND SCRUTINY COMMITTEE

There were no references from Overview and Scrutiny Committee.

### 545 FEES AND CHARGES

The Head of Legal and Democratic Services submitted a report asking Committee to determine its annual fees for hackney carriage and private hire vehicle licences.

She reminded Committee that changes to the licence fees in respect of hackney carriage vehicles, private hire vehicles and private hire operator licences must be advertised in a newspaper circulated in the local area 28 days before the change in charges would take effect. She also commented that the Committee had since it took responsibility for hackney carriage and private hire licences considered its fees and charges at the final meeting of the financial year. However in order to

synchronise fee setting with the budget process, the decision by Committee had now been brought forward, however the implementation date would remain at the 1 April 2012.

The report set out the current fees for each type of licence.

She commented that in recent years licence fees had generally been uplifted annually in line with inflation. The Council was therefore recommending uplifting the fees by reference to inflation (based on 3%) for 2011/12 and details were given as to what those new fees and charges would be:

Private hire and hackney carriage from 2012 from 1 April

- Driver renewals/annual licence £54.
- Temporary/six month licence £27.
- Replacement driver's badge £11.

Vehicle Licence

- Annual up to 3 years' old £151.
- Six months over 3 years but not exceeding 7 years £80.
- Four months over 7 years £57.
- Discount on previous licence ( $\frac{1}{12}$  of the annual fee) (£12.60 1 full month).
- Transfer on licence ownership £22.
- New or replacement plates (at cost plus 10% admin).
- Private Hire Operator's Licence from 1 December to 30 November per annum for five vehicles or fewer, thereafter £10.50 per vehicle - £140.
- Log books 100 sheets each £1.45.
- Knowledge test – first one free – paper version £7 – in person £14.

She commented that the current fee for the knowledge test had been reviewed. She informed Committee that applicants could choose between a written test or a test where a member of staff went out in the vehicle with the applicant making the test verbal. However this involved staff time of up to 1 hour conducting the test, hence the proposed difference in fee between written and verbal.

RESOLVED: That Committee agree the current fees with effect from 1 April 2012 as shown above.

#### 546 STEERING TO SUCCESS COURSE AND KNOWLEDGE TEST

The Head of Legal and Democratic Services informed Committee about the way in which the Steering to Success and Knowledge test elements of the application process were working and sought Committee's views on whether or not any changes should be made.

She reminded Committee of the requirement to pass the Steering to Success course and knowledge test form as part of the application process and applied to both private hire and hackney drivers licences. Hackney drivers were not

allowed to obtain a licence until they had completed both courses whereas private hire drivers were allowed to have a six month licence before completing the Steering to Success course and passing the Knowledge test.

As the Steering to Success and Knowledge tests were central to the way in which the Council satisfied itself that the applicant was a fit and proper person, it was questionable whether it was appropriate to make a distinction between the two types of licence, the rationale for this historically had been the fact that private hire drivers had the ability to contact their operator should they have any difficulty finding property or require any advice about proper procedures and behaviour.

Figures were produced relating to the number of six month licences being acquired over the Christmas period for the past four years.

Committee were informed that the Electoral and Licensing Officer was satisfied that there were now sufficient courses available to accommodate applicants for licences with the Council. A sign had recently been placed at Level C Reception to inform licence holders that there would be no exception to the requirement that they complete the Steering to Success course within six months of being granted a licence and that the licence would not be renewed until they had completed the course; this same rule applied to the knowledge test course.

Committee were therefore being asked if they wished to change the current arrangements and Members discussed this matter in some detail.

RESOLVED: That

1. Committee having considered the current arrangements for the Steering to Success course agree that these should be confined, save as set out at 3 below;
2. Committee considered the current arrangements for the knowledge test and agree that these should also be confined; and
3. applicants for a driver's licence must show evidence that they are booked on the Steering to Success course when applying for a licence.

#### 547 CRIMINAL RECORDS BUREAU CHECKS – ADDITIONAL INFORMATION

The Head of Legal and Democratic Services sought Committee's instructions relating to additional information supplied as part of the response to criminal record bureau checks.

She reminded Committee that there were two levels of CRB checks – Standard and Enhanced. The Enhanced CRB check was the highest level and the one currently used by the Council. One of the key differences between Standard and Enhanced checks was that the Enhanced check may include approved or additional information which are defined below:

Approved Information – None conviction information provided by the Police from their local records.

Additional Information – The Chief Police Officer may decide it is necessary in the interests of the prevention or detection of crime to release additional information to the Counter Signatory only.

In order for the Council to countersign the applications which individuals make for a CRB check, it had to register with the CRB. One of the obligations placed on the Council as registered body was to ensure that additional information including information as to its existence is not revealed to the disclosure applicant and is disposed of in a manner appropriate and at the appropriate time.

The Head of Legal and Democratic Services commented that such information was received very infrequently. However if it was received this placed the Council in a difficult position in that it was required to take into account information which was unknown to the applicant and in respect of which they therefore had no opportunity to provide an explanation. This had an effect on the weight which could be attached to the information provided particularly in the absence of a relevant criminal conviction.

The current procedure was that the application was referred to the Licensing Sub-Committee. If the applicant's licence was referred to the Sub-Committee then information had to be given to the Sub-Committee in the absence of the applicant which mitigated against the expectation of the right to a fair hearing. Members were dissatisfied with the current process, as when considering additional information as they had concluded that no regard can be had to the information due to the lack of convictions or other issues set out above. She was therefore proposing a change to the procedure as follows:

Where the only issue in relation to an application is the existence of additional information, that the information be disclosed solely to the Chairman, and only where the Chairman considers the matter should be referred to the Licensing Committee would a Licensing Committee be convened. Other applications would be determined by officers in the normal way.

RESOLVED: That Committee authorise the Head of Legal and Democratic Services and the Licensing and Electoral Registration Officer to determine applications where additional information had been received but no other matters of concern exist subject to confirmation by the Chairman that the matter should not be referred to the Licensing Sub-Committee.

548 LONGRIDGE COMMUNITY ALCOHOL NETWORK

The Community Development Officer referred to the circulated information in relation to Community Alcohol Networks which were being set up across Lancashire by Lancashire Trading Standards in an attempt to curb under age drinking, proxy sales of alcohol and alcohol related anti-social behaviour.

One such Community Alcohol Network had recently been established in Longridge and was scheduled to run for the six week period on the run up to Christmas 2011.

The Campaign had the full support of the Police who had provided extra targeted patrols in hotspot areas aimed at tackling the problem first hand with Trading Standards offering support and guidance to off-licence staff when dealing with young people wishing to purchase alcohol either for themselves or for young people.

The results in Longridge had proved positive so far with around 50 interventions with young people on campaign evenings.

RESOLVED: That the report be noted.

#### 549 APPEAL UPDATE AND PREMISES HOURS INFORMATION

The Head of Legal and Democratic Services referred to a recent application by KeyStreet to vary their premises licence. As a result of the fact that representations were received about this variation, a hearing was held on 13 July 2011. The application was refused in part, the element of refusal relating only to additional hours on Bank Holiday weekends. Once the changes permitted by the Committee were translated into the licence, it became clear that modifications to the Bank Holiday hours would be relatively minor and would not affect the opening hours of the premises. Therefore after consultation with the Chairman and confirmation of certain matters by the Police an agreement had been reached with the applicant whereby the appeal was disposed of without a contested hearing.

She referred to the concerns expressed by Members of the Licensing Sub-Committee, not in relation to the management of individual premises rather in relation to the effect on the character of the town, visitors and residents of premises operating for longer periods in the early hours of the morning. She reminded Committee that the Police and Social Responsibility Act 2011 would give local Licensing Committees more power to influence the way in which licensing affected their local area although it would be some time before all the relevant provisions came into force. Amongst the changes which the Act would make would be the late night levy, early morning restriction orders and the conditions that could be attached to the licence.

Committee were provided with information regarding the current opening hours, times for supply of alcohol and hours and provision of regulated entertainment at all premises in the centre of Clitheroe.

The Chairman expressed her support for a proposal that a meeting be set up with Members of Clitheroe and Whalley Pubwatch to discuss the whole question of later licensing hours, their impact on the licence trade and how this could be better operated in Clitheroe.

She also commented on information she had received from the Chief Supt of Eastern Policing Division about the increasingly vibrant nighttime economy in Clitheroe which was causing some concerns for the Police. Extra Police manpower would be deployed in Clitheroe on the run up to Christmas to cope with the extra number of visitors drinking and socialising in the town centre. Members discussed these various issues at some length.

RESOLVED: That

1. the report be noted; and
2. the Head of Legal and Democratic Services approach Members of the Whalley Pubwatch Scheme to discuss specific licensing issues.

The meeting closed at 7.23pm.

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