

Minutes of Licensing Committee

Meeting Date: Tuesday, 13 November 2018, starting at 6.30pm
Present: Councillor N Walsh (Chairman)

Councillors:

S Atkinson	T Hill
A Brown	S Hore
S Brunskill	A Knox
L Graves	G Mirfin
R Hargreaves	G Scott

In attendance: Head of Legal and Democratic Services.

441 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors J Alcock, S Bibby, G Geldard and S Hind.

442 MINUTES

The minutes of the meeting held on 18 September 2018 were approved as a correct record and signed by the Chairman.

443 MINUTES OF LICENSING SUB-COMMITTEE – 17 SEPTEMBER 2018 AND 19 OCTOBER 2018

Committee received the minutes of the Licensing Sub-Committee meetings held on 17 September 2018 and 19 October 2018.

444 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

445 PUBLIC PARTICIPATION

There was no public participation.

446 ANNUAL FEES AND CHARGES

The Chief Executive submitted a report asking Committee to determine the annual fees for hackney carriage and private hire licences, scrap metal dealers licences and sex establishment licences. The Council has the power to charge for licences subject to statutory provisions which both give rise to the power to charge and specify the way the charge for certain licences has to be calculated.

The legislation provides that the fee should be set at a level which provides such a fee as they consider reasonable with a view to recovering the cost of issue and administration.

The report outlined the current fees charged alongside the proposed fees to be charged; the uplift in fees was approximately 2% rounded up or down as most appropriate.

RESOLVED: That Committee agree to set the fees for:

1. hackney carriage and private licences for the year 2019/2020 as set out in Appendix 1 to the report;
2. scrap metal dealers licences for the year 2019/2020 as set out in Appendix 2 to the report; and
3. sex establishment licences for the year 2019/2020 as set out in Appendix 3 to the report.

447 APPROVAL OF THE COUNCIL'S STATEMENT OF LICENSING POLICY – GAMBLING ACT – 2019 TO 2022

The Chief Executive submitted a report advising Members of the outcome of the consultation on the Council's requirement to consult on proposed amendments to the Council's Statement of Principles on Gambling, which was required by the Gambling Act 2005. The Act required review of the principles every 3 years, and publication of the current statement.

Two responses had been received to the consultation. Both of these were generic advice to local authorities from statutory consultees, being the Director of Public Health at Lancashire County Council and GAM Care. As a result, two minor amendments had been made to the Statement in relation to the circumstances when a risk assessment must be reviewed, and the issues to be covered in that risk assessment.

*** RESOLVED: That Committee approve the Statement of Principles Gambling Act 2005 2019/22 and recommend its adoption to Full Council. ***

448 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the fact that the following items of business by exempt information under Category 1 of Schedule 12A of the Local Government Act 1972, the press and public be now excluded from the meeting.

449 ENFORCEMENT AND COMMUNITY ALCOHOL PARTNERSHIP

The Chief Executive submitted a report for Committee's information on enforcement activities carried out by the Council and the Community Alcohol Partnership.

The Partnership had been launched in July 2017 to bring various agencies together to seek to tackle alcohol related harm to children, by reducing the sale of alcohol to them, advising them of the dangers of drinking and promoting alcohol free activities.

One of the partners is Lancashire County Council (Trading Standards) who have a responsibility for test purchases and/or other operations jointly with the Police, and this information is shared with the Council's Licensing Enforcement Officer when he attended the Community Alcohol Partnership meetings.

A test purchasing operation conducted in December 2017 had been reported to Committee in January 2018, at which time 11 out of 21 premises inspected failed the test purchase process.

A further operation on 28 September 2018 had resulted in only 2 premises failing on inspection. Both of these premises had failed on the previous occasion, and therefore work had been carried out with the staff and management of these premises. As a result, the Community Alcohol Partnership had determined at this stage not to seek to review the licence of other premises.

Members requested information about how the Council's licensing enforcement powers can be used to address problem premises.

Members referred to licensed premises which were reported by residents to be the cause of many issues. Members considered the availability and resources for the Police to address issues away from licensed premises and the extent to which the Council could take steps to address problem premises.

The Head of Legal and Democratic Services explained that formal enforcement action can be taken where premises were operating in breach of their licence. In other circumstances, although no breach of the licence had occurred, if there was evidence of conflict with the licensing objectives, an interested party (which includes statutory bodies or neighbours) could seek a review of the licence.

If music or other internal noise exceeded the level of statutory nuisance, the Environmental Health Department could investigate from the perspective of noise abatement.

Finally consideration could also be given to Community Protection Notices in circumstances where anti-social behaviour was a problem.

RESOLVED: That the report be noted.

450 APPEAL BY THE DOG INN, LONGRIDGE

The Head of Legal and Democratic Services advised Members of the receipt of an appeal against part of the decision to vary the licence which had been heard on 6 August 2018 by the Licensing Sub-Committee.

The appeal related solely to the imposition of new conditions, which had been approved by the Licensing Sub-Committee in accordance with a proposal put forward by the applicant.

After the Licensing Sub-Committee decision, the applicant's representative had considered the conditions further (the originals having been drafted by his client) and had submitted an appeal to the Magistrates Court in this respect. The Head of Legal and Democratic Services advised Committee that she was consulting

with individuals who had made representations at the Licensing Sub-Committee meeting, to advise them of the view taken by the Council on the proposed amended conditions and to seek their comments to help inform a decision on the approach which would be taken in response to the appeal.

The meeting closed at 7.13pm.

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