

Minutes of Licensing Committee

Meeting Date: Tuesday, 29 January 2019 starting at 6.30pm
Present: Councillor I Sayers (Chairman)

Councillors:

S Atkinson	T Hill
S Bibby	S Hind
A Brown	S Hore
S Brunskill	A Knox
G Geldard	G Mirfin
L Graves	G Scott
R Hargreaves	N Walsh

In attendance: Head of Legal and Democratic Services and Solicitor.

612 APOLOGIES

There were no apologies for absence from the meeting.

613 MINUTES

The minutes of the meeting held on 13 November 2018 were approved as a correct record and signed by the Chairman.

614 MINUTES OF LICENSING SUB-COMMITTEES – 6 NOVEMBER 2018 AND 14 DECEMBER 2018

Committee received the Minutes of the Licensing Sub-Committee meetings held on 6 November 2018 and 14 December 2018.

615 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

Councillor G Mirfin declared a non-pecuniary interest in agenda item 9.

616 PUBLIC PARTICIPATION

There was no public participation.

617 CONSULTATION RESPONSE – REVISION OF TAXI LICENSING POLICY AND PROCEDURES FOLLOWING GUIDANCE ON DETERMINING SUITABILITY OF APPLICANTS AND LICENSEES IN HACKNEY AND PRIVATE HIRE TRADES

The Chief Executive submitted a report informing Committee of the consultation response and seeking their approval of the amended private hire and hackney carriage policies and procedures.

Committee had considered this issue at its meetings in June and September 2018 and resolved to adopt the guidance and authorise the Head of Legal and Democratic Services to consult upon the proposed amendments to the policy for licensing and hackney carriage drivers and vehicles, private hire operators, drivers and vehicles, statement of policy and guidelines on relevant convictions,

Council's licensing conditions and its procedures to ensure that there was a consistent approach to that advocated.

The Council had consulted with all relevant licence holders upon the proposed amendments between 30 October 2018 and 11 January 2019. The Council had received one response which did not relate to the proposed revision of the policy. Variation of the revised policy in this respect was not appropriate.

The revised documents were included in the report for Committee to consider.

RESOLVED: That Committee approve the revised policy for the licensing of hackney carriage drivers and vehicles, private hire operators, drivers and vehicles, statement of policy and guidelines on relevant convictions and conditions of licence as outlined in the report.

618 SCRAP METAL DEALERS POLICY

The Chief Executive submitted a report informing Committee of the results of the consultation and seeking their adoption of the revised Scrap Metal Dealers Policy.

The Scrap Metal Dealers Act 2013 came into force on 1 October 2013. In September 2018 Committee resolved to approve the draft revised Scrap Metal Dealers Policy and authorised the Head of Legal and Democratic Services to consult upon it. This had subsequently been done. The Council had not received any responses to this consultation.

RESOLVED: That Committee adopt the Scrap Metal Dealers Policy as outlined in the report.

619 LICENSING OF SEX ESTABLISHMENTS

The Chief Executive submitted a report informing Committee of the results of the consultation and seeking their approval to the adoption of the revised policy for the determination of applications for sex establishments.

Committee had considered the revised policy for the determinations of applications for sex establishments in September 2018 and since then a consultation had taken place from 16 October 2018 to 11 January 2019. The Council had not received any response to this consultation.

RESOLVED: That Committee adopt the Corporate Policy for the Determination of Applications for Sex Establishments as outlined in the report.

620 WHALLEY CUMULATIVE IMPACT ASSESSMENT – APPROVAL OF DRAFT FOR CONSULTATION

The Chief Executive submitted a report seeking Committee's approval of the draft Cumulative Impact Assessment for Whalley prior to formal consultation. If approved the assessment would form part of the Council's Licensing Policy.

In response to the concerns expressed by local residents in Whalley via their Borough and Parish representatives, the matter had been considered by Committee at its meeting which took place in April 2018 to consider whether

formal soundings should be taken as to the local support for a Cumulative Impact Policy. In September 2018 Committee had considered the responses received and decided to progress the CIA, the legislative position having altered in the interim to replace cumulative impact policies with cumulative impact assessments.

Following on from the decision of Committee to progress a CIA for Whalley, information had been sought to form the evidence base necessary to justify the assessment. Evidence relating to crime and disorder showed a relatively low number of recorded incidents and in certain areas showed a trend of decreasing numbers of recorded incidents. Also taken into account were the clear response from local residents both in terms of the number of responses and expressions of support, together with the evidence provided from the records of the Environmental Health and Enforcement Officers with particular reference to the prevention of public nuisance.

The Head of Legal and Democratic Services informed Committee that the introduction of a CIA would not be retrospective and would not automatically have effect, in that responsible authorities would still have to make representations in relation to each application. It would create a rebuttable presumption but would still require each application to be considered on its merits.

Committee had decided in April 2018 to limit the area of the CIA to the new Whalley and Painterwood ward boundary. It was also apparent from the responses received from local residents that, whilst there were considered to be sufficient premises which operate until 1800 hours, the majority of problems in relation to crime and disorder and public nuisance related to premises which opened after 1800 hours and were primarily aimed at serving the night-time economy. The CIA would therefore not have effect in relation to licensed premises, which only open until 1800 hours. Apart from this exception, the CIA would apply to all other licensed premises whether on or off-licence, club or premises licences.

The Head of Legal and Democratic Services also pointed out to Members that the introduction of a CIA in a village environment was unusual as they are more typically used in town centres and city districts. It was therefore not possible to advise them about the effectiveness of the CIA, which may be challenged by applicants for a licence.

It was proposed that should the CIA be approved, then it would be subject of formal consultation for a period of 6 weeks in order to enable a report to be prepared compiling the responses and any subsequent modification to the draft to be presented to the next meeting of Committee.

Members considered the draft CIA and felt that this approach should still be pursued, acknowledging the information that the Head of Legal and Democratic Services had given to them with regard to its status.

RESOLVED: That Committee approve the draft CIA as outlined in the report to form the basis of a 6 week consultation.

The meeting closed at 7.05pm.

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