

Minutes of Licensing

Meeting Date: Tuesday, 2 November 2021, starting at 6.30 pm
Present: Councillor J Alcock (Chair)

Councillors:

R Bennett	S O'Rourke
I Brown	S Rainford
S Farmer	J Rogerson
G Hibbert	G Scott
A Humpheys	R Walsh
D O'Rourke	

In attendance: Head of Legal and Democratic Services and Solicitor

Also in attendance: Councillor G Mirfin

422 APOLOGIES FOR ABSENCE

Apologies for the meeting were received from Councillors S Brunskill, S Hore and R Newmark.

423 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 September 2021 were approved as a correct record and signed by the Chairman.

424 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

There were no declarations of pecuniary or non-pecuniary interests.

425 PUBLIC PARTICIPATION

Two residents of Whalley spoke in relation to decision Item 8.

426 ANNUAL REVIEW OF FEES AND CHARGES

The Chief Executive submitted a report to determine the annual fees for hackney carriage, private hire, scrap metal and sex establishment licences.

Members were reminded that the legislation provides that fees should be set at a level that is considered reasonable with a view to recovering the costs of issue and administration.

The report outlined the current fees charged alongside the proposed fees to be charged; the uplift in fees was approximately 3% rounded up or down as most appropriate

RESOLVED THAT COMMITTEE:

1. Agree to set the fees for Hackney Carriage and Private Hire Licences for the year 2022/2023 as those set out in Appendix 1 of the report.

2. Agree to set the fees for Scrap Metal Dealers Licences for the year 2022/2023 as those set out in Appendix 2 of the report.
3. Agree to set the fees for Sex Establishment Licences for the year 2022/2023 as those set out in Appendix 3 of the report.

427

PRIVATE SECURITY ACT 2001

The Chief Executive submitted a report seeking approval to nominate officers to the Security Industry Authority (SIA) for such officers to be granted powers of inspection by the SIA under Section 19(2) of the Private Security Industry Act 2001 (“the Act”) and to arrange any officer training that may be required.

Members were reminded that:

- Within the Ribble Valley, several licensed premises utilise the services of door staff licensed by the SIA. Some of these establishments engage staff voluntarily, based on their own risk assessments. Other establishments have door staff on certain days and at certain times, because of conditions on their licence.
- Currently, the Council’s licensing enforcement staff do not have the power to require door staff to produce documents or information to verify their membership of the SIA. In most circumstances, such documents or information are produced voluntarily on request, by staff who wish to cooperate with the Council and other regulatory authorities.

The report noted that:

- An approach had been received from the SIA seeking to establish whether the Council would wish them to grant powers to certain specified officers of the Council under Section 19(2) of the Act.
- If members approved the recommendations, confirmation would be provided that any Council officers nominated are fit and proper and appropriately trained to be granted authority under section 19(2) of the Act.

RESOLVED THAT COMMITTEE:

1. Authorise the Head of Legal and Democratic Services to nominate Council officers to the Security Industry Authority to be granted powers of inspection by the SIA under Section 19(2) of the Private Security Industry Act 2001
2. Authorise the appropriate training be provided to Council officers so nominated.

428

GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES - OUTCOME OF CONSULTATION

The Chief Executive submitted a report seeking members approval to the Council’s Statement of Principles under the Gambling Act 2005 for 2022-2025.

Members were reminded that:

- The Gambling Act 2005 (the “Act”) gave the Council responsibility for licensing a variety of types of premises, for example betting offices and arcades.

- There were only a few premises in the Council's area which hold such licences. However, many premises that are licensed under the Licensing Act 2003 also held permits under the Act for gaming machines.
- The Act requires Councils to have a statement of principles, to publish it every three years and to review it from time to time and that the Council's revised statement is required to be in place by January 2022.
- On 7 September 2021, the Council's Licensing Committee reviewed the Council's Statement of Principles on Gambling ("Statement") as required by the Act. The Statement was approved by Committee to form the basis of a consultation exercise. That consultation ran from 10 September 2021 to 24 October 2021.
- The Council had received no responses from those consulted.

The report noted that in the absence of responses, Committee was asked to approve the Statement as set out in Appendix 1 to the report and recommend its adoption to Full Council.

***RESOLVED THAT COMMITTEE:

Approve the Statement of Principles under the Gambling Act 2005 for 2022-2025 and recommend its adoption to Full Council.

429

EXPIRY OF WHALLEY CUMULATIVE IMPACT ASSESSMENT - REVIEW OF RESPONSES TO RECENT SURVEY

The Chief Executive submitted a report informing Committee of the results of the Whalley Cumulative Impact Assessment Survey.

Members were reminded that in June 2021, Committee resolved to authorise the Head of Legal and Democratic Services to make enquiries of the responsible authorities to assess whether there was sufficient evidence to support a Cumulative Impact Policy for Whalley and the area to which the policy would relate; consult informally with licensees in Whalley, the Parish Council and community groups and to report back with recommendations based on responses received.

The report noted that:

- The Council had received 65 responses from the community consultation exercise and that these were shown in Appendix 2 of the report.
- When considering the responses, Committee needed to decide whether they evidenced sufficient concern about crime and disorder, public safety, public nuisance, or protection of children from harm in the Whalley and Painter Wood area for the Council to progress to the next stage of the process.
- Should Committee decide to progress to the next stage, then further evidence would have to be collated to allow the Council to assess whether there is a sound evidential basis to any decision to publish a cumulative impact assessment.

RESOLVED THAT COMMITTEE:

Authorise the Head of Legal and Democratic Services to seek and collate the evidence necessary to create an evidence base and to consult formally upon the proposed continuation of the cumulative impact assessment for Whalley and Painter Wood as required by the Licensing Act 2003.

Please note that Councillor G Mirfin was given approval to speak on this Item.

430

TAXI ENFORCEMENT OPERATION - UPDATE

The Chief Executive submitted a report informing Committee of the results of an inspection of licensed private hire and hackney carriage vehicles.

The report noted that:

- On 6 September 2021, the Council's Taxi Enforcement Officer carried out an inspection of licensed private hire and hackney carriage vehicles, in a joint operation with the Police, and Vehicle and Operator Services Agency.
- Eight vehicles were inspected. Two vehicles were found not to be of the required standard and the drivers were served with delayed prohibition notices which requiring work to be carried out on their vehicles within 7 days. The notices related to worn brake pads and worn ball joints.
- The Council's Taxi Enforcement Officer confirmed that the works had been carried out and both vehicles had been issued with new MOT certificates.

431

MEMBER TRAINING

The Chief Executive submitted a report informing Committee of the training to be provided for sitting on Licensing Sub-committees.

Members were reminded that:

- Licensing Sub-Committees are held periodically to determine licensing applications and/or review licences.
- Licensing responsibility is heavily governed by statute and guidance; therefore, the discharge of these functions requires that Members have a good understanding of the latest statutory frameworks.
- Licensing, as an area of local authority decision-making, has become a fertile topic for legal challenge.

The report noted that:

- The evening's training session would focus on the procedural and legal issues surrounding Sub-committees relating to hackney carriage and private hire licencing.
- A further training session would be held in relation to Sub-committees that determine issues under the Licensing Act 2003.

432

REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

EXCLUSION OF PRESS AND PUBLIC

None.

The meeting closed at 7.57 pm

If you have any queries on these minutes please contact the committee clerk, Mike Hill mike.hill@ribblevalley.gov.uk.