

Minutes of Licensing

Meeting Date: Tuesday, 1 February 2022, starting at 6.30 pm
Present: Councillor R Bennett

Councillors:

R Bennett	D O'Rourke
I Brown	S O'Rourke
S Brunskill	J Rogerson
S Farmer	G Scott
R Newmark	

In attendance: Head of Legal and Democratic Services and Solicitor

Also in attendance: Councillors B Berryman and G Mirfin

635 APOLOGIES FOR ABSENCE

Apologies for the meeting were received from Councillors J Alcock, G Hibbert, S Hore, A Humphreys, S Rainford and R Walsh.

636 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2 November 2021 were approved as a correct record and signed by the Chairman.

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

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

638 PUBLIC PARTICIPATION

The Chairman welcomed 2 members of the Whalley residents action group, and M Peplow, Green Party representative to speak on agenda item 5 – Renewal of Whalley Cumulative Impact Assessment – Approval of Draft for Consultation – who all urged committee to approve the renewal of the Whalley cumulative impact assessment for consultation.

639 RENEWAL OF 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 (CIA) for Whalley prior to formal consultation. If approved, it would form part of the Council's Licensing Policy.

The Solicitor reminded members that a CIA expires after 3 years and as such the current one expires in April 2022. Following the decision of committee to progress renewal of the CIA for Whalley, information was sought to form the evidence base necessary to justify the assessment.

The draft CIA was attached to the report for members to consider. The Solicitor highlighted evidence relating to crime and disorder incidents, the responses from local residents, together with the evidence from the records of Environmental Health and Enforcement Officers, particularly relating to the prevention of public nuisance.

He reminded members that the introduction of a CIA would not be retrospective, would not automatically have effect in that responsible authorities or other interested parties would still have to make representations in relation to each application, but that it would create a rebuttable presumption of refusal of applications for new premises licences and club certificates and variation of such licences and certificates but would still require each application to be considered on its merits.

The Solicitor outlined the scope of the proposed CIA and the process for including it in the Council's Licensing Policy.

Councillor G Mirfin was given permission to speak on this item and referred to the Council being a responsible authority and the procedural separation required between those officers representing an authority in its capacity as responsible authority and those who would advise the Committee or Sub-Committee on applications to review licences.

Members discussed the situations specific to Whalley and the need to help those residents who were experiencing antisocial behaviour, particularly with the late night-time economy. They felt that more guidance and help from the Police was required and that action should be taken against any licensees who were not complying with regulations.

The Head of Legal and Democratic Services gave members an update on the work of the enforcement officers and reminded them that reviews of licences were a statutory process.

Members asked for a report on what actions could be taken alongside having the CIA.

RESOLVED THAT COMMITTEE:

1. Approve the draft Cumulative Impact Assessment contained in the report to form the basis of consultation as required by the Act.
2. Request a report from officers on the actions/measures that could be taken now to alleviate the problems being experienced by residents of Whalley.

640

PLATES ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Chief Executive submitted a report informing committee of a change to the information displayed on the plates fixed to Hackney Carriage and Private Hire vehicles.

The Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 stipulate a statutory requirement to stipulate the number of persons who can be carried in the vehicle. The rest of the information contained on the plate is at the discretion of the Council.

Currently, the plates on vehicles licensed by the Council include details of the type of licence, the licence number, the vehicle registration number, vehicle type, the expiry date and the number of passengers that the vehicle is licensed to carry.

He informed committee that if the expiry date was not included then the plate could last for many years. It was therefore intended that the plates be altered by removal of the information on the renewal date, and that officers continue to monitor the impending expiry date of licences and should the renewal application not be received then steps would be taken to recover and remove the plate.

641 UPDATE ON THE TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) BILL

The Chief Executive submitted a report informing committee of the progress of a Private Member's Bill seeking to improve the safety of taxi passengers.

The Private Member's Bill introduced on 16 June 2021 by Perter Gibson MP, would mandate authorities to record taxi licence refusals, revocations and suspensions on a national database, and authorities would be required to consult that database before determining an application for a driver's licence. This would address the problem of a driver obtaining a licence from another authority having had one revoked in one authority for wrongdoing. It would also allow local authority enforcement teams to report instances of wrongdoing by drivers to the authority by which the offender is licensed.

Following the debate in the Commons on 21 January 2022 the Bill had progressed to the House of Lords where it awaited its second reading.

642 COMPLIANCE CHECKS ON OFF-LICENCES

The Chief Executive submitted a report informing committee of the outcome of visits to off-licences in the Ribble Valley to monitor their compliance with legislation.

Following the appointment of 2 full time planning and licensing enforcement officers, it had been possible to carry out further compliance checks at licensed premises. This was to establish their levels of compliance and to remind them of the requirements of their licences, including staff training, Check 25 and Challenge posters, and to ensure that the premises licence was current, correct and on display.

Visits had been carried out to 25 premises, and although the majority checked were of a satisfactory standard, three premises were requested to display their licence, and some others needed to make minor changes to their licence. One had engaged a licensing company to audit and manage staff training and three had been advised of apparent gaps in their training and recording systems. These premises would be revisited at a later date.

The visits were generally welcomed by the premises licence holders.

643 MINUTES OF LICENSING SUB-COMMITTEE - 7 DECEMBER 2021

Committee received the minutes of the Licensing sub-committee held on 7 December 2021.

644 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

645 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.15 pm

If you have any queries on these minutes please contact the committee clerk, Olwen Heap olwen.heap@ribblevalley.gov.uk.