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Licensing Committee

Wednesday, 18th July, 2018

6.00 pm

Conference Room 1, Blackburn Town Hall

AGENDA

1. **Welcome & Apologies**
2. **Minutes of the Previous Meeting**
Licensing Committee Minutes - 13th March 2018 **3 - 6**
3. **Declaration of Interest**
4. **Update on the Work of Public Protection and Environmental Health Service**
- **7 - 9**
5. **Minutes of the Licensing Sub Committees**
- 5.1 **General Licensing Sub Committee 3rd July 2018**
GLSC 3rd July Minutes **10 - 12**
- 5.2 **General Licensing Sub Committee 12th June 2018**
GLSC 12th June Minutes **13 - 15**
- 5.3 **General Licensing Sub Committee 5th June 2018**
GLSC Minutes 5th June 2018 **16 - 17**
- 5.4 **General Licensing Sub Committee 6th March 2018**
GLSC Minutes 6th March **18 - 19**
6. **Street Trading Policy**
- 6.1 **Proposed Review of Street Trading Policy in Blackburn with Darwen**
committee report re review of street trading July 2018 **20 - 22**

6.2	Blackburn with Darwen Borough Council Street Trading Policy	
	LIC_STPOL Draft Street Trading Policy 2017.doc (4)	23 - 44
6.3	Guidance on Convictions for Applicants - Appendix D	
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Date Published: Tuesday, 10 July 2018
Harry Catherall, Chief Executive

LICENSING COMMITTEE Tuesday 13th March 2018

PRESENT – *Councillor John Wright, (Chair) Casey, Pearson, Gee, Ali, McFall, Davies, Brookfield & I Hussain*

RESOLUTIONS

1. Welcome and Apologies

The chair welcomed members to the meeting and apologies were received from Councillors Humphrys & Vali.

2. Minutes of the Meeting held on 14th November 2017

The minutes of the meeting held on 14th November 2017 were submitted.

RESOLVED- That the minutes of the meeting held on 14th November 2017 be approved as a correct record and signed as a correct record

3. Declarations of Interest

There were no declarations of interest.

4. Update on the work of Public Protection and Environmental Health Service

The Committee were updated on the Council's Public Protection and Environmental Health Service during the period of November 2017 to February 2018.

During this period a joint taxi safety operation was carried out with Licensing Officers and School Transport at a school within the Borough. The purpose of the operation was to check that all vehicles and drivers were properly licenced and that passengers who required a wheelchair were safely secured into the vehicles.

An underage sale of alcohol test purchase operation took place in December where 9 on and off licensed premises were tested to see if they would sell alcohol to underage volunteers. During this operation 2 of the businesses sold to the volunteers and appropriate action had been taken against them.

The latest operation took place in February 2018 which included 8 premises visited by the Trading Standards Team. 5 alcohol sellers refused to sell alcohol to the under aged volunteer but 3 retailers sold single cigarettes, charging between £0.85p and £1 per cigarette.

The Public Protection Service takes illegal activity seriously which exploits young people. Further investigations will be carried out with a view to prosecute for the offences of selling tobacco products to a person under the age of 18 and for selling single cigarettes.

The Committee were informed that two private hire drivers with a private hirer licences had been revoked in the last month due to intelligence received by the Council. The Licensing Team takes all allegations against drivers very seriously and where evidence permits, will always put public safety first when considering what action to take.

In Blackburn with Darwen it is now mandatory for all hackney carriages and private hirer drivers to undertake safeguarding awareness training. A final series of training sessions were held in January for existing hackney and private hirer driver licence holders. Only a small number of drivers have not received the training and steps will now be taken to review their driver's licences. The Licensing Team have aimed to have all Blackburn with Darwen drivers to have completed the course by the end of the financial year.

During the period of 1st November 2017 – 28th February 2018 the members of the Licensing Team carried out the work outlined below:

Vehicle licences processed	538
Driver licences processed	116
Licensing Act licences processed	46
Visits to new DPSs	52
Inspections of premises/vehicles carried out	166

The Committee were made of National Issues such as the taxi guidance and that the Institute of Licensing (IoL) had launched a consultation on proposed guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. The IoL had worked in partnership with the Local Government Association, the National Association of Licensing and Enforcement Officers (NALEO) and Lawyers in Local Government on the project.

The information was intended to provide guidance on determining suitability of applicants for taxi and private hire licences taking into account the character of the applicant or licensee and would be available for use by local authorities as a basis for their own policies. The guidance considers how regard should be had to the history of the applicant or licence holder which would include previous convictions and other information coming to light for the licensing authority to consider. Widespread adoption of the standards in the guidance would achieve a level of consistency between licensing authorities when considering applications for taxi and private hire licences.

RESOLVED –

That the Committee note the updates contained in the report.
That the Licensing Team be thanked for their hard work.

5. Proposed review of street trading in Blackburn with Darwen

Members of the Committee were informed of a proposal to review and consult on the Council's Street Trading procedures and policy. The term "street" includes any road, footway or other area to which the public have access without payment. The holder of a street trading consent or licence may require the permission of the landowner or other person to trade on any private land which constitutes a street for these purposes. In particular the grant of a consent or licence does not confer the right to trade on any land owned or controlled by the Council without the specific permission of the Council.

Blackburn with Darwen Council issue Street Trading Consents which are site specific. Consents will not be issued within a 100 metre radius of another trader or a like business (this distance is reduced to a 50 metre radius in the streets surrounding Ewood Park). "Roaming consents" are issued to ice cream vendors.

To improve and promote public safety Public Protection Service Staff had looked at the policies of some other local authorities. The following options are available to consider for inclusion in the draft revised Blackburn with Darwen Borough Council Street Trading Consent Policy.

1) Submission of a Basic DBS disclosure certificate to allow for identification of any convictions held by the applicant and any staff to be employed. If any convictions are disclosed on the certificate the application would be referred to the General Licensing Sub Committee for determination. To provide guidance and allow transparency in making decisions guidelines would be needed identifying how the authority will take into account the nature and seriousness of a conviction, the number of convictions, when it was committed, the age of the applicant and all other relevant factors. Each case would be considered on its own merits.

2) Consent holders who employ members of staff have a duty to ensure that they hold the correct immigration status which entitles them to work in the UK. Some authorities require applicants to demonstrate that they have fulfilled this duty.

3) With the Council's commitment to the Food Standards Agency's Food Hygiene Rating Scheme (FHRS) applicants could be required to display their FHRS sticker. Consideration could be given to only issuing street trading consents where the business has a score of 3 or above on the FHRS.

4). Some authorities have introduced restrictions on trading within a set radius of a school or other educational establishment.

5). Roaming consent holders (primarily ice cream sellers) could have a standard condition prohibiting trading within 50 meters direct sight of each other.

Review of the street trading consent policy is an opportunity to review geographical areas of the Borough where street trading is prohibited. For example, town centre areas and on Council owned parks and open spaces.

RESOLVED – That the Licensing Committee is asked to consider the options available

6. Minutes of the Licensing Sub-Committees

The Sub-Committee received the proceedings of the following Sub Committees-

- General Licensing Sub-Committee 21st November 2017**
- Licensing Act Sub-Committee 2nd January 2018**
- General Licensing Sub-Committee 16th January 2018**
- General Licensing Sub-Committee 13th February 2018**

RESOLVED - That the proceedings of the Sub Committees as outlined above be approved as a correct record and signed as a correct record.

Members of the Committee were reminded to attend all sub committees and if unavailable, that a suitable substitute would be arranged for the evening.

That this was the final Licensing Committee meeting for the Committee cycle. Members and Offices of the Committee thanked Councillor John Wright for chairing the Committee, his hard work, dedication and vast knowledge to Licensing including General Licensing Sub Committee and Licensing Act Sub Committee.

Signed.....

Chair of the meeting at which the Minutes were signed

Date.....

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE 18 July 2018

TITLE : UPDATE ON THE WORK OF PUBLIC PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

1. PURPOSE

The purpose of this report is to provide an update on the work of the Council's Public Protection and Environmental Health Service (PPS) where there is a connection with businesses and persons who require a licence from the Council. It also provides an update for members on national policy changes and proposals affecting licencing work.

This report covers the time period May and June 2018.

2. RECOMMENDATIONS

That members note the report.

3. KEY ISSUES

3.1 Taxi Safety Operations

On Friday 11 May a multi-agency taxi enforcement operation was carried out. In total 14 licensed vehicles were inspected by a vehicle examiner from the Council's MOT testing station. 1 vehicle with tyres below the legal limit was immediately stopped from working as a private hire vehicle. Five drivers were given 7 days to put right more minor faults. The vehicle owners are required to present their vehicles to the Council for the repairs to be checked.

3.2 Sale of alcohol to children

An under-age sales test purchasing operation took place on 19 June with 8 off-licences being checked following intelligence being received. Of these, two sales took place to the under-age volunteer.

Investigations are ongoing to determine the best course of action to deal with those who have sold alcohol to children.

3.3 Takeaway visits

Late evening visits have been made to a number of takeaways in Blackburn to check on whether they need a licence. Businesses who sell hot food between 11pm and 5am need a licence to do so and must pay an annual fee to maintain the licence.

3.4 Joint working

Licensing staff continue to support partner agencies on joint operations. In recent weeks this has been with the Environment Agency at a scrap metal business and the Home Office at a hot food takeaway. These businesses need licences to operate from the council.

3.5 Routine work carried out

The following table provides some of the key figures on work carried out by members of staff working in the Licensing Team from 1 May – 30 June 2018.

Vehicle licences processed	202
Driver licences processed	55
Licensing Act licences processed	14
Visits to new DPSs	12
Inspections of premises/vehicles carried out	88

3.6 National Issues

Fixed Odds Betting Terminals

An update on the Government's recent announcement that it will be reducing the maximum fixed odds betting terminal stake to £2 from the current £100 states that it will take place in 2020.

Sale of alcohol in airports

It has been reported that the Home Office is to carry out a consultation on regulating alcohol consumption at airports. The aim is to determine whether regulation of airside drinking is required following a sharp rise in alcohol-related disorder on flights.

4. RATIONALE

To inform members of the Licensing committee about the key work carried out by staff working within the Council's Public Protection and Environmental Health Service where there is a connection with businesses and people needing a licence from the Council. It also provides an update on some national licensing issues.

5. POLICY IMPLICATIONS

None.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

None.

8. RESOURCE IMPLICATIONS

None

9. CONSULTATIONS

None

10 . CONTACT OFFICER

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