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Licensing Committee

Wednesday, 23rd January, 2019

6.00 pm

Conference Room 1, Blackburn Town Hall

AGENDA

1. **Welcome & Apologies**
2. **Minutes of the Previous Meeting** **3 - 6**
3. **Declaration of Interest** **7**
4. **Alcohol Licensing**
For members to receive a short training session on Alcohol Licensing
5. **Update on the Work of Public Protection and Environmental Health Service** **8 - 11**
Update report
6. **PART II - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**
7. **Minutes of the Licensing Sub Committees**
- 7.1 **General Licensing Sub Committee - 9th October 2019**
Minutes GLSC 9th October 2018 **12 - 13**
- 7.2 **General Licensing Sub Committee - 13th November 2018**
Minutes GLSC 13th November 2018 **14 - 16**
- 7.3 **General Licensing Sub Committee - 11th December 2018**
GLSC 11th December 2018 **17 - 18**

Date Published: Tuesday, 15 January 2019
Harry Catherall, Chief Executive

LICENSING COMMITTEE Tuesday, 30 October 2018

PRESENT – Councillors; I Hussain (In the Chair) Batan, Shorrocks, Gee, Pearson, Casey & Oates.

OFFICERS – Denise Andrews (Business & Licensing Manager), Donna Riding (Principal Officer for Licensing), Jack Henriques (Principal Solicitor), Shannon Gardiner (Governance Officer)

RESOLUTIONS

1 Welcome & Apologies

Apologies were received from Councillors Groves & Salton

2 Minutes of the Previous Meeting

The minutes of the previous meeting held on 18th July 2018 were submitted.

RESOLVED – That the minutes of the meeting held on 18th July 2018 were approved as a correct record

3 Declaration of Interest

There were no declarations of interest

4 Draft Gambling Policy 2019

The members were informed of the current consultation being undertaken about the revision of the Gambling Act 2005 Statement of Policy.

The Public Protection Service had consulted on a national and local level with businesses and organisations affected by the policy. The residents of the Borough had been consulted via the Council's website and through Resident Associations. A full list of consultees was included as Appendix A of the Draft Policy Statement. The consultation is being undertaken from 3 September to 14 November 2018.

The approval of the policy was considered a key decision and will be considered by full Council at the meeting on 24th January 2019. The financial costs incurred by the consultation and the publication of the revised document will be borne by the fees levied for gambling premises.

RESOLVED- That members note the report and put forward any recommendations that they may have for inclusion in the revised policy

5 National Register of Taxi Licence Revocations and Refusals

The Members were informed of the National Register of Taxi Licence Revocations and Refusals with a view to adopting its use by Blackburn with Darwen Borough Council.

Licensing Authorities must be satisfied that anyone driving a private hire or hackney carriage vehicle is a fit and proper person to do so. Primarily this is done at the application stage and then at any time during the life of the licence.

Currently when a driver does not disclose information about a previous revocation or refusal of a licence there is often no way for a licensing Authority to find out about it. This means that vital information about a driver's past behaviour is missed and a driver might be granted a licence in a new area despite having a licence revoked elsewhere.

In response to this the Local Government Association (LGA) have commissioned the development of a national register of all revoked and refused private hire and hackney carriage drivers licences (NR3). This will allow licensing authorities to record their refusals and revocations and check new applicants against the register.

Guidance has been issued by the LGA on how to implement use of the register. Authorities will need to update policies, provide historical data to the database and amend forms and information given to drivers. In particular, all the drivers who have been refused or revoked in the past will need to be written to individually and informed that their details will be entered onto the register.

RESOLVED - That members note the report and direct officers to draft the necessary amendments to Policy for the adoption and use of the National Register of Taxi Licence Revocations and Refusals.

6 Adoption of the Institute of Licensing "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades"

The Members were informed of the Institute of Licensing "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" with a view to adopting its use in Blackburn with Darwen Borough Council.

The guidance had been produced by the Institute of Licensing (IOL) working in partnership with the Local Government Association (LGA), Lawyers in Local Government and the National association of Licensing and Enforcement Officers. It was produced in April 2018 following widespread consultation; Blackburn with Darwen contributed to the consultation.

It was noted that the main impact of adopting the good practice as detailed in the Guidance was the introduction of the requirement for Basic DBS disclosures for operators and vehicle proprietors. Consultation would take place with members of the trade who would be affected by any change to current policy.

Any financial costs incurred through the adoption of the IOL guidance on determining the suitability of applicants and licensees in the hackney and private hire trades use will be taken into account when calculating fees for taxi related licences.

RESOLVED – That Members noted the report and direct officers to consult on the necessary amendments to Policy for the adoption on the IOL “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades”.

7 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 July to October 2018.

During this period Lancashire Constabulary applied for a summary review of a Nocturnal Nightclub’s premises licence following a violent incident which occurred outside of the premises. This resulted in an ‘interim steps hearing’ where a licensing subcommittee decided that the premises licence for the club needed to be suspended.

A further sub-committee meeting was held the following month and the result of that was to suspend the licence was lifted and the premises were allowed to re-open. Additional conditions were put in place to improve safety at the club until a final sub-committee meeting confirmed the licence could continue.

An underage sales test purchasing operation took place on 5th October with 10 off-licences being checked following intelligence being received. Of these, 3 sales of alcohol were made to a 14 year old volunteer.

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

Vehicle licences processed	407
Driver licences processed	58
Licensing Act licences processed	23
Visits to new DPSs	32
Inspections of premises/vehicles carried out	148

The committee were informed of National Issues such as the Animal Welfare Regulations 2018 had come into force on 1st October and were designed to strengthen animal welfare, particularly around puppy sales.

Members were also informed that the Task and Finish Group on Taxi and Private Hire Vehicle Licensing had conducted and made 34 recommendations the Government. The Department for Transport had been asked to take the recommendations of the report and amend legislation as required.

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

8 Minutes of the Licensing Sub Committees

The Committee received the proceedings of the following Sub-Committees

General Licensing Sub Committee 14th August 2018

General Licensing Sub Committee 11th September 2018

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

9 General Licensing Sub Committee - 14th August 2018

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

10 General Licensing Sub Committee - 11th September 2018

RESOLVED - That the proceedings of the Sub Committee as outlined above were approved as a correct record and signed as a correct record

11 Petition - Private Hire Trade

The Committee received a petition on behalf of the Private Hire Trade requesting the use of bus lanes, pick up and drop off points for private hire vehicles, independent testing stations and wanting to work more with the Council and Police to improve safety, security and the image of the taxi trade within the Borough.

RESOLVED – That members note the petition

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **LICENSING**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE 23rd January 2019

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 October to December 2018.

2. RECOMMENDATIONS

That members note the report.

3. KEY ISSUES

3.1 Animal Welfare Licensing Changes

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1 October and are designed to strengthen animal welfare, particularly around puppy sales.

The new regulations will:

- Ensure that breeders show puppies alongside their mother before a sale is made.
- Tighten regulations so that puppy sales are completed in the presence of the new owner – preventing online sales where prospective buyers have not seen the animal first.
- Ban licensed sellers from dealing in puppies and kittens under the age of 8 weeks.
- Regulate adverts, including on the internet, by ensuring licensed sellers of all pets include the seller's licence number, country of origin and country of residence of the pet.
- Introduce a new "star rating" for dog breeders, pet shops, dog and cat boarding providers and others informing potential customers of how well businesses comply with welfare standards. The star rating will dictate how often the businesses are inspected with those with better standards receiving fewer inspections than those with fewer stars

14 applications have been processed for the new licences. 13 have been awarded 5 stars with the licences remaining in place for 3 years.

3.2 Taxi Safety Operation

A taxi safety check was carried out on 30 November in Darwen. Six vehicles were stopped by the Police and looked over by a vehicle examiner from the Council's Motor Vehicle Testing Station.

Licensing staff also looked to make sure the correct licences were in place for the vehicles and their drivers.

All of the vehicles were found to be in a safe condition, with just one taxi given seven days to put minor problems right – a missing heat shield and a replacement number plate for a damaged one.

3.3 Noise from a pub

Noise complaints regarding a pub in Darwen have been investigated. In order to tackle the issues staff have been liaising with the owners of the premises who have carried out work to block up old ventilation openings which were allowing the sound of loud music to escape. The premises agreed to a temporary stop on live entertainment whilst this work was carried out. The problem now appears to have been resolved.

3.4 Joint working – Gambling

The Gambling Commission has worked with licensing authorities and local Police to test compliance with the law in place to protect children from the risks gambling can pose.

A national series of test purchases on a sample of pubs in England found that almost 90% failed to prevent children accessing 18+ gaming machines. Staff from Public Protection at Blackburn with Darwen took part in the project and found that 7 out of the 8 pubs checked allowed children to use the slot machines.

Children are not permitted to play Category C gaming machines in pubs. Staff are expected to stop children playing on the machines and there should be clear signage indicating the age restriction.

The National figure for the current failure rate (89%) compares to an average failure rate of 15% for other age restricted products such as alcohol or tobacco.

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 October – 31 December 2018.

Vehicle licences processed	453
Driver licences processed	302
Licensing Act licences processed	24
Visits to new DPSs	27
Inspections of premises/vehicles carried out	105

3.6 National Issues

3.6.1 Gambling

The Gambling Commission has launched a consultation on a new national strategy to reduce gambling harms. The current National Responsible Gambling Strategy comes to an end in March 2019 and they are developing a new national strategy to reduce gambling harms.

For more details <https://www.gamblingcommission.gov.uk/news-action-and-statistics/news/2018/Discussion-on-a-new-national-strategy-to-reduce-gambling-harms.aspx>

3.6.2 Taxis stats

The Department for Transport has published its 2018 taxi & private hire statistics. The [2018 statistical analysis](#) showed that the "...total number of licensed taxi and private hire vehicles and licensed drivers in England reached record levels in 2018." There are now a total of 285,400 licensed taxi and private hire vehicles in England, up 1.7% from last year. The number of licensed PHV operators increased by 3.4% from the previous year. This was still a decline of 9.2% since the peak in PHV operators at 16,500 in 2009.

The figures for Blackburn with Darwen follow these national trends.

3.6.3 Alcohol

The latest alcohol and late-night refreshment statistics for England & Wales have been published.

The [report](#) includes statistics on premises licences, club premises certificates, personal licences, late night refreshment, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late-night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals.

Overview

As at 31 March 2018, compared with the previous year, there were:

- 723,800 personal licences, a 5% increase (35,600)
- 212,800 premises licences, a 1% increase (1,100)
- 14,100 club premises certificates, a 1% decrease (200)
- 8,100 premises with 24-hour alcohol licences, a 6% increase
- £1.7 million raised by late night levies
- 222 cumulative impact areas in place

Reviews

The report concluded that 600 reviews were carried out and this continues the long term decline since 2010 (1,300); however, the figures have slightly increased this year. Where action was taken following a completed review, 212 licenses were revoked or a club premises certificate was withdrawn.

In the year ending 31 March 2018, LAs received 85 applications for an expedited review. Interim steps were taken for 70 expedited reviews:

- the licence was suspended in 48 cases
- other conditions were added or modified in 23 cases
- the operating hours were modified in 6 cases
- the designated premises supervisor was removed in 6 cases

Personal licences

In the year ending 31 March 2018, 26 personal licenses were revoked.

24-hour licences

Including estimates, there were 8,100 premises with 24-hour alcohol licences as at 31 March 2018, a 6% increase on the previous year.

Temporary event notices (TENs)

In the year ending 31 March 2018, including imputed estimates, 147,200 TENs were used which represents a 6% increase of 8,900 compared with the previous year.

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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Telephone 01254 267648

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