

LICENSING COMMITTEE

Wednesday 3rd August 2022

PRESENT – Councillors I Hussain (Chair), B Taylor, E Raja, S Imtiaz, L Salton, S Brookfield and D Hardman

OFFICERS –Niky Barrett, (Principal Officer, Licensing) Shelagh Lyth (Solicitor) and Tayyab Mulla (Governance Officer).

RESOLUTIONS

1. Welcome & Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors J Casey, D Gee, T Fazal and J Shorrocks.

2. Declarations of Interest

No Declarations of Interest were received.

3. Minutes of the Previous Meeting

RESOLVED – The Minutes of the previous Meeting held on Tuesday 26th April 2022 were approved as a correct record and were duly signed by the Chair.

3.1. Introduction to Licensing Act 2003 – Training

Members received a presentation by Niky Barrett on Alcohol Licensing – Licensing Act 2003. The purpose of the presentation was to provide training to Members in relation to the Legislation and policies of Alcohol Licensing.

Members were provided with an overview on which activities were licensable and the correct licenses and application that would be required for each activity.

Niky informed the members to follow the 5 Ps (Proper, Preparation, Prevents, Poor Performance) before attending any hearings, and the requirements Members would have to uphold, to ensure the correct decision had been made for each hearing.

Members were advised on how to make decisions in hearings, and the relevant and irrelevant factors to consider when deliberating. The training had also informed Members on the options that would be available to the Members when considering the appropriate action to take.

The Committee were also informed that the Police were able to apply for ‘Summary Reviews’. These reviews could occur where the Police were satisfied that a premises authorised to sell alcohol was associated with serious crime and/or serious

disorder. If the Police were to apply for a Summary Review then the Local Authority had 48 hours to consider the application and decide if interim steps were appropriate pending the full hearing within 28 days.

Resolved – That the Presentation to be noted

4. Revised Convictions Policy - Consultation Responses

Members discussed a report which presented the Revised Convictions Policy. The purpose of this report was to present the outcome of the recent consultation exercise with the trade and other stakeholders, for Members to consider.

The Department for Transport published its Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020 and the expectation of the Government was emphasised throughout the document in bold.

Blackburn with Darwen's current policy was agreed across the ten Greater Manchester licensing authorities and Blackburn with Darwen in 2012, as part of the Public Protection Partnership in place at that time.

The report had informed members that 1,290 text messages were sent out to the mobile numbers provided by licensed drivers and confirmation was received from Gov.Notify that 1,009 were successfully delivered. The text message advised licensed drivers that the Council was consulting on a revised policy and provided a link to the webpage where they could get more information, download the draft policy and submit any comments to the Licensing Team.

Ongoing discussions between Licensing officers and the Council's solicitors had identified 2 suggested amendments to the draft policy for members to consider.

These were section 18.1 with the wording revised to make it clear that circumstances that would result in a refusal to grant a licence, would also result in an existing licence being revoked. Section 21.2 had the wording revised to make it clear that the right of appeal also applies to the imposition of conditions onto a licence.

There have been no other responses to the consultation or comments submitted to the Licensing Team.

The Members discussed whether they wish for the amended policy be implemented as soon as possible, and agreed that the policy was implemented straight away.

Resolved -

1. That the revised draft policy be amended as submitted
2. That the content of the draft policy to be agreed and recommended to the Executive Member for adoption

5. Updates on the work of the Public Protection and Environmental Health Service

The Committee received an update on the work of the Council's Public Protection and Environmental Health Services (PPS) where there was a connection with businesses and persons who required a licence from the Council. It also provided an update for Members on national policy changes and proposals affecting licencing work.

Work of the General Licensing Sub-Committees

In the last quarter the General Licensing Sub-Committee had met 5 times. The Sub-committee had considered the following:

- 2 applications for new street trading consents
- 5 applications for new driver licences
- 3 driver licence reviews

As a result the Sub-Committees refused to grant 5 applications, revoked 3 existing licences and granted 2 licences.

Magistrates Appeals

Since the last Licensing Committee, 2 appeals against the decisions of General Licensing Sub-Committees to revoke private hire vehicle driver licences had been concluded. In both cases the Magistrates Court agreed with the decision made by the Licensing Sub-Committee and dismissed the appeals

It was noted that 2 further appeals have been lodged with the Courts and were listed for hearings over the summer.

Work of the Licensing Act Sub-Committees

The Licensing Act Sub Committee had met once in the last quarter to consider a review of the premises licence in respect of a retail store trading as Smak Polski.

After hearing the application from Blackburn with Darwen Trading Standards and the oral representations made by the licence holder, the Committee decided that it was appropriate to revoke the Premises Licence.

The Sub Committee was satisfied that the licence holders conviction in respect of illicit goods being stored and sold on the premises, together with the discovery of a significant amount on non-duty paid alcohol on the premises, seriously undermined the licensing objective 'prevention of crime and disorder'.

Routine work carried out

Figures were provided on some of the key work carried out from 1 April 2022 to 30 June 2022.

Online application facility

The Licensing service had been working closely with the digital transformation team to develop a seamless online application process for drivers and vehicle proprietors. When finalised, it was anticipated that this could be further rolled out to Private Hire Operator applications.

Once this project is completed, applicants for driver licences would no longer need to attend the Town Hall as they would be able to submit their application using the Council's Digital Customer Portal and upload all of the supporting documentation and proofs for their applications electronically.

Blackburn with Darwen Taxi Forum meeting

At July's Taxi Forum meeting an update had been given in relation to Police information. The MOT testing of Hackney Carriages and private hire vehicles were discussed and an update was provided to the attendees on the revised Convictions policy and the on-line application project.

However it was noted that the attendance from the trade at the forum was very poor. The Director of Place, Martin Eden had recommended that the forums continue for 3 years, prior this period a review would take place.

New Legislation

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

From 31 May 2022, Section 5 of this Act created a legal duty on Licensing Authorities to report relevant concerns about drivers licensed by other authorities to their issuing authority within 10 working days.

The concerns about the driver in question must relate that person's conduct in the first authority's area and be such that if it was a Blackburn with Darwen licensed driver, the Local Authority would consider suspending or revoking the licence.

The Local Authority would then have 20 working days to consider whether or not to revoke or suspend the licence in reliance on this information and any other information they may also hold and inform the first authority in writing, whether or not it has suspended or revoked, or intends to suspend or revoke, the person's driver's licence, and the reasons for that action or intended action.

Section 2 of the Act would make it mandatory for Licensing Authorities to upload details of all refusals, suspensions and revocations of driver licences to a National database within 5 days of informing the driver of the decision and to search the database before granting any new or renewal licence applications.

The Members were informed that Licensing Authority were anticipating this would be the NR3 register. NR3 had been developed by the National Anti-Fraud Network and membership and use of the register was voluntary at the moment. Blackburn with Darwen are members and currently check new applicants against the register and upload details of individuals who have had applications refused or licences revoked.

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

This amended the Equality Act 2010 on 28 June 2022, would place duties on taxi drivers and PHV drivers and operators, to give disabled people specific rights and protections to be transported and receive assistance when using a taxi or PHV without being charged extra.

It was noted that Taxi and PHV drivers could also face fines of up to £1,000 if they fail to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle.

A duty had also been placed on the local authority to publish a list of wheelchair-accessible vehicles in the fleet.

Resolved – That the update was noted

PART II - THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS

RESOLVED – That the press and public be excluded from the meeting during consideration of the following items in view of the fact that the business to be transacted was exempt by virtue of Paragraph 3 of Part 1 contained in Schedule 12A of the Local Government Act 1972.

6. Minutes of the Licensing Sub Committees

The Committee received the proceedings of the following Sub Committees:

- General Licensing Sub Committee held on 10th May 2022
- General Licensing Sub Committee held on 17th May 2022
- General Licensing Sub Committee held on 14th June 2022
- General Licensing Sub Committee held on 12th July 2022
- Licensing Act 2003 Sub Committee held on 17th May 2022
- Licensing Act 2003 Sub Committee held on 12th July 2022

RESOLVED – That the proceedings of the Sub Committees as outlined above were approved as a correct record and were duly signed by the Chair.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed