

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