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## LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Thursday 4 July 2019 in the Council Chamber, Town Hall, Matlock at 6.00pm

**PRESENT** Councillor Tom Donnelly - In the Chair

Councillors Jacqueline Allison, Graham Elliott, Alyson Hill, Stuart Lees, Michele Morley, Joyce Pawley, Andrew Statham, Steve Wain and Mark Wakeman.

Lee Gardner (Legal Services Manager), Tim Braund (Head of Regulatory Services), Eileen Tierney (Licensing Manager) and Jackie Cullen (Committee Assistant).

## APOLOGIES

Apologies for absence were received from Councillor Paul Cruise. There were no substitute Members.

## 49/19 – MINUTES

It was moved by Councillor Graham Elliott, seconded by Councillor Tom Donnelly and

**RESOLVED** That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 06 March 2019 be approved as a correct record.  
(unanimously)

The Minutes were signed by the Chairman.

## 50/19 – LICENSING ACT 2003 AND GAMBLING ACT 2005 – ANNUAL PROGRESS REPORT

The Committee considered an updating report on the work relating to the Licensing Act 2003 and the Gambling Act 2005 undertaken by the Licensing Team during the last financial year and the previous two financial-year periods, for comparison. The report also included details of how the Licensing Team could support local campaigns to promote licensing issues through the Community Safety Partnership's VAL Group, and national issues through the Institute of Licensing and the Derbyshire Licensing Group.

### The Licensing Act 2003 ("the Act")

The Licensing Act 2003 established a single integrated scheme for licensing premises which were used for the sale or supply of alcohol, and/or to provide regulated entertain-

ment and/or to provide late night refreshment.

Each year the District Council, in its role as the Licensing Authority, maintained in the region of 550 premises licences and club premises certificates and 1,275 personal licences; and on average acknowledged some 500 to 550 temporary event notices (TENs); granted a number of new premises licences, and varied existing licences, as set out in the report. Also, a small number of licences were surrendered and it was reported that some activities were no longer licensable in light of the Live Music Act 2012, as outlined in the report

Licence applications made under the Licensing Act 2003 were tabled in paragraph 1.6 of the report for the years 2016/17, 2017/18 and 2018/19, from which it could be seen that applications were received for 16 new premises licences during 2018/19. In October 2009, the Minor Variations application process was introduced, as explained in the report, with decisions being delegated to officer level (The Head of Regulatory Services and the Licensing Manager) in accordance with Government recommendation. If relevant objections were received the applications were refused. A total of 7 Minor Variation applications had been determined by Officers under these delegated powers between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019, two in respect of the same premises, as tabled in paragraph 1.12 of the report.

It was reported that the Licensing Team continued to work closely with the other agencies with responsibility for dealing with applications for licensing, e.g. through the Safer Derbyshire (Community Safety) Partnership VAL Group (Violence, Alcohol and Licensing), and during the last financial year, officers from the Council's Licensing and Community Safety Teams had participated in several joint under-age test purchase operations at alcohol-licensed premises with officers from Derbyshire Police and Derbyshire County Council's Trading Standards. Any premises that failed the test purchase were re-visited without warning within the following 3-month period and a second test purchase was carried out.

All newly-licensed premises for the sale of alcohol in the Derbyshire Dales District were expected to operate the Challenge 25 scheme, with premises that had been licensed for some time being encouraged to move from the earlier Challenge 21 and Challenge 18 schemes to Challenge 25, as this offered a more robust approach to ensuring that alcohol sales were not made to anyone under the age of 18.

In 2018/19 the target for visits to licensed premises detailed in the Licensing Service Plan actions, was exceeded. A target of 20+ visits to licensed premises during 2019/20 had been agreed and published in the Licensing Service Plan.

### **The Gambling Act 2005 (“the Act”)**

Local licensing authorities had regulatory obligations under the Gambling Act 2005 for licensing gambling premises and issuing permits and permissions. Changes to Gambling Legislation were set out in paragraphs 2.10 and 2.11 of the report.

The premises in Derbyshire Dales currently licensed under the 2005 Act were listed in the report. The target in 2018/19 for visits to licensed premises detailed in the Licensing Service Plan actions was set at 20; however, a total of 23 visits had been carried out. A similar target of 20 visits to licensed premises during 2019/20 had been agreed and published in the Licensing Service Plan, and it was proposed that some of these visits

would be made to support the Gambling Commission’s Responsible Gambling Week Campaign from 7<sup>th</sup> – 13<sup>th</sup> November 2019, as outlined in the report.

Licensing authorities had a statutory duty to provide the Gambling Commission with specific information about gambling regulation in their area, and every September the Commission published the licensing authority statistics for all authorities in England and Wales. The statistics report for 2018-2019 was awaited and would be reported to a future meeting of this committee.

The Committee was informed that under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a Statement of Principles which set out how gambling was to be managed across the local authority area taking account of local issues, priorities and risks that underpinned its approach to regulation, to be reviewed and approved by the full Council at least once every 3 years. In line with this, the Council’s Statement of Principles for Gambling was approved by the full Council in November 2018 following a consultation exercise and was re-published for a further 3-year period with effect from 31 January 2019 - 30 January 2022.

It was moved by Councillor Joyce Pawley, seconded by Councillor Michele Morley and

- RESOLVED** (unanimously)
- 1) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the following number of planned compliance/enforcement visits in the District by 31 March 2020:
    - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal;
  - 2) That the Licensing Team continues to contribute to the work of the Community Safety Partnership’s VAL (Violence Alcohol and Licensing) Group, and supports initiatives promoted by the Institute of Licensing and the Gambling Commission.

**51/19 – STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS REVISED SCHEME OF DELEGATION**

The Committee considered a report on a revised scheme of delegation for licensing/registration of charitable Street Collections and House to House Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939, following the proposed transfer of the function from Corporate Services to Regulatory Services.

In transferring responsibility, it was necessary to amend the list of officers delegated to approve the applications received. A revised scheme of delegation was tabled in paragraph 1.8 of the report.

It was moved by Councillor Steve Wain, seconded by Councillor Graham Elliott and

- RESOLVED** (unanimously)
- That the scheme of delegation in respect of Street Collections and House to House Collections, as shown in paragraph 1.8 of the report, is amended.

## **52/19 – TAXI AND PRIVATE HIRE LICENSING ANNUAL PROGRESS REPORT**

The Committee considered a report on the work on taxi and private hire licensing undertaken by the Licensing Team during the last financial year, following the implementation of the Council's revised Taxi and Private Hire Licensing Policy which came into effect on 1<sup>st</sup> May 2018, when mandatory requirements relating to safeguarding awareness training and annual subscriptions to criminal record check update service were introduced.

In addition, the report informed the Committee of the introduction of a National Register of Taxi and Private Hire Licence Revocations and Refusals, known as the NR3 Register that had been launched by the Local Government Association (LGA) and was hosted by the National Anti-Fraud Network (NAFN). Approval was sought, in principle at this stage, to adopt the NR3 Register and Guidance.

The Taxi and Private Hire Licensing Policy raised existing standards and introduced greater consistency in dealing with applications, as outlined in the report, and introduced mandatory requirements for Licensed Drivers, as listed below and covered in more detail in the report:

- Mandatory Safeguarding Awareness Training
- Mandatory Subscription to the DBS (Disclosure and Barring Service)
- Introduction of a Penalty Points Scheme for Licensed Drivers
- Driver Knowledge Test

The number of Applications processed was tabled in paragraph 1.4 of the report and it was reported that during 2018-2019, only 1 existing licensed driver was referred to a meeting of the Licensing and Appeals Sub-Committee, as set out in the report.

One of the targets in the 2018/19 Licensing Service Plan actions was to undertake two taxi enforcement operations; one had been carried out over the weekend of the Y-NOT Festival; a second took place late at night in the Dale Road area of Matlock, the focus of the Town's late night economy. A similar target was planned for 2019/2020.

### **National Register for Refusals, Suspensions and Revocations of Taxi and Private Hire Licences**

In July 2018, the Local Government Association (LGA) launched a national register of taxi and PHV licence refusals and revocations – known as the NR3 - which would allow councils to record details of where a Taxi or Private Hire related licence had been refused or revoked, and to allow local authorities to check new applicants against the register.

It was noted that the scheme was voluntary; however officers recommend that serious consideration be given to participating. The risks to the Council should it not participate in the register, were out in the report, and it was considered that on balance, participating in the new national register was considered beneficial in ensuring the Council addressed its responsibilities in achieving public safety, having particular regard to safeguarding vulnerable adults and children. Participation was also in line with the recommendation of the recently published report of the Parliamentary Task and Finish Group on Taxi and Private Hire Vehicle Licensing, as set out in the report.

If the recommendation were adopted, the Council would have to take out membership of NAFN, at a current cost of £1,500 per annum, which would be incorporated in the annual budget setting process. Furthermore, the Council's Taxi Licensing Policy would need to be revised to make reference to the scheme; procedures for dealing with requests for data, and for dealing with complaints. The local Taxi and Private Hire Trade would need to be informed of the requirements with regard to requesting and recording personal data.

The Register went live in July 2018 and guidance had been developed that set out the steps authorities would need to take to use the register in a way that complied with the new data protection requirements, as well as with human rights law.

It was moved by Councillor Graham Elliott, seconded by Councillor Stuart Lees and

- RESOLVED**  
(unanimously)
- 1) That the progress report on taxi licensing related matters is noted and future reports are submitted to the first committee in the civic year, providing data for the previous 2 year period, for comparison.
  - 2) That approval is given for use of the national taxi register of refusals, suspensions and revocations, hosted by the National Anti-Fraud Network (NAFN), subject to legal and financial approval.

**MEETING CLOSED 7.11PM**

**CHAIRMAN**