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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Thursday 26 October 2017 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jean Monks - In the Chair

Councillors Sue Bull, Tom Donnelly, Ann Elliott, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Alyson Hill, Angus Jenkins, Joyce Pawley and John Tibenham.

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

APOLOGIES

Apologies for absence were received from Councillor Steve Flitter.

165/17 – MINUTES

It was moved by Councillor Tom Donnelly, seconded by Councillor Angus Jenkins and

RESOLVED
(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 8 March 2017 be approved as a correct record.

The Minutes were signed by the Chairman.

166/17 – LICENSING ACT 2003 AND GAMBLING ACT 2005 – ANNUAL PROGRESS REPORT

The Committee considered a report providing a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Section during the last financial year, and the previous two financial year periods for comparison.

The Committee was also provided with details of current campaigns being promoted through the High Peak & Derbyshire Dales Community Safety VAL Group (Violence, Alcohol and Licensing), supported by the Council's Licensing Team, and of work being carried out with other Responsible Authorities that contributed to the Licensing Service Plan Actions.

The Licensing Act 2003

A summary of legislative changes to the Licensing Act 2003 introduced since July 2016 was attached as Appendix 1 to the report, for information. Members were reminded that the Licensing Act 2003, introduced in 2005, established a single integrated scheme for licensing premises used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment. The numbers of various licenses processed and granted in the Derbyshire Dales since its introduction were set out in the report.

It was noted that each year a number of new premises licences were granted and a very small number were surrendered, as businesses closed down or moved premises; and new licences were granted and existing licences varied for a number of reasons, as set out in the report.

The first progress report was presented to this Committee in 2007 and annually thereafter. The report is usually submitted to the first meeting in the civic year but the Committee did not sit in July. For completeness, and where available, the figures for the first 6 months of 2017-18 were also provided in paragraph 1.6 of the report.

Licensing and Appeals Sub-Committee Hearings

During 2016-2017, 14 applications for new premises licences and 1 application for a new club premises certificates were received. As none of these attracted representations, it had not been necessary to refer any to a Licensing and Appeals Sub-Committee meeting for determination.

The Licensing and Appeals Sub-Committee met twice in July 2016, as detailed in the report, and during the period 1st April to 30th September 2017, of the 11 applications received for new premises licences only 1 had been referred to a Licensing and Appeals Sub-Committee meeting to be determined.

Applications for Minor Variations

In October 2009, the Minor Variations application process was introduced, allowing proprietors/operators to make small changes to their premises licences, as long as these would not undermine the licensing objectives. The Government recommended that the decision making on Minor Variation applications should be delegated to Officer level, and as such the Head of Regulatory Services and the Licensing Manager were delegated to determine applications. A total of 6 minor variation applications were determined by Officers under delegated powers between 1st April 2016 and 30th September 2017; mainly for changes to the structural layout of the premises.

Working with Partners

The Licensing Team worked closely with the other agencies with responsibility for dealing with applications for licensing, for example through the Safer Derbyshire (Community Safety) Partnership VAL Group.

Visits to licensed premises were carried out jointly, where appropriate, with officers from the Police, Environmental Health, Fire Service and Trading Standards Authorities. Where problems or potential problems existed, measures to deal with these were agreed by all

Officers and negotiated with the licence holder. In 2016-17 the 20 visit target was exceeded, with 22 visits to licensed premises being carried out. A target of 20 visits to licensed premises during 2017-18 had been agreed and published in the Licensing Service Plan. The targets for 2018-19 were currently under consideration.

The Safe and Responsible Campaign was first introduced in the High Peak and Derbyshire Dales in 2010 and presented a Guide for Safer Licensed Premises, still available to alcohol-licensed premises. This Manual was currently being reviewed so that it could be re-published before Christmas 2017 as part of the 'Intoxicated-No Sale' Campaign which was being rolled-out across Derbyshire by the Police Authority.

The Gambling Act 2005

The following numbers of premises were currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 4 Bookmakers (Betting Shops)
- 5 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notice (Pikehall Harness Racing)
- 8 Club Machine Permits (Registered Clubs)
- 165 Small Society Lotteries.

There were no changes to legislation reported.

It was moved by Councillor Angus Jenkins, seconded by Councillor Joyce Pawley and

RESOLVED
(unanimously)

- 1) That the report be noted.
- 2) That the Licensing Team continues to contribute to the work of the Community Partnership's VAL (Violence Alcohol and Licensing) Group, by supporting the Safe and Responsible and Intoxicated-No Sale Campaigns, currently being rolled out County-Wide.
- 3) 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 2018:
 - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal;
 - 2 taxi enforcement operations

167/17 – REVIEW OF ANIMAL ESTABLISHMENTS LICENSING – THE NEXT STEPS

The Committee considered a report on progress made with Government proposals, through the Department for Environment, Food and Rural Affairs (DEFRA), to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments through its intention to introduce new secondary legislation under the Animal Welfare Act 2006 by introducing a single 'Animal Establishment Licence'.

Earlier this year DEFRA published the 'Next Steps' document setting out the way forward on the review. These steps were summarised in the report, and the complete report could be accessed via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588817/animal-licensing-review-next-steps.pdf.

The current licence types which could be issued under several pieces of legislation were listed in the report, and the numbers of licences currently in force for premises in the Derbyshire Dales were tabled in paragraph 1.3 of the report

The Consultation

In March 2016, the Committee was informed of Defra's proposals to introduce new secondary legislation under the Animal Welfare Act 2006 to "relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England."

Following the meeting of this Committee in March 2016 Officers submitted a response on behalf of the District Council. The responses and proposals from DEFRA were set out in the report, and it was noted that these responses broadly reflected the views of the Committee.

THE NEXT STEPS

DEFRA would develop draft Regulations based on their conclusions and would continue to work with stakeholders through the National Companion Animal Focus Group, the Canine and Feline Sector Group and the Equine Sector Council to put in place the necessary supporting policies, guidance and documentation.

DEFRA had recently advised Local Authorities that it had been putting together draft regulations to put into effect the proposed changes. The intention was to lay the draft regulations in Parliament early next year (2018) with a view to them coming into force in October 2018. The Committee would be updated accordingly.

It was moved by Councillor Helen Froggatt, seconded by Councillor Graham Elliott and

RESOLVED
(unanimously)

1. That the report be noted.
2. That a further report outlining the implications for the Licensing Authority be submitted to this Committee in 2018, when a commencement date for the Regulations is known.

168/17 – REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

The Committee considered a report providing a further update on the review of the District Council's Taxi and Private Hire Licensing Policy. The report updated the Committee on proposals for a countywide project to consider common themes for Taxi Licensing Policies. This work had been taken into account in the development of the final draft of the Policy, and had been a factor in the delay in the public consultation exercise.

A review of the Council's Taxi and Private Hire Licensing Policy was first considered in November 2013, as a number of issues had been raised by the taxi trade since February 2009, when the current Policy was first approved and implemented. A number of attempts had been made since 2013 to carry out a consultation exercise on an approved draft Policy, but these had been affected by the Law Commission's remit from Government to carry out a review and report back on its proposals for a national reform of the taxi and private hire licensing laws. In the event that a local policy could contradict proposals which resulted from the national project and consultation, the consultation process started in 2014 with meetings with the taxi trade, and repeated in 2016, was done on the understanding that major changes to the policy would not be introduced while confirmation of the national proposals was still awaited. Confirmation of any likely changes was still awaited.

Interim changes had been introduced by Government with the implementation of the Deregulation Act in 2015, as set out in the report. Furthermore, during the last 12 months the Chief Executive of the North East Derbyshire and Bolsover Alliance had led a review of taxi licensing policies across the County, with a view to developing better consistency in general, and with regard to licensing of taxi drivers in particular. The review would also look at how well licensing authorities were using data and intelligence, and how this information was being co-ordinated and shared to protect the public.

On 27th September 2017, the Institute of Licensing (IoL) reported that it had called on the Government to modernise taxi and private hire licensing laws, as detailed in the report; its top four areas of concern being:

- The current 2-tier taxi/private hire system;
- Lack of national standards leading to inconsistencies of checks and standards;
- Cross-border sub-contracting; and
- Information sharing obstacles between local authorities and police forces.

In the meantime, it was suggested that the District Council should not wait any longer for a national steer as, at nearly 9 years old, the current Policy was out of date and needed to take account of more current issues. A revised draft Policy document had been prepared for a full public consultation exercise, attached as Appendix 1 to the report. The main areas of change proposed related to the Driver Knowledge Test process; the introduction of an Intended Use Policy; the enforcement of breaches of conditions and convictions with the introduction of a penalty points system for drivers; and mandatory training for drivers, e.g. Safeguarding/Child Sexual Exploitation, and Equalities. A summary of the main changes was provided to Members before the meeting.

It was recommended that a 12-week consultation exercise be carried out on the draft Taxi and Private Hire Licensing Policy and that any comments received during the consultation exercise would be taken into account so a final draft Taxi and Private Hire Licensing Policy could be updated for consideration at a future meeting of this Committee, with a view to adoption after 1st April 2018.

It was moved by Councillor Angus Jenkins, seconded by Councillor John Tibenham and

RESOLVED (unanimously) 1) That a 12-week consultation exercise is carried out on the draft Taxi and Private Hire Licensing Policy as detailed in Appendix 1 of the report.

- 2) That any comments received during the consultation exercise will be taken into account, and the draft Taxi and Private Hire Licensing Policy be updated for final consideration at a future meeting of this Committee, with a view to adoption by full Council after 1st April 2018.

MEETING CLOSED 7.31PM

CHAIRMAN