

LICENSING COMMITTEE

1.00 P.M.

6TH JUNE 2024

PRESENT:- Councillors Sally Maddocks (Chair), Martin Bottoms, Phil Bradley, Tim Hamilton-Cox and Margaret Pattison

Apologies for Absence

Councillors Gerry Blaikie, Andrew Gardiner and Paul Tynan

Officers in attendance:

Jennifer Curtis	Licensing Manager
Tom Mitchell	Civil Lawyer
David Eglin	Licensing Officer (minutes 1 – 5)
Sarah Moorghen	Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIR

The Chair requested nominations for Vice-Chair of the Licensing Committee for the municipal year 2024/25.

It was proposed by Councillor Phil Bradley and seconded by Councillor Martin Bottoms:

“That Councillor Margaret Pattison be appointed Vice-Chair of the Licensing Committee.”

There being no further nominations, the Chair declared the proposal to be carried.

Resolved:

That Councillor Margaret Pattison be appointed Vice-Chair of the Licensing Committee for the municipal year 2024/25.

2 MINUTES

The minutes of the meeting held on 11th April 2024 were signed by the Chair as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 PRIVATE HIRE OPERATOR CHECKS

The Licensing Enforcement Officer presented a report which informed the Committee of the outcomes from recent Private Hire Operator checks.

The Committee was advised that checks had been conducted by Licensing Officers over a number of weeks to ensure compliance with the Council's Private Hire and Hackney Carriage Licensing Policy in respect of private hire operators.

It was reported that:

- 43 individual private hire operator inspections had been carried out.
- 42 had been compliant to Licensing Officers' satisfaction.
- Licensing staff had advised 1 private hire operator that improvements were required.

The Committee was advised that Licensing Officers had been satisfied with the overall high level of compliance with the day-to-day recording of bookings for pre-booked journeys undertaken.

Members asked a number of questions in respect of DBS's and sanctions against operators. Members also raised a number of concerns relating to illegal parking on Chapel Street in Lancaster.

Resolved:

That the report be noted.

6 LICENSING ACT 2003 - CHANGES TO SCHEME OF DELEGATION

The Licensing Manager presented a report which asked the Committee to authorise the Monitoring Officer to amend the scheme of delegation to allow the Chief Officer (Governance) to determine applications/variations for premises/club certificates where all parties agreed a hearing was unnecessary in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 despite representations being made.

The Committee was advised that this was to dispense with determination hearings where applicants and responsible authorities had agreed conditions through mediation and both parties agreed a hearing was not necessary.

Under the current scheme of delegation in these circumstances, a Licensing Sub-Committee would be convened to determine the application.

It was proposed by Councillor Hamilton-Cox and seconded by Councillor Phil Bradley:

“(1) That the scheme of delegation to the Chief Officer (Governance) be amended to the following:

“...determine applications for Premises Licences/Club Premises Certificates where all parties agree a hearing is unnecessary in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 despite representations being made.” And

“...determine applications to vary Premises Licences/Club Premises Certificates where all parties agree a hearing is unnecessary in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 despite representations being made.”

(2) That the Monitoring Officer be instructed to formally amend the relevant sections of the Constitution.

(3) That an annual report by the Licensing Manager on use of the delegation be provided to the Committee each June.

- (4) That Ward Councillors be notified of applications made within their Wards where a licence is granted following mediated conditions and agreed by parties that a hearing isn't needed. "

A vote was taken and it was unanimously agreed.

Resolved:

- (1) That the scheme of delegation to the Chief Officer (Governance) be amended to the following:

"...determine applications for Premises Licences/Club Premises Certificates where all parties agree a hearing is unnecessary in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 despite representations being made." And

"...determine applications to vary Premises Licences/Club Premises Certificates where all parties agree a hearing is unnecessary in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 despite representations being made."

- (2) That the Monitoring Officer be instructed to formally amend the relevant sections of the Constitution.
- (3) That an annual report by the Licensing Manager on use of the delegation be provided to the Committee each June.
- (4) That Ward Councillors be notified of applications made within their Wards where a licence is granted following mediated conditions and agreed by parties that a hearing isn't needed.

7 TEMPORARY PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCES

The Licensing Manager presented a report which advised the Committee on the current application process and the viability of introducing "temporary licences".

It was reported that the legislation relating to Private Hire and Hackney Carriage drivers' licences did not make provision for the administration and issue of "Temporary Licences", the determination on application was based on whether an applicant was a "fit and proper person". There was however an opportunity to amend the current application policy and issue a short term "without prejudice" licence. This would allow the Licensing Authority to issue a short-term licence to enable a driver to continue to work, pending the determination of their renewal application. This could only be considered if a valid renewal application had been received prior to expiry of the current licence.

The Committee was advised that there was a number of pros and cons to the introduction of "without prejudice" licences for both the Licensing Authority and the licenced trade it has a duty to regulate.

The Committee discussed the proposals including issues around public safety, licence holder responsibility and the circumstances in which such licences could potentially be issued.

It was proposed by Councillor Hamilton-Cox and seconded by Councillor Phil Bradley:

“That the Licensing Committee approve the Licensing Manager to determine requests made for “without prejudice” licences subject to the applicant having submitted a valid application 14 days prior to the expiration their current licence.”

Upon being put to the vote, 4 members voted in favour, and 1 against, whereupon the Chair declared to proposal to be carried.

Resolved:

That the Licensing Committee approve the Licensing Manager to determine requests made for “without prejudice” licences subject to the applicant having submitted a valid application 14 days prior to the expiration of their existing licence.

8 CHAIRS OF LICENSING SUB-COMMITTEES

The Chair called for nominations for two Sub-Committee Chairs in addition to the Chair and Vice-Chair of the Licensing Committee.

Councillor Martin Bottoms was nominated as a Sub-Committee Chair.

There being no further nominations, the Chair declared that Councillor Martin Bottoms be appointed as a Licensing Sub-Committee Chair.

It was noted that in view of only one additional Sub-Committee Chair being appointed a report would be made to the next meeting in order to consider a further appointment.

Resolved:

That Councillor Martin Bottoms be appointed as a Sub-Committee Chair along with the Chair and Vice-Chair of the Licensing Committee.

9 TAXI AND PRIVATE HIRE WORKING GROUP - APPOINTMENT

The Licensing Manager introduced a report on the Taxi Working Group which requested members to review the membership of the group and consider its priorities.

The Group was advised that the convention was that the Chair of the Licensing Committee was also the Chair of the Taxi and Private Hire Working Group.

The Chair called for nominations to the Taxi Working Group in addition to the Chair.

Councillors Martin Bottoms and Phil Bradley along with the Chair and Vice-Chair were nominated to the Taxi Working Group. There being no further nominations the Chair confirmed that Councillors Martin Bottoms, Phil Bradley and Margaret Pattison (Vice-Chair of Licensing), in addition to Councillor Sally Maddocks as Chair, be appointed members of the Taxi Working Group.

The Committee discussed the membership of the Group. It was agreed that the Disability Champion and the Police would be invited and that invitations for expressions of interest in joining the Group would be sent out to the Trade with the view of expanding the Trade membership of the Group.

The Committee discussed including the word “Partnership” in the title of the Group and agreed to bring a report to the next meeting with regard to additional Councillor Members.

Resolved:

- (1) That Councillors Martin Bottoms, Phil Bradley and Margaret Pattison (Vice-Chair of Licensing Committee), in addition to Councillor Sally Maddocks as Chair, be appointed members of the Taxi Working Group.
- (2) That the Disability Champion and Police be invited to meetings.
- (3) That invitations for expressions of interest in joining the Group be sent to the Trade.

10 LICENSING FEES 2024/25

This item was withdrawn from the agenda.

11 EXEMPT ITEM

It was moved by Councillor Margaret Pattison, seconded by Councillor Phil Bradley and unanimously agreed:

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, exempt agenda item 7, on the grounds it could involve the possible disclosure of exempt information, as defined, in Paragraph 1 of Schedule 12A of that Act.

12 URGENT BUSINESS DECISION - DECISION TAKEN IN RESPECT OF A REVIEW OF A DUAL DRIVERS LICENCE

The Licensing Manager submitted a report which advised the Committee of a decision that had been taken by the Chief Officer (Governance), in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure. The report was exempt from publication by virtue of Paragraph 1, Schedule 12A of the Local Government Act, 1972 and related to a private hire driver's licence.

Resolved:

That the report be noted.

Chair

(The meeting ended at 2.35 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk**