

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 13th June 2018 at Worksop Town Hall

Present: Councillor J Potts (Chair)
Councillors B A Bowles, K M Greaves, S Isard, G Jones, D R Pressley, A Smith,
K Sutton and C Tindle.

Officers in attendance: S Bacon, J A Hamilton and A Webster.

(Meeting opened at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. She also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, no members of the public were present).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J R Anderson, H M Brand and G
Clarkson.

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no Declarations of Interest by Members.

(b) Officers

There were no Declarations of Interest by officers.

3. MINUTES OF THE MEETING HELD ON 18TH APRIL 2018

RESOLVED that the Minutes of the meeting held on 18th April 2018 be approved.

4. MINUTES FOR ACTION

Principal Solicitor (Licensing and Regulatory) advised Members that with regard to Minute No. 42(a) – Fees and Charges 2018/19, following advertisement of the proposed fee increase, an objection had been received; therefore a report will be presented to the next meeting of the Licensing Committee.

RESOLVED that the Minutes for Action be received.

5. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

6. REPORT(S) OF THE COUNCIL SOLICITOR

(a) Private Hire Hackney Carriage Practical Driver Assessment Update Report

Members were provided with an update as to the number of persons who have undertaken the practical Private Hire and Hackney Carriage Driver Assessment.

The practical assessment was introduced in January 2015 to help assess if an applicant is a fit and proper person to be granted a licence. Following a report presented to Licensing Committee on 15th November 2017 (appended to the report), the company 'Personnel Checks' was appointed by the Council to administer the practical driver assessment.

The report advised that between November 2016 and April 2018, 23 applicants had booked through Personnel Checks to sit the practical driver assessment. The company acts as a booking agent and currently does not collate pass and fail data, therefore this information is not available.

RESOLVED that the report be noted.

(b) Personal Licence Review Procedure

Members' approval was sought to implement a new procedure to enable the Authority to utilise new powers contained in Section 132A Licensing Act 2003 (as amended) regarding Personal Licences.

Any premises such as a pub, off-licence, restaurant, hotel or supermarket must ensure that all sales of alcohol must be made by, or under the authority of, a Personal Licence Holder. Once granted by the Authority, a Personal Licence is valid indefinitely as detailed in the Deregulation Act 2015. A copy of the S182 Guidance relating to Personal Licences was appended to the report.

The Crime and Policing Act 2017 inserted a new section into the Licensing Act 2003 giving local authorities a new power to suspend or revoke a Personal Licence where the holder has been convicted of a Relevant Offence. Relevant Offences are listed in Schedule 4 of the Licensing Act 2003 and the list was also appended to the report. The new power is discretionary and only applies to convictions and civil immigration matters after 6th April 2017. Only the Magistrates Court can order the forfeiture or suspension of a Personal Licence in consideration to matters prior to this date.

The report detailed the process that the Authority proposed to adopt to utilise this new power. It also advised that Members did not have the power to consider any convictions if the Licence Holder has submitted an appeal against their conviction or sentence. Guidance states that where the Court has considered the Personal Licence and decided not to revoke it, it does not prevent Members from revoking or suspending it.

Under the proposed process should Members meet and not revoke or suspend a Personal Licence, the Act places an obligation on the Authority to notify the Chief Officer of Nottinghamshire Police and invites them to make representations having regard to the crime prevention licensing objection (Section 132A(9) Licensing Act 2003 (as amended)). The Police have 14 days in which to submit representation. Where the Personal Licence holder has been required to pay a civil penalty or has been convicted of immigration offences, the guidance states the Authority should also notify the Home Office Immigration Team to make representation.

RESOLVED that:

1. The Licensing Committee delegates power to a sub-committee of three Members to deal with matters under S132A Licensing Act 2003 (as amended) regarding Personal Licences.
2. The decision be referred to the Director of Corporate Services to enable the new sub-committee to be reflected in the next amendment to the Council Constitution.
3. The procedure, as set out in paragraphs 3.7, 3.11, 3.12 and 3.13 of the report, be adopted by the Licensing Committee and Licensing Department to deal with matters under S132A Licensing Act 2003 (as amended).

(c) Park Homes Fees Policy Review

Members' approval was sought to revise the fees charged by the Council's Licensing Department in respect of Park Homes Licences.

At the meeting of Licensing Committee held on 29th April 2015, Members reviewed and implemented the Park Homes Fees Policy. There has been no increase in the fees charged since this date and they can only be increased via a review of the Policy. As the finance advisor to the Licensing Department has confirmed that the officer hourly rates have increased since this date, this has had an effect on the final fees which should be charged. The report detailed the current fees charged and also the proposed revised fees.

The revised fees and the formula used to calculate the base fee for the annual fee were included in the proposed amended Park Homes Fees Policy which was appended to the report. Charges are only applicable to a 'relevant protected site' defined in the Mobile Homes Act 2013 Section 7 as "any land which is to be used as a caravan site with planning consent". These are typically sites known as residential parks, mobile home parks and/or gypsy/Roma and traveller sites; exemptions were detailed in paragraph 11 of the Policy.

RESOLVED that the amended fees contained in the revised Park Home Fees Policy appended to the report, and as detailed at paragraph 3.6 in the report, be approved.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

None

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT.

As there was no other urgent business to be discussed, the Chair closed the meeting.

(Meeting closed at 6.55pm.)