

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 17th January 2018 at Retford Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, B A Bowles, H M Brand, G Clarkson, K M Greaves, S Isard, G Jones, D Merryweather, D R Pressley and A Smith.

Officers in attendance: S Aston, W Nuttall, B Pinkney and S Wormald.

(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, although the applicant was present, this was not taken up).

37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor K Sutton.

38. 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.

39. MINUTES OF THE MEETING HELD ON 15TH NOVEMBER 2017

RESOLVED that the Minutes of the meeting held on 15th November 2017 be approved.

40. MINUTES FOR ACTION

The Council Solicitor informed members that the driving assessment statistics will be available at the next meeting.

In relation to minute no. 33(b) members were advised that the final version of the Joint Enforcement Protocol has not yet been received. Therefore, it has not been signed or implemented by the authority.

RESOLVED that the Minutes for Action be received.

41. OUTSTANDING MINUTES LIST

The Council Solicitor informed Members that outstanding minute no 33(a) will be presented at the next meeting.

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

42. REPORT(S) OF THE COUNCIL SOLICITOR

(a) Fees and Charges for Licences 2018/19

Members were advised that the purpose of the report is to consider the proposed increase to the present level of fees and charges for licences for the financial year 2018/19.

The Licensing Committee has the power to set fees and charges for Licences. On an annual basis a review is taken by the committee, in accordance with council policy.

Members were asked to consider the fees and charges in the context of the Council's Corporate Charging Policy. The council's Cabinet approved a Corporate Charging Policy at its meeting on 1st December 2015. Cabinet also approved the proposed fees and charges (including licensing fees) for 2018/19 at its meeting on 5th December 2017. However, licensing fees were approved only subject to the approval by the Licensing Committee in respect of fees and charges for Licences.

It is a legal requirement to publicly advertise in the local press any proposed increases in the fees for Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Operators.

Fees under the Licensing Act 2003 are set centrally by the secretary of state and local authorities have no discretion in setting the fee levels.

Fees under the Gambling Act 2005 in respect of Gambling Premises Licences are set by the local authority but a maximum fee payable for each category of licence is set by the secretary of state.

Fees for Small Society Lottery Registrations and Gaming Machine Permits are set by the Secretary of State.

RESOLVED that members approve the fees and charges for Licences for 2018/19.

(Councillor D Merryweather joined the meeting)

(b) Licensing Act 2003 – Suspension of Premises Licences/Club Premises Certificates on Non-Payment of Annual Fees 2017.

Members were advised on the number of premises licences, which have been suspended for non-payment of annual fees.

On 25th April 2012 the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on Licensing Authorities to suspend premises licenses and club premises certificates, if the annual fees are not paid.

The amendment to the Licensing Act 2003 now enables Licensing Authority to suspend those licences and certificates of licence holders who do not pay their fees, until the debt is paid. The licence will then automatically be re-instated.

In October 2017, 316 invoices were sent out by the licensing authority to premises due for payment. 86 letters were then sent in November 2017 to those who had failed to make the payment; this resulted in suspension of their licence. A further letter was sent to those licence holders who had failed to make payment informing them that in accordance with S55A and S92A of Licensing Act 2003 their premises licence was now suspended and no licensable activities were permitted to take place on the premises until their fee is paid in full.

It was noted that of the 316 invoices 16 licences were suspended.

Members were advised that 2 invoices still remain unpaid and those licences are still suspended as a consequence. Licensing Enforcement Officers will be monitoring the premises to ensure they do not breach the suspension.

RESOLVED that members note the contents of this report.

43. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 3, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(a) – Application for Combined Hackney Carriage/Private Hire Driver’s Licence – Paragraph 1.

Agenda Item No. 7(b) - Application for Combined Hackney Carriage/Private Hire Driver’s Licence – Paragraph 1.

Agenda Item No. 7(c) – Hackney Carriage/Private Hire Driver’s Licence – Paragraph 1.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

44. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)

(a) Application for Combined Hackney Carriage/Private Hire Driver’s Licence

Members were asked to consider and determine the application for a 3 year combined Hackney Carriage/Private Hire Driver’s Licence.

The applicant was present and answered member’s questions in support of the request.

RESOLVED that members grant the application.

(b) Application for Combined Hackney Carriage/Private Hire Driver’s Licence

Members were asked to consider and determine the application for a 3 year combined Hackney Carriage/Private Hire Driver’s Licence.

The applicant was present and answered member’s questions in support of the request.

RESOLVED that members grant the application.

(c) Hackney Carriage/Private Hire Driver's Licence

Members were asked to consider and determine what action to take, if any, against a holder of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present and answered member's questions in support of the request.

RESOLVED that:

1. The applicant be issued with a warning as to future conduct to stay on file for a specified period (the remainder of the current licence period).
2. The matter be referred back to officers with a recommendation for penalty points to be issued under the scheme.

45. 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 7:45pm.)