

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 17 JANUARY 2011**

PRESENT: Councillor McGuire (in the Chair)
Councillor D Rimmer (Vice-Chair)

Councillors Blackburn, Byrne, Carr, Doran, Friel,
Ibbs, Kerrigan, Papworth, Preece and B Rimmer

39 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradshaw, Mahon and Pearson.

40. DECLARATIONS OF INTEREST

The following declarations of interest were received:

| Member | Minute No. | Interest | Action |
|----------------------|---|--|--|
| Councillor Carr | Hackney Carriage and Private Hire Driver Training | Personal: (i) Knowsley MBC taxi trade representative (ii) employed by Unite the Union as a Taxi NVQ Assessor | Remained in the room, but did not take any part in consideration of the item and did not vote thereon. |
| Councillor Preece | 44 - Local Licensing Fees and Charges | Personal: Holds a Personal Licence for the sale of alcohol at the Grandstand Bar, Southport Football Club | Remained in the room, but did not take any part in consideration of the item and did not vote thereon. |
| Councillor D. Rimmer | 42 – Determinations made under the Licensing Act 2003: Period Covering 8 October 2010 to 3 December | Prejudicial – Trustee on Board of Crossens Community Association which had had a minor variation | Remained in the room, took no part in consideration of the item and did not vote thereon. |

2010

to its licence
determined by
Licensing
Officers

41. MINUTES OF THE MEETING HELD ON 25 OCTOBER 2010

RESOLVED:

That the Minutes of the meeting held on 25 October 2010, be confirmed as a correct record.

**42. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003:
PERIOD COVERING 8 OCTOBER 2010 TO 3 DECEMBER 2010**

The Committee considered the report of the Environmental and Technical Services Director updating on the applications made under the Licensing Act, 2003 which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 182 of the Licensing Act 2003"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or club premises certificate, or Police objections to an application for a personal licence, then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general licensing situation.

For the period 8 October to 3 December 2010 the Environmental and Technical Services Director had received and determined: 65 applications for Premise Licences; 40 applications for Personal Licences; 2 applications for Club Premise Certificates and 73 notifications of Temporary Event Notices.

The Committee also discussed the waste of paper incurred in reproducing each agreed Licence as an annex to the report and it was suggested that future reports could be reduced by providing a list of applicants, the nature of the application and date of approval.

RESOLVED: That

- (1) the report and the fact that further update reports would be submitted, as necessary, be noted; and
- (2) future reports provide minimum details of applications made under the Licensing Act 2003, namely, a list of applicants, the nature of each application and the date of issue for each licence.

**43. DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005:
PERIOD COVERING 8 OCTOBER 2010 TO 3 DECEMBER 2010**

The Committee considered the report of the Environmental and Technical Services Director, updating on the applications, made under the Gambling Act 2005, which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 25 of the Gambling Act 2005"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or a permit then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general gambling situation.

For the period 8 October to 3 December 2010, the Environmental and Technical Services Director had received and determined: 1 application for a Gambling Premises Licence, 7 applications for Licensed Premises Automatic Gaming Permits and 3 applications for Club Machine Permits.

As in Minute 42 above, the Committee also discussed the waste of paper incurred in providing details of each Gambling Application as an annex to the report.

RESOLVED: That

- (1) the report and the fact that further update reports would be submitted, as necessary, be noted; and
- (2) future reports provide minimum details of applications made under the Gambling Act 2005, namely, a list of applicants, the nature of each application and the date of issue for each licence or permit.

44. LOCAL LICENSING - FEES AND CHARGES 2011/2012

The Committee considered the report of the Environmental and Technical Services Director on proposed changes to fees and charges for Local Licensing Services in 2011/2012.

The report indicated that the majority of fees applicable to local licensing matters were set by Central Government and where increases were proposed as detailed in the annex to the report, the increase was in line with inflation and Local Government Regulation (formally known as LACORS) guidance.

RESOLVED: That

- (1) the proposed fees and charges for 2011/2012 listed in the Annex to the report be endorsed; and
- (2) the Cabinet be recommended to approve the proposed fees and charges for 2011/2012.

45. POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

Further to Minute No. 8 of the meeting of the Licensing and Regulatory Urgent Referrals Committee held on 23 August 2010, the Committee considered the report of the Environmental and Technical Services Director on the proposed changes to be made to the Licensing Act 2003 via the Police Reform and Social Responsibility Bill.

Arising from the discussion it was suggested that bars which were licensed for outside drinking should be required to use polycarbonate drinking vessels to prevent the likelihood of drinking glasses and bottles being used as weapons. The Senior Licensing Officer explained that under the Licensing Act 2003, a Licensing Authority could only require premises to fulfil certain obligations if a premise had failed to promote one or more of the four licensing objectives. However, referring to paragraphs 33-37 of the Police Reform and Social Responsibility Bill he indicated that Clauses 124 to 138 would enable a licensing authority to introduce a levy payable by the holders of a club premises licence or a club premises certificate, in relation to serving alcohol between midnight and 6 am and that such premises could have the levy waived if drinks were served in polycarbonate drinking vessels during this time.

RESOLVED:

That the report and the fact that further reports would be provided updating on the progress of the Bill, be noted.

46. EQUALITY ACT 2010 PROVISIONS AS TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Committee considered the report of the Environmental and Technical Services Director on provisions contained in the Equality Act 2010 relating specifically to the Hackney Carriage and Private Hire Trades.

The Assistant Environmental and Technical Services Director and the Trading Standards Manager presented the report and answered questions thereon.

The Chair advised that the implications of the new Act had already been considered by the Hackney Carriage and Private Hire Joint Working Group held on 7 December 2010. This meeting had also been attended by the

Equalities Director, an Equalities Advisor, representatives from the disabled community and the health and safety officers and following long consideration of the many apparent incongruities of the Act and the difficulties which the hackney carriage and private hire trades would face in having to comply with the Act, it had been agreed that a Sub-Group be formed to consider the implications of the Act with a view to making recommendations to the DfT. Nominations for the Sub-Group had been invited from the Hackney Carriage and Private Hire Trades, Sefton CVS, the Ability Network, Health and Safety, Merseytravel and the taxi licensing department; and it was proposed that the findings and recommendations of the Sub Group be reported back to the Licensing and Regulatory Committee in 6 months time.

RESOLVED: That

- (1) the report be noted; and
- (2) Environmental and Technical Services Director be requested to submit a further report on the findings and recommendations of the Hackney Carriage and Private Hire Trade Equality Sub-Group on the provisions of the Equality Act 2010 in July/August 2011.

47. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER TRAINING

Further to Minute No. 26 (3) (i-iii) of 27 October 2008 and Minute No. 46 of 26 October 2009, the Committee considered the report of the Environmental and Technical Services Director on the progress of the Driver Training Programme and steps taken to address the concerns raised by Trade Stakeholders about the sustainability of current funding arrangements.

The Trading Standards Manager introduced the report and answered questions thereon and the following points were made:

- nationally the current funding streams for NVQ Level 2 had almost all been exhausted and were unlikely to be replenished meaning that driver training would no longer be subsidised;
- the VRQ a 'knowledge based' qualification had been upgraded and improved nationally to a 'certificate' level 2 qualification;
- the NVQ had attracted a lot of adverse comments – providers had let candidates down and one provider had had its accreditation removed and had ceased trading leaving drivers without certificates;
- access to the VRQ/NVQ was still available via many providers and could be obtained at a cost of £150-£550
- the existing policy had been adopted with the proviso that should support funding change then the matter would be referred back to the Licensing and Regulatory Committee
- consultation with the Trade (respondents to the recent 'Demand Survey') had indicated that training was essential with typically 85%

of respondents stating it should be compulsory. Such training should include disability awareness and customer care

- licensing conditions should remain at all times reasonable and justified and not act as a barrier to the industry or indeed force experienced drivers out of the profession.

The Trading Standards Manager indicated the proposal that the policy be amended as follows:

- (a) compulsory VRQ for all new applicants
- (b) for drivers licensed prior to November 2008 who were currently compelled to complete an NVQ by 2012, the requirement be changed to read VRQ to be completed by 31 December 2015;
- (c) maintain the current route knowledge test condition
- (d) the NVQ remaining acceptable in lieu of or in addition to the VRQ

The Trading Standards Manager concluded by stating that the revised proposals sought to minimise the burden on the trade whilst allowing the Council to pursue its aim of 100% professionally qualified hackney carriage and private hire driver base, but that should funding sources be exhausted then the matter would be referred back to the Committee for consideration.

RESOLVED: That

- (1) the report be noted;
- (2) the Driver Training Policy be amended as follows:
 - (i) compulsory VRQ for all new applicants;
 - (ii) Drivers licensed prior to November 2008, who are currently compelled to complete an NVQ by 2013, the requirement be changed to read VRQ to be completed by 2015;
 - (iii) maintain the current route knowledge test condition;
 - (iv) the NVQ to remain acceptable in lieu of or in addition to the VRQ; and
- (3) the Environmental and Technical Services Director be requested to submit a further update on Driver Training in October 2011.

48. SAFE AND SECURE TOWN CENTRE AT NIGHT AUDIT - CROSBY VILLAGE

The Committee considered the report of the Environmental and Technical Services Director advising of the "Safe and Secure Town Centre at Night Audit of Crosby Village, a strategic intervention to assess the issues involved in alcohol-related violence and disorder in town centres at night;

LICENSING AND REGULATORY COMMITTEE- MONDAY 17TH
JANUARY, 2011

and indicating that a decision on this matter was required to obtain support from the Public Health Partnership for further town centre audits. The report had already been considered by the Cabinet Member - Environmental, the Cabinet Member - Communities and Crosby Area Committee.

The report indicated that the Audit had been carried out between November and December 2009 using a 'toolkit' that had been broken down into 13 categories; and summarised the findings from each category relating to:

- partnership working
- data and information sharing
- licensed premises
- policing strategies
- capable guardians and street welfare
- CCTV
- lighting
- underage drinking
- transport
- offenders and victims
- visual cues in the town centre
- fast food outlets
- access routes for space allocation

The report indicated that the findings of the audit provided stakeholders in the Crosby Night Time Economy with a structure for dealing with any remaining issues connected with alcohol related violence and disorder and would help to prioritise issues and take action to deal with them.

Attached as Annex 1 to the report was a copy of the "Safety and Secure Town Centres at Night Toolkit".

The report concluded by recommending the action required to be taken to satisfy the minimum standard for a safe and secure town centre.

The Legal Adviser asked that it be noted that contrary to the information contained in paragraph 11 "Category 4 - Policing Strategies" there was in fact a S.12 Designated Public Place Order in force in that area and it was this Order that provided the Police with the ability to ask the public to surrender containers they believed to contain alcohol.

Arising from discussion about the report, concern was expressed that the Police were not in attendance to respond to questions by Committee Members. The Committee Administrator indicated that Constable Steve Woods was on the Committee circulation list and had been notified about the meeting, but that he could not be obligated to attend.

The Senior Licensing Officer indicated that he would contact Constable Woods regarding his attendance at this and future meetings of the Licensing and Regulatory Committee.

RESOLVED: That:

- (1) the findings of the "Safe and Secure Town Centre at Night Audit of Crosby Village" be noted and further work be encouraged towards areas of potential improvement in the areas outlined in the report;
- (2) the Public Health Partnership Alcohol Strategy Group and the Alcohol Related Crime Sub-Group be requested to consider the recommendations in the Audit report; and
- (3) it be noted that contrary to the information contained in paragraph 11 "Category 4 - Policing Strategies", there was in fact a S.12 Designated Public Place Order in force in that area and it was this Order that provided the Police with the ability to ask the public to surrender containers they believed to contain alcohol.

49. SAFE AND SECURE TOWN CENTRE AT NIGHT AUDIT - SOUTH ROAD, WATERLOO

The Committee considered the report of the Environmental and Technical Services Director advising of the "Safe and Secure Town Centre at Night Audit of South Road, Waterloo; a strategic intervention to assess the issues involved in alcohol-related violence and disorder in town centres at night; and indicating that a decision on this matter was required to obtain support from the Public Health Partnership for further town centre audits. The report had already been considered by the Cabinet Member - Environmental, the Cabinet Member - Communities and Crosby Area Committee.

The report indicated that the Audit had been carried out between November and December 2009 using a 'toolkit' that had been broken down into 13 categories; and summarised the findings from each category relating to:

- partnership working
- data and information sharing
- licensed premises
- policing strategies
- capable guardians and street welfare
- CCTV
- lighting
- underage drinking
- transport
- offenders and victims
- visual cues in the town centre

LICENSING AND REGULATORY COMMITTEE- MONDAY 17TH
JANUARY, 2011

- fast food outlets
- access routes for space allocation

The report indicated that the findings of the audit provided stakeholders in the Waterloo Night Time Economy with a structure for dealing with any remaining issues connected with alcohol related violence and disorder and would help to prioritise issues and take action to deal with them.

Attached as Annex 1 to the report was a copy of the "Safety and Secure Town Centres at Night Toolkit".

The report concluded by recommending the action required to be taken to satisfy the minimum standard for a safe and secure town centre.

The Legal Adviser asked that it be noted that contrary to the information contained in paragraph 11 "Category 4 - Policing Strategies" there was in fact a S.12 Designated Public Place Order in force in that area and it was this Order that provided the Police with the ability to ask the public to surrender containers they believed to contain alcohol.

Arising from discussion about the report, concern was expressed that the Police were not in attendance to respond to questions by Committee Members. The Committee Administrator indicated that Constable Steve Woods was on the Committee circulation list and had been notified about the meeting, but that he could not be obligated to attend.

The Senior Licensing Officer indicated that he would contact Constable Woods regarding his attendance at this and future meetings of the Licensing and Regulatory Committee.

RESOLVED: That:

- (1) the findings of the "Safe and Secure Town Centre at Night Audit of South Road, Waterloo" be noted and further work be encouraged towards areas of potential improvement in the areas outlined in the report;
- (2) the Public Health Partnership Alcohol Strategy Group and the Alcohol Related Crime Sub-Group be requested to consider the recommendations in the Audit report; and
- (3) it be noted that contrary to the information contained in paragraph 11 "Category 4 - Policing Strategies" there was in fact a S.12 Designated Public Place Order in force in that area and it was this Order that provided the Police with the ability to ask the public to surrender containers they believed to contain alcohol.