

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON 25 OCTOBER 2010**

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

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

31. APOLOGIES FOR ABSENCE

No apologies for absence were received.

32. DECLARATIONS OF INTEREST

The following declaration of interest was received:

| Member | Minute No. | Interest | Action |
|-----------------|--|---|---|
| Councillor Carr | 36 – Half Year Update on Provision of the Taxi Licensing Facilities by Sefton Plus and the Enforcement Activities Carried out by the Taxi Licensing Enforcement Team | Personal – (i) Knowsley MBC taxi trade representative (ii) employed by Unite the Union as a Taxi NVQ Assessor in Knowsley | Remained in the room, took part in consideration of the item and voted thereon. |

33. MINUTES

RESOLVED:

That the Minutes of the meeting held on 27 September 2010 be confirmed as a correct record.

34. LOCAL LICENSING: PERFORMANCE REPORT 2010/11

Further to Minute No. 9 of the meeting held on 27 September 2010, the Committee considered the report of the Environmental and Technical

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Services Director on the programmed inspection regime for those premises licensed under the Licensing Act 2003 and the Gambling Act 2005.

The report indicated that under the Licensing Act 2003, 9 Category A (High Risk) and 85 Category B (Medium Risk) premises had been inspected between 1 April 2010 and 30 September 2010 and that further reports would be submitted updating the Committee on the results of these Inspection Visits.

The report indicated that, under the Gambling Act 2005, one Category A (High Risk) and three Category B (Medium Risk) premises had been inspected between 1 April 2010 and 30 September 2010 and that further reports would be submitted updating the Committee on the results of the Inspection Visits.

The report also indicated that the Licensing Unit had received and dealt with 496 Service Requests, representing a 20% increase over the 414 requests received during the equivalent 6 month period for 2009/2010; and that all of the requests were attended to within Departmental timescales.

The report concluded by indicating that 524 applications had been accepted for process under the Licensing Act 2003, representing a 5% increase for the same period during the previous year; 62 applications had been accepted for process under the Gambling Act 2005, representing a 35% increase for the same period during 2009/10; three Reviews had been held, compared to none in the previous year and 31 Licences had been issued representing a 24% increase on the previous year.

Arising from discussion, some Members queried the necessity for submitting Performance reports on a six monthly basis and wondered whether it would be sufficient for performance updates to be provided once a year only. The Assistant Director Environmental and Technical Services indicated that the 6 monthly Departmental Service Plan Performance Monitoring cycle was a corporate requirement for all service areas.

RESOLVED:

That the report and the continued submission of Performance Reports at half yearly intervals be noted.

**35. DRAFT REVISED STATEMENT OF LICENSING POLICY -
LICENSING ACT 2003**

Further to Minute No. 8 of the meeting held on 7 June 2010, the Committee considered the report of the Environmental and Technical Services Director on the revised Statement of Licensing Policy.

The report indicated that under the Licensing Act 2003, all Licensing Authorities were required to prepare and publish a 'Statement of

Principles' for exercising their functions under the Act every three years, the current Policy having come into force on 7 January 2008.

The report indicated that consultation on the Council's Licensing Policy Statement had taken place between 28 June 2010 and 19 September 2010.

A copy of the latest revised Licensing Policy Statement was attached at Annex 1 and details of the consultation exercise were attached at Annex 2 to the report.

Paragraphs 9, 10, 11 and 12 of the report detailed the amendments which had been made to the Policy both as a result of the consultation and also taking recent legislation changes into account.

Arising from the discussion the following issues were raised:

- whether the questioners listed in Annex 2 had received full responses to their questions; and
- the potential Government changes to the regulatory framework for the licensing of door staff and implications for the Council in the event of removal of the current requirement for all door staff to be Security Industry Authority (SIA) qualified/licensed. The Assistant Director Environmental and Technical Services indicated that the SIA licence ensured that private security operatives were 'fit and proper' persons properly trained and qualified to do their job and that the announced changes to the regulation of door supervisors would be kept under close scrutiny and any necessary changes to the Licensing Policy (or otherwise) would be brought to the Committee as required.

RESOLVED: That

- (1) The final draft of the revised Statement of Licensing Policy, attached at Annex 1 be approved; and
- (2) Council be recommended to approve the revised Statement of Licensing Policy, as attached at Annex 1, to come into force on 7 January 2011.

36. HALF YEAR UPDATE ON PROVISION OF THE TAXI LICENSING FACILITIES BY SEFTON PLUS AND THE ENFORCEMENT ACTIVITY CARRIED OUT BY THE TAXI LICENSING TEAM

Further to Minute No.7 of 5 July 2010, the Committee considered the report of the Environmental and Technical Services Director on the provision of hackney carriage and private hire trade licensing facilities provided by Sefton Plus and the enforcement activities of the Taxi Licensing Team from 1 April to 30 September 2010.

The report provided statistics on Taxi Licensing appointments, drop-ins and provision of the Knowledge Test at Bootle and Southport One-Stop Shops; the number of Licence applications processed compared with previous years and the Taxi Licensing Team Enforcement Statistics.

Arising from discussion the following issues were raised:

- the time wasted by One-Stop Shop appointments not being kept;
- the extremely poor Knowledge Test pass rates; and
- whether future reports should include statistics on garage tests on vehicles.

The Assistant Director Environmental and Technical Services indicated that the One-Stop Shop appointment system was presently being reviewed in respect of how it could best fit in with the modus operandi of taxi drivers; and that indeed, all matters pertinent to the Taxi Trade were kept under close review by members of the Hackney Carriage and Private Hire Trade Working Groups, which met on a three monthly basis together with Officers from the Taxi Licensing Section; and once a year (each January) with the Licensing and Regulatory Committee Chair and Spokespersons.

RESOLVED: That

- (1) the report be noted;
- (2) future reports on the provision of the taxi licensing facilities by Sefton Plus and the Enforcement Activity carried out by the Taxi Licensing Team, be submitted on a bi-annual basis;
- (3) the Environmental and Technical Services Director be requested to provide Members with possible reasons for the low pass rates of persons taking the Knowledge Test and circulate a typical example of a Knowledge Test to Members; and
- (4) the Environmental and Technical Services Director be requested to give consideration to the inclusion of the results of garage tests on hackney carriage and private hire vehicles in future reports.

**37. DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005:
PERIOD COVERING 11 SEPTEMBER 2010 TO 7 OCTOBER 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 11 September to 7 October 2010, the Environmental and Technical Services Director had received and determined: 2 applications for Gambling Premises Licences, 2 applications for Licensed Premises Automatic Gaming Permits and 2 applications for Club Machine Permits.

RESOLVED:

That the report and the fact that further update reports would be submitted, as necessary, be noted.

**38. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003:
PERIOD COVERING 11 SEPTEMBER 2010 TO 7 OCTOBER 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 11 September to 7 October 2010 the Environmental and Technical Services Director had received and determined: 27 applications for Premise Licences; 16 applications for Personal Licences; and 6 notifications of Temporary Event Notices.

RESOLVED:

That the report and the fact that further update reports would be submitted, as necessary, be noted.