

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 19 APRIL 2010**

PRESENT: Councillor Papworth (in the Chair)

Councillors Bradshaw, Fenton, Friel, Gustafson,
Hands, Mahon, Pearson, B Rimmer and
Sir Ron Watson

97. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bigley, Blackburn, Dodd, Kerrigan and D.Rimmer.

98. DECLARATIONS OF INTEREST

Member	Minute No	Interest	Action
Cllr Papworth	101- Determinations Made Under the Licensing Act 2003: Period Covering 6 February 2010 to 31 March 2010	Member of West Lancashire Golf Club	Took part in the consideration of the item.

99. MINUTES

RESOLVED:

That the Minutes of the meeting held on 22 February 2010 be confirmed as a correct record.

100. PUBLIC ENGAGEMENT AND CONSULTATION FRAMEWORK

The Committee received a presentation from the Consultation and Public Engagement Officer, Jayne Vincent, on the Public Engagement and Consultation Framework (PECF), which outlined Sefton Council's strategy to improve public engagement and involvement within Sefton.

Mrs Vincent outlined that the PECF consisted of two elements: the eight standards and a Consultation Panel, which had been developed in the context of the Local Government and Public Involvement in Health Act 2007 (The Act) and the Comprehensive Area Assessment 2009 (CAA 2009). The legislation outlined the requirement for local service providers to involve the public in the planning and development of local services, and the CAA 2009 required local authorities to know and understand

communities to ensure greater involvement of the public in the planning, development, prioritisation and evaluation of services and their impact.

Sefton Partnership had also developed eight standards to be followed to achieve greater public engagement namely:

- the way we wanted to speak with and listen to people was clearly defined;
- all local people who were likely to be affected or interested were identified;
- a public engagement and consultation plan was in place and was value for money;
- all relevant information was available in appropriate formats;
- all responses were recorded accurately;
- there was a clear plan for giving feedback on the results of the public engagement and consultation activity;
- the results of the public engagement and consultation activity had influenced policies and plans;
- the way that we had spoken with and listened to our communities had been assessed to see how effective it was

Once officers had identified issues on which to consult, and liaised with Sefton Equalities Team to assess the appropriateness and proportionality of the consultation, it was forwarded to the Consultation Panel. The Consultation Panel, consisting of representatives from Sefton Partnerships such as the NHS, the Council, Young People, Merseyside Police and Merseyside Fire and Rescue were convened bi-monthly to review, advise and quality-assure on the appropriateness and proportionality of planned consultations.

Following the presentation, Committee Members asked a variety of questions on: the Southport Cycle Path consultation process; the payment of youth representatives on the Consultation Panel; the engagement of local and ward councillors in the consultation process; and the appropriateness and proportionality of consultations.

RESOLVED:

That the presentation be noted and Mrs Vincent be thanked for her attendance.

**101. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003:
PERIOD COVERING 6 FEBRUARY 2010 TO 31 MARCH 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 6 February 2010 to 31 March 2010 the Environmental and Technical Services Director had received and determined: 49 applications for Premise Licences; 28 applications for Personal Licences; and 35 notifications of Temporary Event Notices.

RESOLVED:

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

**102. DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005:
PERIOD COVERING 6 FEBRUARY 2010 TO 31 MARCH 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 6 February 2010 to 31 March 2010, the Environmental and Technical Services Director had received and determined: 4 applications for licensed premises gaming permits; 10 applications for licensed premises automatic gaming; 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.

103. IMPOSITION OF NEW MANDATORY CONDITIONS IN RESPECT OF CERTAIN PREMISES LICENSED UNDER THE LICENSING ACT 2003

The Committee considered the report of the Environmental and Technical Services Director on Schedule 4 to the Policing and Crime Act 2009, which amended the Licensing Act 2003 and enabled the Secretary of State to introduce mandatory licence conditions relating to the supply of alcohol for all new and existing relevant premises licenses and club premises certificates.

Guidance issued by the Home Office was attached as a supplementary to the agenda.

RESOLVED: That

- (1) the report be noted; and
- (2) the Environmental and Technical Services Director be requested to distribute the Guidance issued by the Home Office on the Imposition of New Mandatory Conditions in Respect of Certain Premises Licensed Under the Licensing Act 2003 to all Councillors for information.

104. THE APPOINTMENT OF A CONSULTANT TO CARRY OUT THE HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Committee considered the report of the Environmental and Technical Services Director advising of the appointment of a consultant to undertake a survey regarding unmet demand in the hackney carriage trade.

The report indicated that, following consultation with the Finance Department, who had confirmed that the value of the contract was below the current tender threshold of £30,000, four specialist consultants were contacted and asked to submit a comprehensive estimate of the costs of carrying out the 2010 survey; that as a result, all four firms had submitted estimates; and that after due consideration it had been decided to appoint Halcrow Ltd. to carry out the 2010 hackney carriage unmet demand survey, at a cost of £20,376.00, on the basis that they provided the lowest price and also proposed the most comprehensive survey.

The report concluded by indicating that the survey would include:

- 1100 Person Public Attitude Survey (Face to Face)
- Rank / On Street Hails (Overt & Covert Observations)
- Queue simulation
- Comparison with other Local Authorities
- Consultation with interested parties
- Study fares / effect on demand
- Latent demand for Horse Omnibuses

- Study the effect Public Service Vehicles (PSV) / Private Hire Vehicles (PHV) on demand
- Inception Meeting
- Comparison of hackney carriage fares with PSV / PHV fares
- Consultation with all hackney carriage and private hire drivers (Postal Survey)
- Consultation with all hackney carriage and private hire operators, and Trade Representatives
- Consultation with Sefton Council's Access Officer and Disability Group Representatives.
- Consultation with Police
- Consultation with Local Chamber of Commerce, Clubs, Tourist Board, Students etc
- Monthly Progress Reports
- Data Analysis
- Multiple Copies of the final report and presentation to Elected Members; and
- A rank viability survey.

RESOLVED: That

- (1) the Environmental and Technical Services Director's decision to appoint Halcrow Ltd. as the consultant for the Hackney Carriage Unmet Demand Survey in Sefton 2010, subject to approval by the Vacancy Panel, be endorsed; and
- (2) the Environmental and Technical Services Director be requested to submit a report outlining the licensing regime on stretch limousines to the next appropriate meeting of the Committee.

105. RESTRUCTURE OF THE TAXI LICENSING ENFORCEMENT TEAM AND REDUCTION OF DRIVER LICENCE FEES

Further to Minute No 60 of the meeting held on 31 March 2008, the Committee considered the report of the Environmental and Technical Services Director on the restructure of the Taxi Licensing Enforcement Team and Reduction of Driver Licence Fees, and seeking approval for a temporary increase in the establishment of the Taxi Licensing Enforcement Team; the increases, detailed in the report, of the "Hackney Stands" budget; and the amendments, as detailed in the report, to the fees for Taxi Licensing.

The report indicated that the "Review of the Taxi Licensing Portfolio" had outlined a number of recommendations including the enhancement of "on-street" enforcement. This recommendation was introduced in April 2008 and had led to proactive risk-based intelligence-led enforcement exercises that allowed the service to target resources to areas of greatest need. However despite efforts to implement the recommendation to reduce the general level of fees and thus address the level of surpluses in the Taxi Licensing Trade account (the Account), the closing balance for the reserve

account in 2007/08 was £355,629. Efforts had been negated by a 15% surge in licence applications by the private trade operators, leading to a year-end balance of £469,668.60.

The Taxi trade had consistently requested an increase in the number of test purchasing operations, particularly during the hours of 11:00pm and 6:00am, and a reduction in the driver licence fees.

In order to tackle the Taxi Licensing Team's requirement for more staff to assist in enforcement duties and increased 'district' presence, and the legal requirement to reduce surpluses in the Taxi Licensing Trade account, it was proposed to restructure the Taxi Licensing Team and introduce a 25.9% reduction in hackney carriage and private hire driver licence fees and an 8% reduction in hackney carriage and private hire vehicle licence fees.

RESOLVED: That

- (1) the report be noted:
- (2) Cabinet be recommended to approve the temporary increase in establishment of the Taxi Licensing Enforcement Team;
- (3) Cabinet be recommended to approve the increase in the Hackney Stands budget; and
- (4) Cabinet be recommended to approve the Taxi Licensing Fees attached in Annex 1 of the report.