

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: Thursday 8th December 2005

**PRESENT: Councillor D Barnes (Vice-Chair in the Chair)
Councillors Alcroft, Atkinson, Entwistle, Neal, Nicholass,
Pilling, Sandiford, H Steen, and Unsworth**

**IN ATTENDANCE: S Chadwick, Licensing Manager
D Hamill, Licensing Enforcement Officer
S Harrison, Locum Solicitor
J Joinson, Democratic Services Manager**

ALSO PRESENT: 5 Members of the Public

APOLOGIES: Councillor L Barnes, Eaton, Huntbach and J Pawson

BUSINESS MATTERS

1. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 24th October 2005 be signed by the Chair as a correct record.

2. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

3. PUBLIC SPEAKING

A request was made on behalf of a member of the public, Ms Fishwick, to speak to the Committee on the matter of the licensing of Council owned premises and open spaces for public events. The Committee was reminded that a formal public speaking procedure had been agreed at its last meeting, which related to speaking on individual applications rather than a general right to speak about licensing issues.

The Committee agreed to let Ms Fishwick speak on an informal basis. She indicated that Overview and Scrutiny Committee (Audit and Performance Management) on 30th November 2005 had been informed that officers were looking into the licensing of Council owned venues for public events. She asked if the Licensing Committee could provide guidance to the public on how to hold such an event. The Licensing Manager indicated that the Licensing Authority would have to remain impartial. The Head of Street Scene and Liveability indicated that a Working Group of interested parties was being constituted to look into the matter. A report was due to be submitted to the Overview and Scrutiny Committee (Performance Development) on this matter in the New Year.

OPERATIONAL MATTERS

4. HACKNEY CARRIAGE FARES

The Committee considered a report of the Licensing Manager on an objection received following the publication of proposals to increase the Hackney Carriage fares. The Licensing Enforcement Officer outlined the content of the report, which included details of the proposed fare increases and an alternative proposal suggested by the objector, together with a copy of a letter of objection dated 8th October 2005.

The objector, Mrs A Kenyon, a taxi vehicle operator, was present at the meeting. She presented her objections to the Committee and her alternative proposal, which was based upon an increase of 10p for the first mile (from £2.20 to £2.30) and a 2p increase for each subsequent fifth of a mile (from 32p to 34p) ie, 10p extra for each subsequent mile. She expressed the view that the Council's proposals, which were based upon a fare of £2.30 for the first mile and 43p for each subsequent quarter of a mile ie, 12p extra for each subsequent mile, would lead to shorter journeys bearing a higher proportion of the fare increase. She expressed concern that the Council's proposal would particularly impact upon the elderly.

Mr Hamill indicated that consultations had taken place with the taxi trade in connection with the proposed change to increments of one quarter mile. No significant objections had been raised at the time.

Resolved:

To approve the proposals for the increase in Hackney Carriage fares submitted by the objector, as follows:-

First 1,609 meters (one mile) = £2.30
Subsequent 321.8 meters (fifth of a mile) = £34p.

5. SEX ESTABLISHMENTS

Members considered a report of the Licensing Manager on a review of the standard conditions and fees applicable to premises licensed under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, relating to sex establishments. The report contained details of the current standard conditions and fees and the proposed revisions. The Licensing Manager outlined the need to revise the standard conditions. The average fees charged across neighbouring authorities was £3,742.15. It was proposed in the report that the fees in Rossendale be increased from £1,600 to £1,750.

Resolved:

1. To approve the appointment of the Licensing Officers of the Licensing Unit as authorised officers of the Licensing Authority in respect of sex establishments;
2. To authorise the Licensing Manager to consult on the proposed revised standard conditions set out in the report;

3. To approve a revised application fee in the sum of £3,742; and
4. To approve the refunding of 50% of the application fee to the applicant, where an application is withdrawn prior to determination by Committee.

6. APPOINTMENT OF OFFICER OF THE LICENSING AUTHORITY

The Committee considered a report of the Licensing Manager concerning the delegation to the Licensing Manager of appropriate licensing functions under the Gaming Act 1968.

Under existing legislation, local authorities were responsible for authorising the use of Amusements with Prizes (AWP) machines in non alcohol licensed premises. With effect from 24th November 2005 the Licensing Act 2003 provided for local authorities to issue licenses for AWP machines in alcohol licensed premises.

It was proposed to appoint the Licensing Manger as the authorised officer of the Licensing Authority in order to deal with these applications. Approval to delegated authority for the Licensing Manager to deal with applications for no more than two machines without the need for a hearing, was also sought.

Resolved:

1. To approve the appointment of the Licensing Manger as the authorised officer of the Licensing Authority in order to deal with applications for Section 34 Gaming Permits; and
2. To approve the granting of delegated authority to the Licensing Manager to deal with applications for no more than two AWP machines without the need for a hearing.

7. EXCLUSION OF THE PUBLIC AND PRESS

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items as it was likely, in view of the nature of the business to be transacted, that if members of the public were present there would be disclosure to them of exempt information relating to:

Any particular applicant for, or recipient or former recipient of, any service provided by the authority (Paragraph 4 of Part 1 of schedule 12A to the Act).

CONFIDENTIAL OPERATIONAL MATTERS

8. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE – MR M. H.

The Chair welcomed the applicant, Mr M.H., and his representative, Mr M Siddique to the meeting. The Licensing Enforcement Officer then presented a report detailing the circumstances of the application for a Hackney Carriage Driver's Licence. The Licensing Enforcement Officer referred to an amendment

at paragraph 3 of page 34 of the report. Members and the applicant had the opportunity to question the Licensing Enforcement Officer.

The applicant and his representative made representations to the Committee. Members and the Licensing Enforcement Officer had the opportunity to question the applicant. Both parties were then asked to summarise their case.

Mr M.H., his representative and the Licensing Manager then retired from the room to enable the Committee to determine the application.

Resolved:

That the Hackney Carriage Driver's Licence for Mr M.H. be granted.

9. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE – MR A. S.

The Chair welcomed the applicant, Mr A.S., and his representative, Mr M Siddique to the meeting. The Licensing Enforcement Officer then presented a report detailing the circumstances of the application for a Hackney Carriage Driver's Licence. The Licensing Enforcement Officer referred to an amendment at paragraph 1.1 of page 44 of the report and paragraph 5 of page 45 . Members and the applicant had the opportunity to question the Licensing Enforcement Officer.

The applicant and his representative made representations to the Committee. Members and the Licensing Enforcement Officer had the opportunity to question the applicant. Both parties were then asked to summarise their case.

Mr A.S., his representative and the Licensing Manager then retired from the room to enable the Committee to determine the application. Following a discussion by Members, both parties were invited to return to provide additional information. They then retired from the meeting for a second time.

Resolved:

That the Hackney Carriage Driver's Licence for Mr M.H. be not granted, on the grounds that the applicant is not a fit and proper person due to the number and nature of the convictions listed in the report.

10. APPLICATION FOR REVOCATION OF HACKNEY CARRIAGE DRIVERS LICENCE – MR I.R.

The licence holder Mr I.R. was not in attendance.

The Licensing Enforcement Officer presented a report detailing the circumstances of the proposed revocation of a Hackney Carriage Driver's Licence. Members had the opportunity to question the Licensing Enforcement Officer, following which he summarised his case.

Resolved:

That the Hackney Carriage Driver's Licence for Mr I.R. be revoked, on the grounds that the applicant is not a fit and proper person due to the nature of the conviction identified in the report.

(The meeting commenced at 6.30pm and closed at 9.00pm)