

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

3 November 2022

PRESENT: - Councillors K Vickers (Chairman), P Vickers (Vice-Chair), S Armitage, P Clark, T Ellerby, T Mitchell, H Rowson, C Sherwood and L Yeadon.

The meeting was held in the Conference Room, Church Square House.

1899 **SUBSTITUTIONS** – Councillor L Yeadon substituted for Councillor H Rayner; and Councillor M Kirk sent his apologies.

1900 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** – The following member declared a personal interest –

Councillor S Armitage
Personal Licence Holder.

No lobbying was declared.

1901 **TO TAKE THE MINUTES OF THE MEETING OF THIS COMMITTEE AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** - That the minutes of the proceedings of this committee held on 22 September 2022 having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.

1902 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM THE MINUTES OF THE MEETINGS OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE – Resolved** - That the minutes of the meetings of the Licensing (Miscellaneous) Sub-Committee held on 8 September and 13 October 2022 be received.

1903 **DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY** – The Director: Governance and Communities informed the committee of a further report submitted by the Director: Economy and Environment following informal discussions on the rising of the Licensing (Miscellaneous) Sub-Committee on 13 October 2022, and their reservations about the prescriptive nature of the policy, particularly whether the requirement for CCTV to be installed in all Hackney Carriage Vehicles was proportionate and whether a threshold should be introduced for Private Hire Operators to have disabled access vehicles to be available as part of their fleet.

Members were therefore asked to discuss and agree the further amendments to the Council Policy before consultation commenced.

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A copy of the amended draft policy was appended to the report.

The committee entered a discussion on some of the changes to the policy.

Resolved – (a) That the Director: Economy and Environment undertake research liaising with other neighbouring authorities in relation to the installation of CCTV in Hackney Carriage Vehicles, and be revisited at a future committee, (b) that the threshold for Private Hire Operators to have disabled access vehicles available as part of their fleet be agreed, and (c) that the draft policy be agreed and consultation commence, subject to the amendments approved by members.

- 1904 **THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014** – The Director: Economy and Environment submitted a report advising the Committee of all decisions taken by Authorised Officers of the Licensing Department, in relation to licences, registrations, permits and consents, under the scheme of delegation.

The adoption of the Openness of Local Government Bodies Regulations in August 2014 changed the requirements placed on local authorities in regard to reporting decisions taken under delegated authority by officers.

Prior to the new regulations, officers were required only to produce a report on decisions taken under authority delegated to them under the executive powers.

The requirement had now been extended to all decisions, whether made by an officer or on behalf of another committee/sub-committee or joint committee, in which the council participated. This applied where the decision had been delegated to an officer, either under a specific delegation or under a general authorisation.

A summary of all decisions made by officers for licences, registrations, permits and consents issued between 20 August 2022 and 11 October 2022 was made available on the council's website.

Resolved – That the report be noted.

- 1905 **LEGISLATION UPDATE (IF ANY)** – The Director: Economy and Environment informed the Committee that two pieces of legislation had been extended to 2023. The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2022; and The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022.

New regulations extending the period during which licensed premises could benefit from an automatic permission to provide off-sales had been made. The original permission, granted under the Business and Planning Act 2020 lasted until September 2021 and was extended last year until 30 September 2022, but had now been extended again until 30 September 2023.

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Pavement licences had also been extended to September 2023. These ran alongside the Highways Authorisations already in place.

Resolved – That the information be noted.

- 1906 **APPEALS SUBMITTED TO MAGISTRATES COURT (IF ANY) –** The Director: Governance and Communities informed the Committee that no appeals against decisions of the Licensing (Activities) Sub-Committee or Licensing (Miscellaneous) Sub-Committee had been submitted to the Magistrates Court for consideration.
- 1907 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED – Resolved** – That the public be excluded from the meeting for consideration of the following item (Minute 1908 refers) on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
- 1908 **AUTHORISED OFFICER ENFORCEMENT REPORT –** The Director: Economy and Environment submitted a report advising the Committee of Enforcement carried out by Authorised Officers of the Licensing Division, in relation to licenses; registrations; permits and consents, under the scheme of delegation.

The aim of the Licensing Authority was to protect the safety and welfare of people using regulated businesses; to protect the welfare of animals and to provide support; to educate businesses and licence holders to help them to comply with the law; and to promote a fair-trading environment.

Having a broad range of powers available would mean that officers must select the appropriate response to the non-compliance issue. Considering the priorities as detailed in paragraph 6(1) of the Business Compliance and Support Policy, officers would also consider the severity of the infringement and the likelihood that a person would re-offend.

Enforcement could be carried out in many ways; for example by targeted enforcement following complaints and intelligence and another by proactive rolling programmed visits ensuring compliance with licensed premises.

Officers often worked outside normal office hours, either in pairs or in partnership with other agencies, such as the Police, Immigration and other Local Authority Enforcement Teams.

There were times when a complaint was made or following an investigation where the most appropriate action available was to do nothing. Where this was the case, officers would notify any complainant and inform the business or person who was being investigated.

All complaints were risk assessed to establish where resources were best

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placed and those areas which required targeting.

A summary of all enforcement carried out by Authorised Licensing Officers between 17 August 2022 and 17 October 2022 was attached to the report.

Resolved – That the report be noted.