

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

16 November 2023

PRESENT: - Councillors K Vickers (Chairman), P Vickers (Vice-Chair), N Ahmed, S Armitage, P Clark, T Ellerby, J Matthews, T Mitchell, H Rayner, H Rowson and C Sherwood.

The meeting was held in Room G01e/G02e, Church Square House.

2017 **SUBSTITUTIONS** – There were no substitutions at the meeting.

2018 **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 members declared a personal interest –

Councillor N Ahmed
Personal Licence Holder
Hackney Carriage Proprietor
HC/PH Drivers Licence Holder

Councillor S Armitage
Personal Licence Holder

No lobbying was declared.

2019 **TO TAKE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 15 JUNE 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** - That the minutes of the proceedings of this committee held on 15 June 2023 having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.

2020 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM THE MINUTES OF THE MEETINGS OF THE LICENSING (ACTIVITIES) SUB-COMMITTEE HELD ON 2 AUGUST, 25 AUGUST AND 8 SEPTEMBER 2023 – Resolved** - That the minutes of the meetings of the Licensing (Activities) Sub-Committee held on 2 August, 25 August and 8 September 2023 be received.

2021 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM THE MINUTES OF THE MEETINGS OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE HELD ON 20 JULY, 21 SEPTEMBER AND 28 SEPTEMBER 2023 – Resolved** - That the minutes of the meetings of the Licensing (Miscellaneous) Sub-Committee held on 20 July, 21 September and 28 September 2023 be received.

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2022 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY –** The Director: Communities submitted a report presenting the revised Hackney Carriage and Private Hire Licensing Policy following consultation with interested parties.

North Lincolnshire Council had a duty to protect the public and was authorised to carry out the statutory function of issuing Licences in relation to Hackney Carriage and Private Hire Drivers, Vehicles and Operators.

These Licences were issued in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

There was no legal requirement for the policy; however, it was considered good practice that such a policy be implemented. A policy had been in place since January 2011 and was last reviewed in September 2017.

A copy of the policy was appended to the report.

Consultation had been carried out and the trade were in agreement with the changes made.

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

Resolved – That the policy be approved, subject to the inclusion of the amendments agreed by members.

2023 **THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014 –** The Director: Communities 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 26 May 2023 and 5 November 2023 was made available on the council's website.

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Resolved – That the report be noted.

- 2024 **LEGISLATION UPDATE (IF ANY)** – The Director: Communities informed and updated the Committee on the legislation for the Live Music Act 2012. Details of the legislation was discussed, and the Director answered questions and clarified some areas.

Resolved – That the information be noted.

- 2025 **APPEALS SUBMITTED TO MAGISTRATES COURTS (IF ANY)** – The Director: Governance and Communities informed the Committee that there were no new appeals submitted against decisions of the Licensing (Activities) Sub-Committee or Licensing (Miscellaneous) Sub-Committee. The Committee were informed four appeals were currently awaiting consideration by the Magistrates which were scheduled for January/February 2024.

- 2026 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED** – There were no urgent items for consideration by the Committee.

- 2027 **AUTHORISED OFFICER ENFORCEMENT REPORT** – The Director: Communities 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.

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All complaints were risk assessed to establish where resources were best placed and those areas which required targeting.

A summary of all enforcement carried out by Authorised Licensing Officers between 25 May 2023 and 6 November 2023 was attached to the report.

Questions were raised by the Committee to which the Director: Communities responded.

Resolved – That the report be noted.