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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING COMMITTEE

22 September 2022

**PRESENT:** - K Vickers (Chairman), M Armiger, S Armitage, P Clark, T Ellerby, M Kirk, T Mitchell, N Poole, H Rayner and H Rowson.

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

1883 **SUBSTITUTIONS** – Councillor N Poole substituted for Councillor P Vickers; and Councillor M Armiger substituted for Councillor C Sherwood.

1884 **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 S Armitage  
Personal Licence Holder.

Councillor N Poole  
Personal Licence Holder

No lobbying was declared.

1885 **TO TAKE THE MINUTES OF THE SPECIAL MEETING OF THIS COMMITTEE HELD ON 15 JULY 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the proceedings of this committee held on 15 July 2022 having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.

1886 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM THE MINUTES OF THE MEETING OF THE LICENSING (ACTIVITIES) SUB-COMMITTEE HELD ON 7 JUNE 2022 – Resolved** - That the minutes of the meeting of the Licensing (Activities) Sub-Committee held on 7 June 2022 be received.

1887 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM MINUTES OF THE MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE HELD ON 30 JUNE 2022 – Resolved** - That the minutes of the meeting of the Licensing (Miscellaneous) Sub-Committee held on 30 June 2022 be received.

1888 **HACKNEY CARRIAGE AND PRIVATE HIRE FLEET - UPDATED POLICY –** The Director: Economy and Environment submitted a report presenting a revised draft of the Hackney Carriage and Private Hire Licensing Policy

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following changes to the policy as a whole. Consultation would be carried out on the draft policy and a further report would be presented to the committee following the said consultation.

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 draft policy was appended to the report.

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

**Resolved** – (a) That the draft policy be agreed, subject to the inclusion of the amendments approved by members; (b) that the amended policy be circulated to relevant stakeholders for comment, and (c) that any responses received during the consultation period be considered by the committee.

1889 **THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATION 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 July 2021 and 19 August 2022 was made available on the council's website.

**Resolved** – That the report be noted.

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1890 **APPEALS SUBMITTED TO THE MAGISTRATES COURT (IF ANY)** – The Director: Governance and Communities informed the sub-committee of an appeal which was received for the refusal of a Private Hire Vehicle Drivers licence of a decision made by the Licensing (Miscellaneous) Sub-Committee. This was listed to be heard by the Magistrates Court in November 2022.

**Resolved** – That the position be noted.

1891 **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 1892 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).

1892 **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 placed and those areas which required targeting.

A summary of all enforcement carried out by Authorised Licensing Officers between 1 May 2022 and 16 August 2022 was attached to the report.

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Questions were raised by the Chairman to which the Director: Economy and Environment responded.

**Resolved** – That the report be noted.