

Time commenced : 6.00pm
Time finished : 6.35pm

**LICENSING AND APPEALS COMMITTEE
6 JULY 2004**

Present: Councillor Brown (in the Chair)
Councillors Bolton, Berry, Hussain, Jackman, Jackson, Liversedge,
MacDonald, Redfern, Rehman and Richards.

02/04 Apologies for Absence

An apology for absence was received from Councillor Jones.

03/04 Minutes of Previous Meetings

The minutes of the meeting held on 4 May 2004 were approved as a correct record and signed by the Chair.

04/04 Late Items to be Introduced by the Chair

There were no late items.

05/04 Declarations of Interest

There were no declarations of interest.

06/04 Taxi Licensing Section – Additional Staffing Requirements

The Committee considered a report from the Director of Corporate Services that requested approval of an increase in the number of full time equivalent Licensing Officer posts within the Taxi Licensing Section from 2.0 – 2.6.

Resolved to defer the item at the request of the Assistant Director – Environmental Health and Trading Standards due to concerns raised from the Finance Department regarding funding for the additional staff.

07/04 Taxi Licensing Review – Action Plan Timetable

The Committee considered a report from the Director of Corporate Services that detailed amended target dates to the Action Plan timetable for the Taxi Licensing Review.

Resolved to defer decision on the item due to the potential knock-on effect from additional staffing, that was deferred in the

previous item.

08/04 Liquor Licensing Update

The Committee considered a report from the Director of Corporate Services that set out updated information for the implementation of the new liquor licensing regime. Michael Kay reported that the guidance for the new liquor licensing had still not been formally improved, hence the delay in the implementation. Before consultation could begin, the draft policy would have to be approved by full Council. All approval and consultation would need to be carried out before the first appointed date that was anticipated to be in February 2005, following this, the second appointed date would be nine months on in November 2005. It was reported that it had been suggested in the Liquor Licensing Guidance that a Licensing Panel, which would consist of three members of the Licensing and Appeals Committee, would determine Liquor Licensing applications. It was noted that the guidance was due to be published during week commencing 5 July 2004, from DCMS.

As part of the implementation process, a member training session had been provisionally booked for 23 November 2004. The training would be for members of the Licensing and Appeals Committee and would be designed to give members the information required when considering applications under the new requirements. Councillor Redfern suggested that a special meeting or a session should be organised, in addition to member training, to provide specific detail of the guidance.

Resolved

To note the updated information for the implementation of the new Liquor Licensing regime.

09/04 Unlicensed Public Entertainment Prosecution

The Committee considered a report from the Director of Corporate Services that set out information relating to the successful prosecution of the licensee from the Dog and Partridge, Bedford Street, Derby. It was reported that during November and December 2003, Officers from the Council's Licensing Team, carried out covert observations that identified unlicensed public entertainment taking place at the Dog and Partridge public house on Bedford Street in Derby. It was noted that the Licensee had previously been sent written warnings on several occasions about holding unlicensed entertainment on premises, but had continued to do so. It was confirmed that the licensee was fined £1,500 for the first offence and £2,500 for second offence and had been ordered to pay the Council's prosecution cost of £575.

As the prosecution was reported in the local media, it was hoped that it

would act as a deterrent to other people from holding unlicensed entertainments and send a positive message to those who had obtained a licence legally.

Councillor Berry asked how the visits were carried out. Michael Kay responded that members of the public/other licensees often ring in to complain or Licensing Officers will look through the Derby Evening Telegraph for entertainment adverts. Officers would then do a “drive past”, to see if what was being advertised was taking place. Andrew Hopkin, Assistant Director – Environmental Health and Trading Standards, would then give officers authorisation to visit the premises covertly.

There was a discussion regarding the relationship between Taxi Licensing prosecution and Entertainment Licensing prosecution should be registered.

Councillor Jackman considered that it would be helpful to see how many warning letters were issued in a specified time period to unlicensed properties.

Resolved to note the successful prosecution of the licensee from the Dog and Partridge, Bedford Street, Derby.

10/04 Hackney Carriage and Private Hire Drivers' Licence Applications

The Committee considered a report from the Director of Corporate Services that set out a request to approve applications for Hackney Carriage and Private Hire Drivers' Licenses where all relevant previous convictions were over ten years old. It was reported that under current regulations, all new applicants for a Hackney Carriage or Private Hire Drivers' Licence were required to have a criminal record check by the Criminal Records Bureau. Where no previous convictions were reported or an applicant had only minor motoring convictions, 6 points or less on a driving licence, the Director of Corporate Services had delegated authority to approve an application without it going to Committee. More serious convictions, reported by the CRB (or by the applicant), the application had to be considered by the Council's Licensing Sub Committee A.

It was proposed that in cases where criminal / driving convictions were more than ten years old, the Assistant Director – Environmental Health and Trading Standards should be authorised to approve the application, except for reasons including:

- where the applicant has a conviction for an indictable only offence
- where the applicant has a conviction for a serious sexual offence

- where the convictions are all more than ten years old and fall outside of the above but was felt that circumstance justified refusal.

These exceptions would mean that the application would be referred to the Licensing Sub Committee A for consideration.

Resolved to authorise the Assistant Director – Environmental Health and Trading Standards, to approve applications for Hackney Carriage and Private Hire Drivers’ Licences where all relevant previous convictions are over ten years old.

Chair of the next ensuing meeting
at which these minutes were signed