

# LICENSING COMMITTEE AGENDA



**Wednesday 15<sup>th</sup> March 2006**

**at 10.00 am**

**in Committee Room B**

**MEMBERS: LICENSING COMMITTEE:**

Councillors Cambridge, Cook, Flintoff, Griffin, Hall, Jackson, Kaiser, Lilley, Morris, Rayner, Richardson, Rogan, Tumilty, Wallace and Worthy

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To confirm the minutes of the meeting of the Licensing Act Committee held on 25<sup>th</sup> January 2006 and the Licensing Committee held on 15<sup>th</sup> February 2006.

**4. ITEMS REQUIRING DECISION**

- 4.1 Application for Street Trading Consent – Red Gap Farm Lay-By – Head of Public Protection and Housing  
4.2 Licensing Committee: Terms of Reference and Establishment of Sub Committee – Assistant Chief Executive

**5. ITEMS FOR INFORMATION**

None.

**6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985”.

### **6. ITEMS REQUIRING DECISION**

None.

### **7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **LICENSING ACT COMMITTEE**

### **MINUTES AND DECISION RECORD**

25<sup>th</sup> January, 2006

#### **Present:**

Councillor Dr George Morris (In the Chair)

Councillors: Rob Cook, Sheila Griffin, Gerard Hall, Geoff Lilley, George Morris, Carl Richardson and Victor Tumilty.

Officers: Lisa Anderson, Research Officer  
Liz Crookston, Principal Strategy and Research Officer  
Ian Harrison, Principal Licensing Officer  
Ralph Harrison, Head of Public Protection and Housing  
Angela Hunter, Principal Democratic Services Officer  
Tony MacNab, Solicitor  
Pat Watson, Democratic Services Officer

Research Consultant's Representative:  
Dr Rick Brown (Evidence Led Solutions)

Police Representatives present:  
Marie Nevison, Police Solicitor  
Paul Hanson, Licensing Officer  
Tony Green (Acting Inspector)

#### **34. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Cambridge, Flintoff, Kaiser, Rayner, Rogan and Worthy

#### **35. Declarations of interest by Members**

There were no declarations of interest.

#### **36. Minutes of Previous Meeting**

The minutes of the meeting held on 12<sup>th</sup> October 2005 were confirmed.

### **37. Matters arising following implementation of Licensing Act 2003** *(Head of Public Protection and Housing)*

#### **Purpose of report**

To provide Members with an opportunity to discuss issues that may have arisen following the implementation of the Licensing Act 2003.

#### **Issue(s) considered by the Committee**

Members were reminded that the Licensing Act 2003 had taken full effect on 24<sup>th</sup> November 2005 and provided licensees with the opportunity to apply for longer opening hours with increased flexibility to offer entertainment such as music, singing and dancing. The Act also provided local authorities and the Police with additional powers to control those premises that are not contributing to the Act's four licensing objectives, which are as follows:

- Prevention of crime and disorder;
- Public Safety;
- Prevention of public nuisance; and
- Protection of children from harm.

The Head of Public Protection and Housing advised that his Officers had visited twenty six (26) premises to ascertain whether the conditions imposed were being adhered to. Four (4) complaints had been received following the implementation date relating to Licensing Act matters. One related to an unsubstantiated complaint of drinking after the closing hour. A similar complaint is subject to consideration by the police as a possible prosecution and review of the licence. Two complaints related to noise emissions from alleged unlicensed activities in the premises, one of which had been resolved and the other was subject to ongoing investigations.

Activities in regard to underage sales from off licences had been increased and seventeen (17) premises had been visited with volunteer children since November 2005. As a result, prosecution files were being prepared in regard to three (3) alleged sales to underage children.

There were five (5) outstanding appeals against decisions made by Licensing Sub-Committees.

A Member commented that one of the premises had not put the appropriate conditions in place but he was happy that Officers had acted quickly and efficiently to rectify the situation. The Member felt it was important that the Council are seen to enforce conditions.

A Member commented that the members of the sub-committees had worked hard in carrying out their role but had sometimes received criticism in relation to the decisions made.

**Decision**

Members noted the report.

**38. Night Time in Hartlepool Town Centre – Citizen's Panel Results** *(Assistant Chief Executive)*

**Purpose of report**

To inform the Committee of the results of consultation carried out relating to night time economy in Hartlepool town centre and extended opening hours, through a 'Special' phase of Viewpoint, Hartlepool Borough Council's Citizen's Panel. The phase had been distributed in July 2005.

**Issue(s) considered by the Committee**

The report contained background information, indicated the number and percentage of responses and gave a summary of the main results. The Special Edition Viewpoint Survey Results Night Time in Hartlepool Town Centre Report was circulated as an appendix to the report.

The Committee were advised that a similar report had recently been made to the Finance and Performance Management Portfolio Holder and he had requested that the results be reported to this Committee. The Head of Public Protection and Housing advised that the Viewpoint Survey results formed part of the package of information referred to in the next report on the Agenda which would be the subject of a presentation.

**Decision**

Members noted the report.

**39. Research into Night-time Economy in Hartlepool** *(Head of Public Protection and Housing)*

**Purpose of report**

To advise Members of the outcome of a research project recently carried out examining the night-time economy in Hartlepool.

**Issue(s) considered by the Committee**

Members were reminded that on 16<sup>th</sup> December 2004 Council had resolved that research should commence examining the late night town centre activities in Hartlepool. The purpose of the research was to provide a benchmark against which the effects of the Licensing Act 2003 could be measured.

## 3.1

The Head of Public Protection and Housing indicated that the results of the research would be used by the Council to help evaluate whether the implementation of the Licensing Act 2003 had had a positive or negative effect on actual and perceived crime and disorder in the town centre area

A research consultant had been appointed in January 2005 and the project had included an analysis of crime and disorder statistics for the town centre area, observation of the drinking circuit, traffic usage and traffic flow, interviews with licensees, a postal questionnaire in 1000 town centre homes and data received through a special Viewpoint survey.

The project report had been completed in November 2005 and its results were attached as an appendix to the report. The author of the report, Dr Rick Brown, was in attendance at the meeting and gave a summary by way of power-point presentation.

The recommendations of the report were divided into three main categories, under the headings below; full descriptions were included in the report:

### **Environment:**

“Hartlepool town centre would benefit from a number of environmental improvements, that would foster the night-time economy:

- Fix street lighting on Church Street;
- Cut back trees on Church Street;
- Remove brick planters on Church Street;
- Prevent glasses and bottles from leaving pubs and clubs;
- Consider late night street cleaning.”

### **Facilities**

“Hartlepool would benefit from a number of enhanced facilities, including the following:

- Introduce public toilets;
- Increase the number of taxis available.”

### **Licensing**

“Where licensing arrangements are concerned, we would recommend encouraging the use of Church Street as a later night venue, primarily because of the lack of resident population to be annoyed by the noise and rowdiness caused by the night time economy.”

Following the presentation the following comments / questions arose:

### 3.1

- **Taxis / Hackney Carriages** - A Member suggested that Hackney Carriage /Taxi firms be approached to see if more drivers would be prepared to work later at night. The Licensing Manager indicated that he was currently liaising with taxi companies and drivers on solutions and/or initiatives to try to get more drivers out, ie increased fares or safety pod use. At one of his regular meetings he had asked the question but most had said it was not worth it.
- **Door staff** – A Member mentioned reports of regular incidents where door staff are said to be over-zealous and use physical violence. He asked if door staff had to undergo checks before being employed. The Police Licensing Officer advised that the Government had introduced a scheme for door staff training etc. He indicated that when he had first become Licensing Officer in August 1999 this issue was one of the first he had dealt with. Some 'nasty' characters had been removed and the general trend now is that they are improving. In relation to rumours about bad door staff, Acting Inspector Green said that in his experience from licensing patrols door staff are generally helpful and supportive and they like to see the police out in the area – bad door staff are in the minority. The Licensing Officer advised that door staff companies (about six) deal with any problems raised by the Police and the S I A (SIA) would deal with any complaints. A Member commented that he had noticed higher Police presence in the Victoria Road area. He knew of door staff incidents and said that Newcastle door staff acted in a better manner and seemed more helpful. The Member indicated that he would like assurance from the Police that there is regular monitoring of new staff. The Licensing Officer advised that they do have to undergo Police Checks and, he understood, provide references and Inspector Green indicated that there was a good working relationship in place.
- **Conditions imposed** –Licensed premises have to abide by conditions – some have more than others imposed. A Member asked if the Police were confident that imposing conditions helps. The Police Licensing Officer replied yes and said the new Act gives Police more power to step in.
- **Glass and Bottles brought onto street** – Acting Inspector Green advised that this was a problem area that had been recognised – Door staff had been made aware of the situation and were now more vigilant in stopping people bringing glasses and bottles out of premises. He indicated that some arrests had been made.
- **Lack of public toilets** A Member expressed concern about litter and crime and disorder but felt the most important problem areas was the lack of public toilets. He felt that the local authority had a moral duty to put some in place. Another Member agreed the need more public toilets but not to be open at night as this could cause more problems. Members were advised that a report was being compiled and would go to the relevant Portfolio Holder soon.
- **Change in pattern since Licensing Act 2003 implemented** – Acting Inspector Tony Green advised that since November there

### 3.1

have been around 100 incidents. The situation had changed since the investigation reported upon in the presentation. Some licensed premises were now open until 4am. Evidence gatherers have been out and on the first weekend drinkers would probably have stayed for a couple of hours after 4am if they could have. The new closing times had led to taxi problems. On Friday and Saturday Church Street area was the busiest and on Sunday the Victoria Road area. He said there is an element of risk management and different types of people in each area. The Licensing Officer felt that the Summer months would show a clearer pattern of any change.

The Chairman thanked Dr Rick Brown for his presentation and the Police and Members for their input.

#### **Decision**

The report and presentation were noted and officers were asked to note Members comments.

GEORGE MORRIS

CHAIRMAN



# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

**15<sup>th</sup> February 2006**

**Present:**

Councillor George Morris (In the Chair)

Councillors: Sheila Griffin, Gerard Hall, Pat Rayner and Victor Tumilty

Officers: Ralph Harrison, Head of Public Protection & Housing  
Ian Harrison, Principal Licensing Officer  
Tony MacNab, Solicitor  
Angela Hunter, Principal Democratic Services Officer

### **44. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Rob Cook, Peter Jackson and Stan Kaiser.

### **45. Declarations of Interest by Members**

Councillor Victor Tumilty declared a personal and non-prejudicial interest in item 4.1 of the agenda (minute 47 refers).

### **46. Confirmation of the minutes of the meeting held on 7<sup>th</sup> December 2006 and matters arising.**

The minutes were confirmed with the following matters arising.

Minute 39 – Mr McKinley had appealed against the Committee's decision taken on 7<sup>th</sup> December to revoke his Hackney Carriage Driver Licence. The appeal was heard by the Magistrate's Court last week and was dismissed.

Minute 40 – Mr Rutherford had appealed against the Committee's decision taken on 7<sup>th</sup> December to refuse his application for a Hackney Carriage Driver's Licence. Mr Rutherford had since been prosecuted and fined due to

the incident reported to that meeting. Mr Rutherford's appeal was heard last week by the Magistrate's Court and was dismissed.

#### **47. Meeting with Hackney Carriage/Private Hire Vehicle Owners Working Group** *(Head of Public Protection and Housing)*

##### **Purpose of report**

To advise Members of a meeting arranged with members of the Hackney Carriage/Private Hire Vehicle Owners Working Group.

##### **Issue(s) considered by the Committee**

Members of the Hackney Carriage/Private Hire Vehicle Owners Working Group were invited to the Committee to discuss the following issues raised by the Department for Transport's draft best practice guidance for taxi licensing authorities:

- Driver qualifications in customer care
- Smoking in taxis
- Dress code
- Driver courtesy

Members of the Working Group indicated that there was a shortage of drivers and enforcing qualifications in customer care would only exacerbate this problem. The taxi trade as a whole did not wish to employ anyone who lacked customer care skills and encouraged all their drivers to be courteous to their passengers at all times. If there were any complaints received resulting from a lack of customer care, they would be dealt with immediately, either by the employing taxi firm or by forwarding the details to the Licensing Section depending on the severity of the complaint.

The sounding of horns at night-time was a concern of Members. Members of the Working Group indicated that the majority of taxi drivers would not sound their horn. Although in some instances, ie blocks of flats, drivers were reluctant to leave their vehicles and walk around with their money bag for security reasons.

The Principal Licensing Officer reported that although drivers should not refuse a passenger because they smoke, every effort should be made to encourage non-smoking in taxis. The Working Group indicated that current policy across the taxi trade was for the driver to ask the passenger's permission if they wished to smoke. The Head of Public Protection and Housing indicated that there were free 'No Smoking' stickers available from

the Public Protection and Housing Division for drivers to place in their cars to encourage non-smoking.

The Working Group indicated that they always encouraged their drivers to dress in smart/casual clothes. The Principal Licensing Officer indicated that there had been issues in the past of a minority of drivers being inappropriately dressed, ie shorts or topless. Although Members acknowledged that the requirements for a dress code were decreasing across all professions, it was agreed that extremes should be avoided.

The Working Group assured the Committee that the newly formed Hartlepool Independent Taxi Drivers' Association would ensure that all the above points were monitored on a regular basis and reported back to the Licensing Section if necessary. Members understood that the negative issues raised within this discussion were instigated by only a minority of drivers.

### **Decision**

Members noted the discussion.

## **48. Local Government (Access to Information) Act 1985**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985.

Minute 49 – Hackney Carriage Drivers' Licence (GTA) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 50 – Hackney Carriage Driver's Licence (DGB) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 51 – Hackney Carriage Driver (IH) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 52 - Hackney Carriage Drivers' Licence (TT) - (Para 7 - Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 53 – Hackney Carriage and Private Hire Drivers' Licence (DCT) - (Para 7 - Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 54 - Hackney Carriage Drivers' Licence (RW) - (Para 7 Information relating to the financial or business affairs of a particular person (other than the Council)).

**49. Hackney Carriage Drivers' Licence (GTA) – Head of Public Protection and Housing**

**Purpose of Report**

Members were asked to consider an application for a Hackney Carriage Drivers Licence.

**Decision**

That the application be granted and the applicant was reminded of their duty to the public.

**50. Hackney Carriage Drivers' Licence (DGB) – Head of Public Protection and Housing**

**Purpose of Report**

Members were asked to consider an application for a Hackney Carriage Drivers' Licence.

**Decision**

That the application be granted and the applicant was reminded of their duty to the public.

**51. Hackney Carriage Driver (IH) – Head of Public Protection and Housing**

**Purpose of Report**

Members were asked to consider what, if any, action should be taken against a licensed Hackney Carriage Driver.

**Decision**

That no action be taken against IH for the reasons set out in the confidential section of the minutes.

**52. Hackney Carriage Drivers Licence (TT) – Head of Public Protection and Housing**

**Purpose of Report**

Members were asked to consider an application for a Hackney Carriage Drivers Licence.

**Decision**

That the application be granted and the applicant was reminded of their duty to the public.

**53. Hackney Carriage and Private Hire Drivers Licence (DCT) – Head of Public Protection and Housing**

**Purpose of Report**

Members were asked to consider an application for a Hackney Carriage and Private Hire Drivers' Licence.

**Decision**

That the application be held in abeyance and deferred indefinitely.

**54. Hackney Carriage Drivers Licence (RW) – Head of Public Protection and Housing**

**Purpose of Report**

Members were asked to consider an application for a Hackney Carriage Drivers' Licence.

**Decision**

That the application be granted and the applicant was reminded of their duty to the public.

GEORGE MORRIS

CHAIRMAN

**Report of:** Head of Public Protection and Housing

**Subject:** APPLICATION FOR STREET TRADING CONSENT –  
RED GAP FARM LAY-BY

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## **1. PURPOSE OF REPORT**

- 1.1 To consider an application for a Street Trading Consent for the A19 northbound lay-by near to Red Gap farm.

## **2. DETAILS OF APPLICATION**

Applicant: Mr Gary Masterman  
17 Greylands Avenue  
Norton  
Stockton

Location details: A19 Northbound lay-by, near to Red Gap Farm

Permissions requested: - Hot sandwiches and drink

Times requested: - Monday – Friday 0730 until 1400  
Saturday 0730 until 1200

## **2. BACKGROUND**

- 2.1 On 2<sup>nd</sup> March 2005 it was resolved that parts of the Local Government (Miscellaneous Provisions) Act 1982 be adopted to have the effect of requiring permissions to be obtained for street trading in Hartlepool.
- 2.2 Anyone wishing to trade from any street in Hartlepool, except a prohibited street, is required to obtain from the Council a Street Trading Licence or a Street Trading Consent.
- 2.3 An application for a Street Trading Consent has been received from Mr Gary Masterman concerning a proposed trading site at the A19 northbound lay-by near to Red Gap farm.
- 2.4 Mr Masterman claims to have traded from this site since 1982 but, until the adoption of street trading controls in Hartlepool last year, no trading permit has previously been required.

- 2.5 Following a consultation period, objections have been received to the application from the Highways Agency (**Appendix I**) and Cleveland Police (**Appendix II**).

### 3. ISSUES

- 3.1 Both objections relate to the proposal by the Highways Agency to introduce a Traffic Regulation Order (TRO) to restrict waiting in this lay-by. The effect of this would be to alter the layout of the area, narrowing the road and effectively meaning that the lay-by would become an access road to the farm and neighbouring properties only.
- 3.2 The Police have indicated that if the TRO were to go ahead, and the road be narrowed, any parked vehicle would effectively be obstructing the highway. The Police objection states that 'in view of the proposed alterations it is the view of the Police that it would be both dangerous and obstructive to park a vehicle in this location once the alterations have been carried out'.
- 3.3 The Highways Agency have stated that trading from the proposed area would 'be likely to increase the number of vehicles in the lay-by that will be subject to the TRO'.
- 3.4 Mr Masterman has advised that in 2002 action was taken against him by the Highways Agency for a breach of a 'clearway order' concerning his trading in this lay-by. Mr Masterman maintains that this action was subsequently dropped by the Crown Prosecution Service as it was not in the public interest.
- 3.5 Mr Masterman is aware that a TRO is being considered for this area but has indicated that he would still wish for his application to be considered.
- 3.6 Should a Street Trading Consent be granted, Mr Masterman will be able to apply for a partial refund of the Consent fee if the TRO is introduced and he is forced to leave.
- 3.7 It is understood that both the Highways Agency and the Police have powers available to them to move Mr Masterman from his current trading site and Members may wish to consider why such powers have not been exercised.
- 3.8 As both objections relate to the expected introduction of a TRO and not to Mr Masterman's current trading arrangements, for which no enforcement action has previously been taken, Members may wish to consider whether a Street Trading Consent should be granted until such time as the TRO comes into force.



**4. RECOMMENDATIONS**

- 4.1 That Members approve the application for a Street Trading Consent, subject to Mr Masterman being advised that such a Consent may be withdrawn following the implementation of a Traffic Regulation Order for the site.

## Appendix I

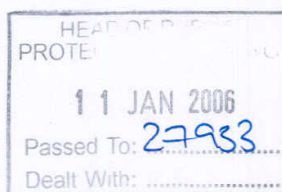
Safe roads, Reliable journeys, Informed travellers



Our ref: NZ 442 295  
Your ref: DB/NP/STC028

9 East  
City House  
New Station Street  
Leeds LS1 4UR

Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY



Direct Line: 0113 283 5497

Fax: 0113 283 5367

9 January 2006

For the attention of Dave Barnfather

Dear Dave

**A19 APPLICATION FOR STREET TRADING RED GAP FARM LAYBY**

I refer to your recent consultation regarding the above application.

Further to my previous letter regarding the above application I have had discussions with colleagues responsible for the maintenance of this section of the A19. There are proposals to introduce a Traffic Regulation Order (TRO) to restrict waiting in the layby at the above location. This proposal has been discussed with representatives of Cleveland Police who are in support of the proposed TRO. Cleveland Police would then undertake enforcement of the waiting restrictions following the implementation of the TRO.

The proposed development would therefore be likely to increase the number of waiting vehicles in the layby that will be the subject of a TRO to restrict waiting and the Highways Agency would therefore object to the proposal. The Highways Agency does not retain powers to direct refusal in these matters, however our recommendation with respect to the application would be one of refusal.

I trust that this will enable you to prepare a response, however should you require any further information please do not hesitate to contact me.

Yours sincerely

Robert Rodger  
Development Control  
NS (NE)  
Email: robert.rodger@highways.gsi.gov.uk

*11/1 Rang R.R and requested  
some timescale for the  
proposed TRO also any  
powers the H.A currently  
have to move on this  
trade.*

## Appendix II



"HANSON, Paul"  
 <Paul.Hanson@cleveland.pnn.police.uk>  
 15/12/05 11:56

To <Licensing@hartlepool.gov.uk>  
 cc "BEARD, Michael"  
 <Michael.Beard@cleveland.pnn.police.uk>  
 bcc  
 Subject RE: Street Trading - Gary Masterman (STC028)

Dave,

The police are aware that the Highways Agency have plans to radically and substantially alter the layout of the lay-by in question, effectively resulting in it no longer being a lay-by. It is proposed to narrow the carriageway into a single lane and the parking of any vehicle there would obstruct access to Red Gap Farm and onward access to the A19 Northbound carriageway.

The granting of any permission to trade at this location would ultimately result in what amounts to the wilful obstruction of the highway. If there were no concerns about the safety and legality of placing a vehicle at this location the police might view the application differently, however, in view of the proposed alterations it is the view of the police that it would be both dangerous and obstructive to park a vehicle in this location once the alterations have been carried out. It may also lead to unnecessary complications should Mr Masterman lodge an objection to the proposed development on the grounds that they would adversely affect his livelihood.

The police would wish to object to the grant of this application for street trading on the above grounds.

Paul Hanson.  
 Licensing.  
 Hartlepool.

*20/12/05 - Rang Paul and requested he confirm if the Police have any statutory power to remove applicant.*

-----Original Message-----

**From:** Nicola.Purdy@hartlepool.gov.uk [mailto:Nicola.Purdy@hartlepool.gov.uk] **On Behalf Of** Licensing@hartlepool.gov.uk  
**Sent:** 15 December 2005 11:29  
**To:** HANSON, Paul; ROSS, James; Peter.Frost@hartlepool.gov.uk; Philip.Hepburn@hartlepool.gov.uk; Jane.Kett@hartlepool.gov.uk  
**Cc:** Karen.Oliver@hartlepool.gov.uk  
**Subject:** Street Trading - Gary Masterman (STC028)

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Any problems, please contact infosys@hartlepool.gov.uk

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**Local Government (Miscellaneous provisions) Act 1982**  
**Application for Street Trading - Gary Masterman (STC028) Layby 1 mile North of Hartlepool (turn off on A19, adjacent to Red Gap Farm)**

**Report of:** ASSISTANT CHIEF EXECUTIVE

**Subject:** Licensing Committee: Terms of Reference and Establishment of Sub Committee

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**1. PURPOSE OF REPORT**

- 1.1 To outline the new terms of reference for the new Licensing Committee following its establishment by Council on 16 February 2006, and
- 1.2 To seek appointments to a new sub committee to deal with Hackney Carriage and Private Hire licences.

**2. BACKGROUND**

- 2.1 Council at its meeting on 16 December 2004 (Minute No. 99 refers), in line with the recommendations of the Constitution Committee, established the Licensing Act Committee to undertake the duties placed upon the Council by the Licensing Act 2003. At that time Constitution Committee also requested that the situation be reviewed after six months.
- 2.2 The operation of the Licensing Act Committee has subsequently been reviewed by the Constitution Committee and the amalgamation of the roles of the two committees (Licensing and Licensing Act) was recommended to Council on 16 February 2006. The remit of the new Licensing Committee is now as set out in Appendix 1 to the report.
- 2.3 There were also a series of powers that previously lay with the Licensing Committee, which Council has now transferred to the General Purposes Committee in line with the recommendations of the Constitution Committee and the comments made by Members of the Licensing and Licensing Act Committees. These are set out in Appendix 2 for information.

**3. THE NEW LICENSING COMMITTEE**

- 3.1 Council at its meeting on 16 February 2006 agreed that the new Licensing Committee should consist of the fifteen members that formed the membership of the previous Licensing Act Committee. Council also made recommendations in relation to sub committees and these are dealt with in section 4 of this report.
- 3.2 Previously the Licensing Committee met every eight weeks, though this was when it was dealing with Public Entertainment Licensing matters, which are

now incorporated within the Licensing Act 2003 functions undertaken by the Licensing Act Sub Committees. The Licensing Act Committee met each quarter as most of the duties lay with the sub committees which were called as and when required.

- 3.3 As the bulk of the work of the new Licensing Committee will also be undertaken by sub committees called as required, it is suggested that initially, meetings of the new Licensing Committee be scheduled in the new Council diary on a quarterly basis. It also proposed that each meeting will receive an update report on the matters dealt with by the sub committees. It may be necessary to call additional meetings of the main committee should certain matters need an early resolution though, in light of the workload transferred to the sub committees, this is not expected to happen often. Should a number of additional meetings of the Licensing Committee be required, the meeting schedule will be reviewed.

#### **4. SUB COMMITTEES**

- 4.1 Included in the Constitution Committees recommendations approved by Council was the continuation of the five three-member Licensing Act Sub Committees to deal with those matters delegated to them under the requirements of the Licensing Act 2003. The establishment of a new sub committee to deal with hackney carriage and private hire licensing matters was also approved. In line with the comments of the Joint meeting of the Licensing Act and Licensing Committee held on 15 January 2006 this will be a five member sub committee with a quorum of three.
- 4.2 It is suggested that the new sub committee be known as the “Hackney Carriage and Private Hire Licensing Sub Committee”. The Licensing Committee is also recommended to delegate to the sub committee all the duties relating to hackney carriage and private hire licensing so far as they relate to vehicles and drivers but not matters of policy which should remain with the main committee. The sub committee will meet as and when required.
- 4.3 The new sub committee is required to be politically balanced. Based on the current political situation the membership will be as follows: -

Labour – 3 members      LibDem – 1 member      Admin. – 1 member

#### **5. RECOMMENDATIONS**

- 5.1 That the terms of reference for the new Licensing Committee be noted.
- 5.2 That the Licensing Committee meets at least quarterly.
- 5.3 That the new sub committee be known as the “Hackney Carriage and Private Hire Licensing Sub Committee” and members appointed in accordance with the political balance detailed in 4.3 above.

- 5.4 That the functions of the main committee relating to hackney carriage and private hire licensing so far as they relate to vehicles and drivers but not matters of policy, be delegated to the Hackney Carriage and Private Hire Licensing Sub Committee.
- 5.5 That the Licensing Committee receive a quarterly report on the matters considered by the Licensing Act Sub Committees and the Hackney Carriage and Private Hire Licensing Sub Committee.

**APPENDIX 1**

<i>FUNCTION</i>	<b>DELEGATION</b>
1. All licensing and registration functions set out in Part B of Schedule 1 to the Regulations (The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended) except those relating to Commons Registration, Roads and Highways (Planning Committee).	<b><i>Director of Neighbourhood Services</i></b>  Power to carry out all of the functions of the Committee in paragraphs 1 adjacent with the exception of the power to refuse or revoke any licence or registration.

**APPENDIX 2**

<i>FUNCTION</i>	<i>DELEGATION</i>
1. Functions relating to health and safety at work (as set out in Part C of Schedule 1 to the Regulations).	<p><b><i>Director of Neighbourhood Services</i></b></p> <p>Power to carry out all of the functions of the Committee in paragraphs 1-6 adjacent with the exception of the power to refuse, revoke or suspend any licence or registration.</p> <p>Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency.</p>
2. Functions relating to sea fisheries. [1.I.35]	
3. The discharge of any functions relating to the control of pollution or the management of air quality. [2.11]	
4. The service of an abatement notice in respect of a statutory nuisance. [2.12]	
5. The inspection of the authority's area to detect any statutory nuisance. [2.14]	
6. The investigation of any complaint as to the existence of a statutory nuisance. [2.15]	