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**North East
Derbyshire**
District Council

Our Ref:

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Date: 12 June 2019

To: **General Licensing Committee**

Please attend a meeting of the General Licensing Committee to be held on **Thursday, 20 June 2019 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield.

Yours sincerely

A handwritten signature in black ink, reading "Sarah Skerby".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group	Liberal Democrat Group
Councillor Pat Antcliff Councillor Patricia Bone Councillor Michelle Emmens Councillor Carol Huckerby Councillor Heather Liggett Councillor Michael Roe Councillor Richard Welton Councillor Philip Wright	Councillor Ann Holmes Councillor Pat Kerry Councillor Stephen Pickering Councillor Tracy Reader Councillor Lee Stone	Councillor Pam Windley

For further information about this meeting please contact: Alan Maher

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 3 - 6)

To approve as a correct record and the Chair to sign the Minutes of the meeting of the General Licensing Committee held on 21 March 2019.

4 Report of the Monitoring Officer (Pages 7 - 10)

Membership of the General Licensing Sub-Committee 2019/20

5 Matters of Urgency

To consider any other matter which the Chair of the Committee is of the opinion should be considered as a matter of urgency.



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

我们会说你的语言

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LICENSING COMMITTEE

MINUTES OF MEETING HELD ON 21 MARCH 2019

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LICENSING COMMITTEE

MINUTES OF MEETING HELD ON 21 MARCH 2019

Present:

Councillor M Gordon in the Chair	
Councillor J Austen	Councillor P R Kerry
" G Butler	" H Laws
" M Emmens	" L Robinson
" M Foster	" R Welton
" D Hancock	" J Windle

Also Present:

Kevin Shillitto – Solicitor
Alan Maher – Governance Officer
Victoria Dawson – Solicitor – Team Manager (Contentious)
Jade Lewis – Governance Apprentice
Damon Stanton – Governance Officer

649 Apologies for Absence

Apologies for absence were received from Councillors C D Huckerby, A Cooper, B Ridgway and M Thacker.

650 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No interests were declared at this meeting.

651 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Licensing Committee held on 25 October 2018 and the Minutes of the special Licensing Committee held on 24 January 2019 be approved as a correct record and signed by the Chair.

652 Statutory Guidance for Licensing Authorities: “Taxi and Private Hire Vehicle Licensing: Protecting Users” – Response to Draft Consultation

The Report No EHM/22/18-19/SG of the Environmental Health Manager to Committee asked Members to consider and agree the Council’s response to the consultation exercise on the Draft Statutory Guidance, issued by the Department of Transport: Taxi and Private Vehicle Licensing: Protecting Users.

Members heard that many of the specific recommendations contained in the Draft Statutory Guidance were already in line with the Council’s own arrangements; such as the proposed requirements for the holder of every taxi operator’s licence to subscribe to the Disclosure and Barring Service (DBS) Update Service. Members welcomed this.

Committee considered in detail the specific recommendation that appropriate DBS checks on drivers ought to be carried out every six months. Committee felt that the proposed change should be supported. There was a consensus that it would be sensible and contribute to public safety.

Committee recognised that such a change might place additional workload pressures on the service, which were discussed. However, Members felt that a cost benefit analysis could be carried out in order to determine just how great in practice these pressures were likely to be.

Members also felt that if the Government does decide to impose this new requirement on Licensing Authorities then the impact ought to be reviewed periodically and reported to the Committee.

In this context, Committee noted that the consultation exercise on the statutory guidance would conclude on 22 April 2019. The Government would then consider the comments which it had received before deciding what changes, if any, to make to the draft Statutory Guidance and when the final version should be published. Members were told that there was no firm timetable for this.

RESOLVED –

- (1) That Licensing Committee approves the proposed response to the Department of Transport Draft Statutory Guidance: “Taxi and Private Hire Vehicle Licensing: Protecting Users”.
- (2) That the proposed response be now submitted to the Department for Transport.

653 Urgent Business

With the agreement of the Chair, Members received copies of the new Decision Notice Templates. These templates will be used to record Sub-Committee Decisions on applications for Premises Licences and when they

determine whether a named individual is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence with the Authority.

The new templates were based on a best practice approach, which has already been adopted in other areas. They would help to capture the factual information and other issues which Sub-Committees have taken into account when reaching their decisions.

Members considered and welcomed the new Decision Notice Templates.

Committee then discussed the process for producing Decision Notices following on from Sub-Committee meetings. Members learned about operational changes which had been put in place to ensure that these decision notices are prepared for Sub-Committee Chairs to sign as soon as possible and to avoid any delays in the process. The Committee also welcomed this.

RESOLVED – That Licensing Committee note the new Decision Notice Templates for recording the decisions of the Sub-Committee.

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North East Derbyshire District Council

General Licensing Committee

20 June 2019

Membership of the General Licensing Sub-Committee 2019-20
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Report of the Monitoring Officer

This report is public

Purpose of the Report

- To set out the membership of the scheduled General Licensing Sub Committee meetings for the 2019/20 Municipal years

1 Report Details

General Licensing Committee

1.1 The Council has agreed to new governance arrangements for discharging its' licensing responsibilities. The General Licensing Committee forms part of these arrangement. The functions of the General Licensing Committee include:

- All licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005, including Private Hire and Hackney Carriage Drivers, Vehicles and Operators;
- Recommending to Council any policies, except the Licensing Act 2003 and Gambling Act 2005 policies;
- To make any minor changes and updates to other relevant licensing policies as required.

1.2 Specific aspects of the Committee's responsibilities will be discharged by the General Licensing Sub Committees. In particular, they will:

- Consider all hackney carriage and private hire licensing issues which are referred to it in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- Determine applications for sexual establishments (including sexual entertainment venues, sex shops and sex cinemas) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) where representations have been received and not withdrawn.
- Determine applications for house-to-house collections under the House to House Collections Act 1939 (as amended) where representations are received

from Police and not withdrawn or where officers have reasonable grounds for referral to Committee.

- Determine applications and revocations under the Scrap Metal Dealers Act 2013 where representations have been received and not withdrawn

- 1.3 However, the Sub Committee cannot consider these different issues at the same meeting.
- 1.4 Each Sub Committee will consist of five members. A quorum of three Members of the Sub Committee will be required for the meeting to be held. The Chair for the meeting will be determined by the Members present at the meeting.
- 1.5 It is likely that most of the Licensing Sub-Committee meetings will deal with taxi driver related issues. As these issues are not known in advance, some of the scheduled meetings may have to be cancelled, if there are no taxi driver or other relevant issues to consider. Additional meetings may have to be arranged by the Monitoring Officer at short notice when relevant issues do arise; for example to deal with an application involving licenced premises.
- 1.6 The Monitoring Officer has determined the membership for the General Licensing Sub-Committee meetings during the 2019/20 Municipal Year. This will help to ensure that Members know in advance when they are required to attend a Sub-Committee and so avoid potential diary clashes.
- 1.7 Members and officers will be informed of any cancellations of General Licensing Sub-Committee Meetings or when additional meetings are arranged. This information will also be published on the Council's web site. The Monitoring Officer will determine the membership for additional Sub-Committee meetings, as appropriate.
- 1.8 The schedule of General Licensing Sub-Committee meetings and the members who will serve at them is set out below.

Date of Licensing Sub-Committee (all meetings are at 2pm unless otherwise stated)	Members for the Sub-Committee Meeting
Thursday 6 June 2019	Welton, Emmens, Huckerby, Reader, Holmes
Thursday 4 July 2019	Antcliff, P Bone, P Wright, Kerry Pickering
Thursday 1 August 2019	Liggett, Roe, Welton, Windley, Stone
Thursday 5 September 2019	Emmens, Antcliff, Huckerby, Reader, Holmes
Thursday 3 October 2019	Welton, Roe, P Wright, Kerry, Pickering
Thursday 7 November 2019	Emmens, Huckerby, P Bone, Windley, Kerry
Thursday 5 December 2019	Welton, Liggett, P Wright, Reader, Holmes
Thursday 9 January 2020	Antcliff, P Bone, Huckerby, Pickering, Stone
Thursday 13 February 2020	Liggett, Roe, Welton, Windley, Kerry
Thursday 19 March 2020	Emmens, Antcliff, Huckerby, Kerry, Pickering
Thursday 23 April 2020	Welton, Emmens, Huckerby, Reader, Holmes

2 Conclusions and Reasons for Recommendation

- 2.1 This approach will provide greater clarity for Members of the General Licensing Committee about when they will be required to attend Licensing Sub-Committee meetings. Those Members who are scheduled to attend specific General Licensing Sub-Committees will have more time to prepare for them, which in turn will help to improve the operation of this important part of the Council's governance arrangements.

3 Consultation and Equality Impact

- 3.1 Political Group Leaders have been consulted.

4 Alternative Options and Reasons for Rejection

- 4.1 The approach of canvassing Members on an ad-hoc basis to serve at specific General Licensing Sub Committee meetings was considered but rejected. The proposed approach will continue the practice adopted in 2018-19, which helped to improve the opportunity for Members to prepare and participate in Licensing Sub-Committee meetings. By giving them greater notice of the Sub-Committee meetings which they are required to attend, they will be able to avoid diary clashes and so be better able to participate in them.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 None

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That the Committee considers and amends as appropriate the membership of the scheduled General Licensing Sub Committee meetings for the 2019-20 Municipal Year as determined by the Monitoring Officer.
- 6.2 That Council notes that this schedule of General Licensing Sub Committee meetings is subject to change by the Monitoring Officer.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes/No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
NONE	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
NONE	
Report Author	Contact Number
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