

# Public Document Pack



**North East  
Derbyshire**  
District Council

Contact: Alan Maher  
Tel: 01246 217391  
Email: [Alan.maher@ne-derbyshire.gov.uk](mailto:Alan.maher@ne-derbyshire.gov.uk)  
Date: Friday, 15 July 2022

To: **Members of the General Licensing Committee**

Please attend a meeting of the General Licensing Committee to be held on Monday, 25 July 2022 at 2.00 pm in the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG,

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

**Assistant Director of Governance and Monitoring Officer**

## **Members of the Committee**

Conservative Group	Labour Group	Liberal Democrat Group
Councillor Pat Antcliff Councillor Michelle Emmens Councillor Mark Foster Councillor Heather Liggett Councillor Maureen Potts Councillor Michael Roe Councillor Martin E Thacker MBE JP Councillor Philip Wright	Councillor Nigel Barker 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, Interim Governance Manager [alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)**

# **A G E N D A**

## **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 Meetings (Pages 4 - 7)**

To approve as a correct record and the Chair to sign the Minutes of the meeting held on 21 October 2021.

To approve as a correct record and the Chair to sign the Minutes of the special meeting held on 16 December 2021.

## **4 General Licensing Committee and Sub-Committees Meeting Arrangements (Pages 8 - 13)**

Report of the Assistant Director of Governance and Monitoring Officer.

## **5 National Policies and Legislation around Licensing Functions**

Update by the Joint Assistant Director Environmental Health Services and the Assistant Director of Governance and Monitoring Officer

## **6 Additional Training and Development for Licensing Committee Members (Pages 14 - 17)**

Report of the Assistant Director of Governance and Monitoring Officer.

## **7 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.

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# We speak your language



North East  
Derbyshire  
District Council

Polish

*Mówimy Twoim językiem*

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

*Vorbim limba dumneavoastră*

Chinese

我们会说你的语言



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please contact the Governance Team at least 72 hours before the meeting starts.

## **GENERAL LICENSING COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY, 21 OCTOBER 2021**

#### **Present:**

Councillor Heather Liggett (Chair)

Councillor Pat Antcliff  
Councillor Tracy Reader

Councillor Pat Kerry  
Councillor Michael Roe

#### **Also Present:**

M Finn	Environmental Health Manager
K Shillitto	Solicitor & Deputy Monitoring Officer
C Terry	Environmental Health Team Manager (Licensing)
D Stanton	Governance Officer

#### **GLC/ Apologies for Absence** **23/2**

**0-21** Apologies for absence had been received from Councillors S Pickering, M E Thacker MBE, P Windley and P Wright.

#### **GLC/ Declarations of Interest** **24/2**

**0-21** Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations of interest at this meeting.

#### **GLC/ Minutes of Last Meeting** **25/2**

**0-21** RESOLVED - That the Minutes of the last meeting held on 27 July 2021 were approved as a correct record and signed by the Chair.

#### **GLC/ Local Government (Miscellaneous Provisions) Act 1982: Approval of Sex Establishment Policy** **26/2** **0-21**

The Committee received a report which considered the responses to the Sex Establishment Policy consultation.

Members heard that under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) and Section 27 of the Crime and Policing Act 2009 (the 2009 Act), the Council could adopt legislation and policies which gave them the power to control the number and location of sex establishments in its location.

Members were reminded that on 17 October 2019 the General Licensing Committee resolved that Schedule 3 of the Local Government (Miscellaneous

Provisions) Act 1982, Control of Sex Establishments should apply to the District of North East Derbyshire and the matter be referred to Council to pass a resolution to adopt the legislation. Subsequently, following consideration of a draft Policy through the General Licensing Committee, a 13 week public consultation opened between 1 March 2021 and 28 May 2021.

The Committee heard that the consultation was carried out through the Ask Derbyshire website, and publicised on the Council's social media platforms and through press releases, as well as contacting stakeholders directly. Members were presented with a full evaluation of responses which was contained within the report.

Members requested that the comments and concerns from key consultees who responded to the consultation be outlined within any report which was submitted to full Council.

The Committee agreed that it was essential the Council put safeguards in place to protect the Authority in the event that any applications for a sex establishment premises were received. Adopting the legislation would give the Council more powers to regulate and control sex establishments within the District, and thus should be seen by residents as a necessary and precautionary measure.

**RESOLVED –**

- (1) The General Licensing Committee note the outcome of the public consultation on adoption of the powers on the control of sex establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, and the strong feelings expressed by respondents to the consultation.
- (2) That the Joint Assistant Director (Environmental Health) be required to make a report to the next full Council meeting to consider a recommendation to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) together with the draft policy.

**GLC/ Matters of Urgency**

**27/2**

**0-21**

There were no matters of urgency considered at this meeting.

## **GENERAL LICENSING COMMITTEE - SPECIAL**

### **MINUTES OF MEETING HELD ON THURSDAY, 16 DECEMBER 2021**

#### **Present:**

Councillor Michelle Emmens  
Councillor Martin E Thacker MBE JP  
Councillor Philip Wright

Councillor Pat Kerry  
Councillor Pam Windley

#### **Also Present:**

K Shillitto	Solicitor & Deputy Monitoring Officer
C Terry	Environmental Health Team Manager (Licensing)
D Stanton	Governance Officer

#### **GLC/28 Election of Chair /20-21**

In the absence of a Chair, Members were requested to elect a Chair for the meeting.

RESOLVED – That Councillor M E Thacker MBE be elected Chair for this meeting of the Special General Licensing Committee.

#### **GLC/29 Apologies for Absence /20-21**

Apologies for absence had been received from Councillors P Antcliff, A Hutchinson, H Liggett, S Pickering, T Reader and M Roe.

#### **GLC/30 Declarations of Interest /20-21**

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

There were no Declarations of Interest.

#### **GLC/31 Taxi & Private Hire Policy Review /20-21**

The Committee received a report from the Environmental Health Team Manager which asked Members to consider the responses to the Taxi and Private Hire Policy Consultation and approve the Draft Taxi and Private Hire Policy for adoption at Full Council.

Members raised concerns in regards to wording discrepancies within the policy guidance on offences, specifically, a possession of a weapon. The Committee wished for the wording to match other offences listed in the Policy.

RESOLVED – That:-

- (1) The General Licensing Committee note the outcome of the Public

Consultation on the proposed amendments to the Taxi and Private Hire Policies and the feelings expressed by respondents to the consultation.

- (2) The General Licensing Committee note the subsequent amendments to the Taxi and Private Hire Policies outlined in the report.
- (3) The Joint Assistant Director (Environmental Health) be required to make a report to the next full Council meeting to consider a recommendation to adopt the draft policies.

**GLC/32   Matters of Urgency**  
**/20-21**

There were no matters of urgency discussed at this meeting.

**North East Derbyshire District Council**

**General Licensing Committee**

**25 July 2022**

**General Licensing Act Committee and Sub-Committee Meeting  
Arrangements**

**Report of the Assistant Director of Governance and Monitoring Officer**

**Classification:** This report is public

**Report By:** Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

**Contact Officer:** Alan Maher, Interim Governance Manager  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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**PURPOSE / SUMMARY**

To consider the arrangements for General Licensing Committee and Sub-Committee meetings for the 2022-23 Municipal Year.

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**RECOMMENDATIONS**

1. That Committee notes the schedule of dates for the General Licensing Committee during the 2022-23 Municipal Year.
  2. That Committee notes the schedule of potential dates for General Licensing Sub-Committee's for the 2022-23 Municipal Year.
  3. That Committees considers a schedule of attendees for these meetings during the 2022-23 Municipal Year.
  4. That the Assistant Director of Governance and Monitoring Officer be delegated authority to appoint Members to serve on scheduled and unscheduled meetings of the General Licensing Sub-Committee and that Committee recommends to Standards Committee that this delegation be included in the Scheme of Delegation in the Constitution.
  5. That the that the Assistant Director of Governance and Monitoring Officer be delegated authority to determine, in consultation with the Chair of the Committee, the criteria for when the Sub-Committee should hear and determine cases, in those instances when Applicants or Licence Holders will not be at the meeting and that Committee recommends to Standards Committee that this delegation be included in the Scheme of Delegation in the Constitution.
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## IMPLICATIONS

**Finance and Risk:** Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

**Legal (including Data Protection):** Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

**Staffing:** Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<b>Is the decision a Key Decision?</b> 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:  <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	N/A

**Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.**

N/A

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

- To determine the arrangements for General Licensing Committee and Sub-Committee meetings for the 2022-23 Municipal years.

### 2. **Details of Proposal or Information**

2.1 The responsibilities of the General Licensing Committee are set out in the Council's Constitution. This has been published on the Council's Web Site: <https://democracy.ne-d Derbyshire.gov.uk/ieListDocuments.aspx?CId=1293&MIId=2331&Ver=4>

2.2. The functions of the Committee are set out below:

- To consider 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.
- To recommend to Council any licensing policies, except the Licensing Act 2003 and the Gambling Act 2005 policies.
- To make any minor changes and updates to the Council's Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy following adoption by Council
- To make any minor changes and updates to other relevant licensing policies as required

2.3 The following matters are reserved to the Council Meeting:

- (i) Determination of the Council's Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy
- (ii) Determination of other licensing policies, as required

2.4 In addition to today, the Committee will have two scheduled meetings during the year:

**\* Tuesday 11 October 2022 (2pm)**

**\* Tuesday 7 February 2023 (2pm)**

2.5. With the agreement of the Chair, special meetings will be arranged, as required.

2.6 Specific aspects of the Committee's responsibilities under the Council's Constitution are discharged by the General Licensing Committee Sub-Committees. In particular, the Sub-Committees:

- 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.
- 2.6        However, the Sub Committee cannot consider these different issues at the same meeting.
- 2.7        Each Sub Committee meeting consist of five members. Three Members of the Sub Committee will be required in order for it to be quorate. The Chair for the meeting will be determined by the Members present at the meeting.
- 2.8        Most of the Licensing Sub-Committee meetings deal with taxi driver related issues. Past experience has shown that 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 at short notice when relevant issues do arise.
- 2.9        The composition of the General Licensing Sub-Committee has been determined as and when required from the available Members of the Committee. Previously, the Membership was determined at the start of the municipal year. This has the advantage of enabling Members to be clear well in advance when they would be required to attend Sub-Committee meetings and so avoid potential diary clashes.
- 2.10       If Committee choses this approach then Members and officers would be informed of any cancellations of General Licensing Sub-Committee Meetings or when additional meetings are arranged. The Monitoring Officer would also determine the membership for additional Sub-Committee meetings, following consultation with Committee Members.
- 2.11       A schedule of General Licensing Sub-Committee meetings, and an indicative list of the Members who might serve them, is set out below. Committee is asked to consider this.

<b>Date of General Licensing Committee Sub-Committee (all meetings are at 2pm unless otherwise stated)</b>	<b>Possible 'Panel' of Members for the Sub-Committee Meeting</b>
Tuesday 2 August 2022	Barker, Emmens, Reader, Roe, Thacker
Tuesday 30 August 2022	Antcliff, Kerry, Liggett, P Wright, Windley
Tuesday 27 September 2022	Barker, Emmens, Reader, Roe, Thacker
Tuesday 1 November 2022	Liggett, Pickering, Roe, Stone, M Foster
Tuesday 29 November 2022	Barker, Emmens, Reader, Roe, Thacker
Tuesday 13 December 2022	Antcliff, Kerry, Liggett, P Wright, Windley
Tuesday 31 January 2023	Liggett, Pickering, Roe, Stone, M Foster
Tuesday 28 February 2023	Barker, Emmens, Reader, Roe, Thacker
Tuesday 28 March 2023	Antcliff, Kerry, Liggett, P Wright, Windley
Tuesday 18 April 2023	Liggett, Pickering, Roe, Stone, M Foster

### **3. Procedural Arrangements**

3.1 The Council has a set procedure for considering and determining Taxi and Private Hire matters. This procedure is set out below

- (1) Chair to welcome applicant/license holder and request that they confirm receipt of the report and procedure to be followed.
- (2) The Licensing Officer be requested to outline report.
- (3) Applicant/License holder will have the opportunity to ask any questions of the Licensing Officer.
- (4) Members will have the opportunity to ask any questions of the Licensing Officer.
- (5) Applicant/License holder will be requested to present their case to Members.
- (6) The Licensing Officer will have the opportunity to ask any questions of the applicant.
- (7) Members will have the opportunity to ask any questions of the applicant/license holder.
- (8) The Licensing Officer will be requested to make their final statement.
- (9) Applicant/License holder will be requested to make their final statement
- (10) Applicant/Licensing Holder and the Licensing Officer will be requested to withdraw from the meeting whilst the decision is made.

- (11) Applicant/License holder and the Licensing Officer will be recalled to the meeting and advised of the decision.
- (12) Applicant/Licensing holder will be advised of any right of appeal.
- (13) Applicant/License holder will be advised that the confirmation of the decision will be sent to them in writing usually within 5 Working Days
- 3.2 Applicant / Licence holders are also informed that if they decide not to attend the meeting then the Sub-Committee may continue to discuss their case in their absence. We currently do not have any set ground rules to guide the Sub-Committee on when this would be appropriate
- 3.3 **Each case would need to be decided on its merits and on the facts. But it would be appropriate to now set formal criteria for when it might be appropriate for Members to consider cases in the absence of the Applicant/Licence Holder, and when to defer consideration until they were able to attend.**
- 3.4 **It is recommended that that the Assistant Director of Governance and Monitoring Officer receives delegated authority to determine this criteria, in consultation with the Chair of the Committee. This would need to then be agreed by the Standards Committee for inclusion in the Council's Scheme of Delegation.**
- 4 **Reasons for Recommendation**
- 4.1 To help ensure the operation of the Council's General Licensing Committee and Sub-Committees and ensure that it can undertake its functions effectively

## 5 **Alternative Options and Reasons for Rejection**

- 5.1 None

## DOCUMENT INFORMATION

Appendix No	Title
	None
<b>Background Papers</b> (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)	

**North East Derbyshire District Council**

**Licensing Committee**

**25 July 2022**

**Additional Training for Licensing Committee Members**

**Report of the Assistant Director of Governance and Monitoring Officer**

**Classification:** This report is public

**Report By:** The Assistant Director of Governance and Monitoring Officer

**Contact Officer:** Alan Maher: [alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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**PURPOSE / SUMMARY**

To set out the training and development opportunities for Licensing Committee Members during the 2022-23 municipal year.

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**RECOMMENDATIONS**

- (A) That Committee note the proposed training and development opportunities for Licensing Committee Members during the 2022-23 municipal year;
- (B) That officers, in consultation with the Chair, identify appropriate dates for the specific development events to be held.
- (C) That Members consider individually what additional training they might require to carry out their roles as Licensing Committee Members.
- (D) That Members consider collectively what additional training the Committee as a whole might be appropriate to help it to carry out its responsibilities more effectively.

**IMPLICATIONS**

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**Finance and Risk:** Yes ☐ No ☒

**Details:**

None at this stage

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes ☐ No ☒

**Details:**

**Staffing:** Yes ☐ No ☒  
**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> 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:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	No

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
N/A

## REPORT DETAILS

### 1 **Background** (reasons for bringing the report)

- 1.1 To set out the training and development opportunities for Licensing Committee Members and identify possible additional opportunities.

## **2. Details of Proposal or Information**

2.1 The Council's Member Development Working Group has identified three specific strands of training for Licensing Committee Members for the 2022-23 Municipal Year. These are summarised below.

### **Strand One: The role of the Licensing Committees and their Sub-Committees – a refresh.**

2.2 This session would be delivered internally by the relevant Council officers.

2.3 The main goal of the training would be to update Members about the scope and scale of the Council's licensing responsibilities and the role of the General Licensing and Licensing and Gambling Acts Committees in discharging these responsibilities. In particular, the process for granting premises licences and permits, personal licences and driver licences.

2.4 As part of this, the session would update Members about the role of the so-called 'Responsible Authorities' such as the Police and Fire Services as well as the Council's own Environmental Health Service, within the licensing process, for the licensing of alcohol, late night refreshment and regulated entertainment, such as music.

### **Strand Two: Taking Defensible Decisions.**

2.5 This training would be delivered by an external solicitor, specialising in licensing law and practice. The event would explain the factors that Councillors would need to take into account when carrying out their roles and how these can differ between depending on the specific legislation. Some Members attended a session when this was delivered earlier in the year. There was a consensus that it would benefit the Members of the Licensing Committees as a whole.

### **Strand Three: Individual Training**

2.6 All Members of the Council have the opportunity to identify possible training events which would benefit them in carrying out their roles. Any requests from Licensing Committee Members would be considered in this context and, if appropriate would be supported. Similarly, officers would be able to assist by providing them with additional information or identifying relevant online training opportunities.

## **3 Reasons for Recommendation**

3.1 Committee is asked to consider these training opportunities and reflect on whether any further training and development for Licensing Committee Members that would be appropriate.



#### 4 Alternative Options and Reasons for Rejection

4.1 None specific

##### DOCUMENT INFORMATION

Appendix No	Title
	None
<b>Background Papers</b> (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 you must provide copies of the background papers)	