

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

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PURPOSE / SUMMARY

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

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

Date of General Licensing Committee Sub-Committee (all meetings are at 2pm unless otherwise stated)	Possible 'Panel' of Members for the Sub-Committee Meeting
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
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)	