

North East Derbyshire District Council

General Licensing Committee

7 February 2023

**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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Monitoring Officer

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PURPOSE / SUMMARY

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

RECOMMENDATIONS

1. That Committee notes the schedule of draft dates for the General Licensing Committee during the 2023-24 Municipal Year.
2. That Committee notes the schedule of draft dates for General Licensing Sub-Committee meetings for the 2023-24 Municipal Year.
3. That the Assistant Director of Governance and Monitoring Officer continues to appoint Members to serve on scheduled and unscheduled meetings of the General Licensing Sub-Committee and that Committee recommends to Standards Committee that a specific delegation be included in the Scheme of Delegation in the Constitution.
4. That Committee considers and determines the Procedural Arrangements for General Licensing Sub Committee meetings.

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"/> Please indicate which threshold applies	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 2023-24 Municipal year.

2. Details of Proposal or Information

2.1 The General Licensing Committee's responsibilities 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. The General Licensing Committee has three scheduled meetings each year. With the agreement of the Chair, special meetings will be arranged, as required. A draft schedule of meetings for 2023-24 has been produced and is currently subject to extensive consultation within the Council. The draft schedule suggests General Licensing Committee meetings on the following dates. Please note that these are subject to final confirmation:

*** Wednesday 5 July 2023**

*** Wednesday 8 November 2023**

*** Wednesday 7 February 2024**

2.5 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 consists of three Members appointed by the Monitoring Officer. **It is proposed that Standards Committee be asked to include a specific provision for this Delegation in the Council's Scheme of Delegation.**

2.8 The Chair for the meeting is determined by the Members present at the meeting.

2.9 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.

2.10 Sub Committee meetings are scheduled monthly, but are only held if they are required. The draft schedule currently proposes that it meets on the following dates. Please note that these dates are subject to final confirmation.

- **Tuesday 6 June 2023**
- **Tuesday 4 July 2023**
- **Tuesday 29 August 2023**
- **Tuesday 10 October 2023**
- **Tuesday 14 November 2023**
- **Tuesday 19 December 2023**
- **Tuesday 30 January 2024**
- **Tuesday 27 February 2024**
- **Tuesday 26 March 2024**
- **Tuesday 9 April 2024**

2.11 The composition of the General Licensing Sub-Committee meetings will continue to be determined as and when required from the available Members of the Committee.

2.12 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
- 2.13 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
- 2.14 Committee discussed this earlier in the year. Since then there has only been one instance when the issue has arisen - which was resolved by allowing the Licence Holder to attend remotely, using the electronic conference-call system.
- 2.15 The most appropriate approach, therefore, might be for each case to continue to be judged on its merits. In particular, when advance notice has been given the Chair of Committee could be asked to determine if it would be appropriate for the hearing to take place, following advice from the appropriate officers. When no notice or very short notice is given then this could be decided by the Sub Committee Members by a simple majority, again following advice from the appropriate officers.

Would Committee be content with this approach?

- 2.14 Applicants and Licence Holders currently receive written and email confirmation from the Council's Governance Service of the arrangements for Sub-Committee

meetings. No further confirmation of their identities is required when they attend Sub-Committee meetings.

Would it be appropriate to ask for additional confirmation of identity from Licence Holders and Applicants, and if so, what form might this take?

Should all those Licence Holders and Applicants called to Sub-Committee be given the opportunity to attend remotely, through the electronic conference call system?

3 Reasons for Recommendation

3.1 To help ensure the operation of the Council's General Licensing Committee and Sub-Committees and ensure that it can undertake its functions effectively

4 Alternative Options and Reasons for Rejection

4.1 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)	