

**MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD
AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 11 OCTOBER
2018 COMMENCING AT 6.30 PM**

PRESENT

Councillor M L Darr (Vice-Chair, in the Chair)

COUNCILLORS

G A Boulter
M H Charlesworth
R F Eaton
Mrs L Eaton JP
J Kaufman
Mrs L Kaufman
Mrs H E Loydall

OFFICERS IN ATTENDANCE

S J Ball (Senior Democratic Services Officer / Legal Officer)
T Cawthorne (Environmental Health Officer)
S Eyre (Interim Licensing Officer)
D M Gill (Head of Law & Governance / Monitoring Officer)
A Newberry-Avison (Licensing Apprentice)

10. APOLOGIES FOR ABSENCE

An apology for absence was received from the Chair, Councillor Mrs L M Broadley, and Councillors E R Barr and F S Broadley.

11. DECLARATIONS OF INTEREST

Councillor M H Charlesworth declared a non-pecuniary interest with regard to item 7 of the agenda, insofar as he carries on a mobile food business registered with the Council.

12. MINUTES OF THE PREVIOUS MEETING HELD ON 12 JULY 2018

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Committee held on 12 July 2018 be taken as read, confirmed and signed.

13. ACTION LIST ARISING FROM THE MEETING HELD ON 12 JULY 2018

In respect of each of the following action points, the Committee was advised that:

Action No. 1 The requested amendment regarding eligibility to sit had now been made to the internal copy of Council's Constitution and would, in the fullness of time, be reproduced in the external, composite copy of the revised Constitution, as may be approved in April 2019, at the conclusion of the ongoing constitutional review process.

Action No. 2 At the time the 'Sam Says Stop' campaign was endorsed by the

Committee at its meeting in July 2018, no request for a funding contribution towards the production costs of the stickers had been made. A pragmatic decision was therefore taken to approach each of the three Residents' Forums to secure funding which, in hindsight, was later deemed to be inconsistent with the Council's recently adopted 'Third Sector and Community Support' funding guidelines. In lieu, an alternative funding stream from within the Community Services budget was said to have since been approved.

- Action No. 3** Following consultation with the Committee Chair, it was agreed that an all-encompassing report was to be brought back to the next committee meeting in January 2019 detailing the actions taken to address the issues raised by Internal Auditors as currently and proactively being attended to as part of the Licensing Section review. This was said to include matters relating to staffing, resilience, channel-shift and new IT systems, procedures and processes etc.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List be noted by Members.

14. PETITIONS AND DEPUTATIONS

None.

15. REVIEW OF SCALE OF FEES & CHARGES (2019/20)

The Committee gave consideration to the report and appendix (as set out at pages 3 - 9) which asked it to recommend the proposed Scale of Fees and Charges for 2019/20 ("the proposed Scale") to the Policy, Finance and Development Committee for approval.

The Committee was advised that the charges recently introduced for newly licensable activities following the implementation of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were calculated on a respective 'application' and 'grant' fee payable basis. It was reported that a benchmarking exercise has been undertaken across all Licensing Authorities in Leicestershire resulting in a consistent County-wide charging structure being agreed and duly implemented.

It was confirmed that, subject to the prescription of fees as set externally from the Council, the proposed Scale operated on a full cost-recovery basis.

It was moved by Councillor Mrs H E Loydall, seconded by Councillor J Kaufman and

UNANIMOUSLY RESOLVED THAT:

- (i) The proposed Scale of Fees and Charges for 2019/20 (as set out in Appendix 1) be recommended to the Policy, Finance and Development Committee for approval; and**
- (ii) A 'Minor Variations to Premises Licences or Club Premises certificates' fee of £89.00 (as prescribed by the Licensing Act 2003 (Fees) Regulations 2005) be added to the proposed Scale.**

16. ENVIRONMENTAL HEALTH UPDATE (Q2 2018/19)

The Committee gave consideration to the report (as set out at pages 10 - 13) which asked it to note the work undertaken by the Environmental Health Section during the second quarter of 2018/19.

Having been briefed on the same, the Committee asked that its concern be placed on record regarding the impact on service delivery and existing workload pressures as a result personnel shortages presently affecting the Environmental Health and Licensing Sections. Whilst the reasons behind this were acknowledged, and it was reported that every effort was being made to uphold business continuity, Members requested that a staffing update in relation to both functions be provided to the next Committee meeting as part of the all-encompassing service review report.

The Committee was advised that that a full and up-to-date financial appraisal in respect of the Pest Control Service, that was to include a year-on-year analysis identifying any service trends, was to be brought to a subsequent meeting of the Service Delivery Committee so that an informed view could then be taken as to its commercial viability in terms of any significant capacity to generate additional income or to breakeven in the future, taking into account seasonal variations in demand.

The Committee was advised that the review and tendering of the new stray dog service contract, that was to include a more pro-active enforcement element in respect of dog-fouling under the recently enacted Public Space Protection Order, continued to be a work in progress and Members would be kept informed. It was envisaged that the contract would awarded and in place by December 2018. An undertaking by Officers was also given to Members to in future provide full follow-up details to reported enforcement matters, particularly in relation to abandoned vehicles, including the signposting of actions to be taken by other relevant agencies.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted by Members.

17. LICENSING UPDATE (Q2 2018/19)

The Committee gave consideration to the report and appendix (as set out at pages 10 - 13) which asked it to note the work undertaken by the Licensing Section during the second quarter of 2018/19.

The Committee was advised that reference to the ['Blue Lamp Trust'](#) at paragraph 1.4 of the report (at page 15) meant the organisation superseding the Driver and Vehicle Standards Agency providing driving assessments which applicants were required to pass to be granted a combined Hackney Carriage / Private Hire drivers licence.

The Committee reiterated its concerns as reflected in the foregoing minutes in regard to action no. 3 at item 4/13 and item 7/16 of the agenda and minutes, respectively.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted by Members.

18. NATIONAL REGISTER OF TAXI AND PRIVATE HIRE LICENCE REVOCATIONS & REFUSALS (NR3)

The Committee gave consideration to the report and appendix (as set out at pages 21 - 39) which asked it to adopt the National Register of Taxi and Private Hire Licence Revocations & Refusals ("the NR3 Register") and its related Guidance and agree an associated Scheme of Delegation.

The Committee was advised that, if it was minded to adopt the NR3 Register, access to and use of the Register would be effected immediately and the Council's Hackney Carriage and Private Hire Licensing Policy would be revised imminently thereafter.

It was moved by Councillor M H Charlesworth, seconded by Councillor J Kaufman and

UNANIMOUSLY RESOLVED THAT:

- (i) The National Register of Taxi Licence Revocations and Refusals (NR3) and the Guidance produced by the Local Government Association and National Anti-Fraud Network (as set out as Appendix 1) be adopted; and**
- (ii) The Head of Law & Governance / Monitoring Officer be given delegated authority, following consultation with the Chair and Vice-Chair of the Committee, to review the Council's Hackney Carriage and Private Hire Licensing Policy to ensure there is a consistent approach to that advocated in the Guidance.**

19. REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES (2019-2021)

The Committee gave consideration to the report and appendix (as set out at pages 40 - 72) which asked it to approve the draft Gambling Act 2005 Statement of Licensing Principles ("the Statement") prior to consultation and agree an associated Scheme of Delegation.

The Committee was advised that it remained the sole preserve of the Full Council to resolve not to generally issue casino premises licences (under section 166 of the Gambling Act 2005 ("the 2005 Act")) and, until such time as a resolution may be passed, any application for such a licence would be determined on an ad-hoc basis in accordance with the 2005 Act, other relevant legislation and the Statement.

The Committee was further advised that the 'List of Bodies Consulted' at Appendix 1 (at page 72) was a non-exhaustive list of organisations, agencies and public bodies either directly involved in the gambling trade or indirectly affected by the effects and implications of the same, and that the consultation process was an open invitation to any person or other organisation to respond to, including the Helping Hands Trust.

It was moved by Councillor J Kaufman, seconded by Councillor M H Charlesworth and

UNANIMOUSLY RESOLVED THAT:

- (i) The draft Gambling Act 2005 Statement of Licensing Principles be approved and its adoption recommended to Full Council subject to any amendments arising from the consultation process;**
- (ii) The consultation process to commence from 12 October 2018 be agreed;**
- (iii) Delegated authority be granted to the Head of Law and Governance / Monitoring Officer to consider any representations made during the**

consultation process and make any other amendments as may be necessary following consultation with the Chair and Vice-Chair of the Licensing and Regulatory Committee.

20. LICENSING AND REGULATORY POLICIES (OCTOBER 2018) (VERBAL UPDATE)

The Committee was verbally updated in that, as part of the ongoing constitutional review process, and to provide clarity around the distinction between operational and policy matters, an initial review of all Council policies, and amendments thereto in relation to matters of fact and law, was underway. Once this initial review was completed, a list of all relevant policies appertaining to the relevant Committee would be circulated to its Chair and Vice-Chair from which any policy of a particular interest could be chosen for consideration at subsequent Committee meetings. This would also give Members an opportunity to identify any missing or incomplete policy areas.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The verbal update be noted by Members.

THE MEETING CLOSED AT 7.40 PM



.....
Chair
.....

Tuesday, 22 January 2019
.....

*Printed and published by Democratic Services, Oadby and Wigston Borough Council
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*