

LICENSING COMMITTEE

Wednesday, 21st June, 2023
6.30 pm





LICENSING COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 21st June, 2023 at 6.30 pm

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

AGENDA

1) *Apologies*

To receive any apologies for absence.

2) *Minutes*

5 - 6

To approve as a correct record the Minutes of the last meeting as enclosed.

3) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

4) *Declaration of Interest*

5) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting.

6) Public Question Time

To consider questions, statements or petitions from members of the public.

7) Appointment to sub-committees 2023-24

7 - 8

To consider the appointment of members to a Licensing Act 2003 sub-committee and a Taxi licensing sub-committee.

8) Amendment to Statement of Licensing Policy in respect of Delegated Functions

9 - 12

To consider the recommendations in the report.

MEMBERSHIP OF COMMITTEE

Councillor Mohammed Ishtiaq (Chair)
Councillor Alun Lewis (Vice-Chair)
Councillor Scott Cunliffe
Councillor Shah Hussain
Councillor Jacqueline Inckle
Councillor Karen Ingham
Councillor Nussrat Kazmi
Councillor Anne Kelly

Councillor Jack Launer
Councillor Sehrish Lone
Councillor Mark Payne
Councillor Asif Raja
Councillor Mark Townsend
Councillor Don Whitaker
Councillor Andy Wight

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Tuesday, 13 June 2023

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LICENSING COMMITTEE

BURNLEY TOWN HALL

Wednesday, 9th November, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors J Sumner (Chair), A Khan (Vice-Chair), C Briggs, S Cunliffe, S Hussain, J Inckle, K Ingham, M Ishtiaq, A Kelly, L Mehanna, A Raja, M Townsend, D Whitaker and A Wight

OFFICERS

Karen Davies	– Environmental Health and Licensing Manager
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer

11. Minute's Silence

A minute's silence was held in remembrance of Jim Astin, a colleague from the Licensing Team who had died recently.

12. Minutes

The minutes of the last meeting were approved as a correct record and signed by the Chair.

13. Public Question Time

Cllr Alan Hosker attended and spoke on:

- Taxi drivers not wearing badges as required.
- Taxi drivers not assisting passengers with luggage/shopping as required.
- Drivers plying for hire and the issues associated with this.

Karen Davies responded detailing enforcement work resulting in drivers being brought to Committee for hearings, newsletters sharing key messages. She also re-iterated that if people came across these situations they should collect details such as registration number/licence plate/time/location and this would be followed up by the Licensing Team. Without this information there is little that can be done.

14. Draft Taxi Licensing Policy 2022 onwards

Consideration was given to the draft Taxi Licensing Policy for 2022 onwards. This policy brought together a number of existing policies in one place, and was the final strand needed to ensure the Council met the Department for Transport Statutory Taxi & Private Hire Vehicle Standards.

It was RESOLVED that the Licensing Committee approve the Policy document with immediate effect.

15. Taxi Licence Fees 2023

Consideration was given to the report which outlined the proposal that taxi licence fees from January 2023 should remain unchanged.

It was RESOLVED that taxi licence fees remain unchanged for 2023.

16. Review of Street Trading Guidance

Consideration was given to the report which sought to update Street Trading Consents guidance, and to bring the areas around the entrances to Burnley Cemetery in line with other areas managed by the Green Spaces and Amenities Team, by requiring consent from that Team before a consent could be granted.

It was RESOLVED that the revised guidance document incorporating conditions be approved.

Appointment to Licensing Sub-Committees

REPORT TO LICENSING COMMITTEE



DATE	21/06/2023
PORTFOLIO	Community Services & Wellbeing
REPORT AUTHOR	Alison McEwan
TEL NO	01282 477259
EMAIL	amcewan@burnley.gov.uk

PURPOSE

1. To obtain approval of the Licensing Committee for delegation of functions to a Licensing Act 2003 Sub-Committee and to a Taxi Licensing Sub-Committee and for the appointment of Licensing Committee Members to these Sub-Committees.

RECOMMENDATION

2. (1) That a Licensing Act 2003 Sub-Committee be established for the sub delegation of functions under the Licensing Act 2003 for a final hearing procedure;
- (2) That a Taxi Licensing Sub Committee be established for sub delegation of functions vested in the Licensing Committee relating to taxi licensing functions as set out in Part 3 of the Council’s Constitution;and
- (3) That Members be appointed to the Sub-Committees on a rotational basis subject to their availability.

REASONS FOR RECOMMENDATION

3. For the efficient and effective discharge of the Council’s Licensing Authority functions.

SUMMARY OF KEY POINTS

4. The Licensing and Gambling Acts do not require these Sub-Committees to be politically balanced but it is the Council’s current practice to apply the political balance calculation to all statutory and non-statutory groups wherever possible. Other forms of licensing are subject to the political balance rules. Seats on all Sub-Committees will be allocated on a rotational basis between members subject to their availability. Members should be mindful that Sub-Committees meet during office hours, as outlined below.

Licensing Act 2003 Sub-Committee

5. Section 10 of the Licensing Act 2003 allows for the powers vested in the Council to be discharged by a Sub-Committee of the Licensing Committee and the Council has previously passed a resolution to enable this function to be discharged in this way.

6. The workload of this committee is variable and during 2022/23 there were seven meetings. As the hearings under this Act can be lengthy and may include attendance by the applicant's legal representative(s) and other bodies including Lancashire Constabulary it is proposed that the committee continues to meet during office hours.

Taxi Licensing Sub-Committee

7. In 2014 Council allowed for the provisions with respect to taxis as set out in Part 3 of the Constitution and vested in the Licensing Committee, to be delegated to a Sub-Committee comprising seven members.
8. It is proposed that Meetings of this Sub-Committee continue to be held during office hours (usually at 10 a.m. or 2 p.m.) as applicants and appellants may attend with legal representatives. Additionally a number of meetings are held to determine applications for renewal of private hire vehicle licences where the vehicles have exceeded the upper age limit as defined in the Council's vehicle age limit policy. This requires Committee members to inspect the vehicles and this is best done during daylight hours.
9. In 2022/23 there were five meetings of the Taxi Licensing Sub-Committee (although some of these dealt with multiple cases).

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. None arising from this report

POLICY IMPLICATIONS

11. None

DETAILS OF CONSULTATION

12. Internal

BACKGROUND PAPERS

13. None

FURTHER INFORMATION

PLEASE CONTACT: Karen Davies

ALSO:

Amendment to Statement of Licensing Policy in respect of Delegated Functions

REPORT TO LICENSING COMMITTEE



DATE	21st June 2023
PORTFOLIO	Community Services and Wellbeing
REPORT AUTHOR	Karen Davies
TEL NO	
EMAIL	kdavies@burnley.gov.uk

PURPOSE

1. To obtain a recommendation from Licensing Committee to Full Council endorsing the amendment of Appendix A of the Statement of Licensing Policy in respect of delegated functions under the Licensing Act 2003 (The Act).

RECOMMENDATION

2. That Licensing Committee recommend Full Council to approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.
3. That Full Council approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.

REASONS FOR RECOMMENDATION

4. To update delegations in line with statutory guidance issued under s182 of the Licensing Act 2003.

SUMMARY OF KEY POINTS

5. Part 3 of the Council's Constitution points to Appendix A of the Statement of Licensing Policy as the reference for delegated functions under The Act. Over time changes to the legislation require new delegations to be established. Paragraph 14.71 of the statutory guidance recommends how those delegations are approached by the Licensing Authority.
6. The table at Appendix 1 outlines existing delegations, and at Appendix 2 the proposed delegations, which reflect the wording of the current statutory guidance, changes highlighted yellow.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

POLICY IMPLICATIONS

8. The Statement of Licensing Policy is a key policy document. Full Council approval is required to make changes to the Policy, and also required for amendments to the Council's Constitution.

DETAILS OF CONSULTATION

9. Chair and Vice-Chair of Licensing Committee, Executive Member for Community Services and Wellbeing.

BACKGROUND PAPERS

None

FURTHER INFORMATION

PLEASE CONTACT: Karen Davies

ALSO: Lisa Tempest

APPENDIX 1:**EXERCISE AND DELEGATION OF FUNCTIONS (Existing)**

The Authority will exercise and delegate functions in accordance with the following table.

Decision	Licensing Committee	Licensing Sub-Committee	Officer
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for Provisional Statement		If relevant representation made	If no relevant representation made
Application to vary Premises Licence/ Club Premises Certificate		If relevant representation made	If no relevant representation made
Application to vary Designated premises supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim Authority		If a police objection	All other cases
Deciding an application for Premises licence review is irrelevant, repetitious, vexatious or frivolous			All cases
Application to Review Premises licence / club premises Certificate unless all parties agree unnecessary		All Cases	
Decision to object when a local authority is a consultee and not the relevant licensing authority		All cases	
Determination of an objection to a Temporary Event Notice		All cases	
Determination of a Minor Variation			All cases
Determination of a s20 Film Classification		All cases	
Licensing Authority to act as Responsible Authority			All cases
Disapplication of the s19 requirements to have a DPS in community premises			All cases

APPENDIX 2:

(Proposed Statement of Licensing Policy APPENDIX A)

EXERCISE AND DELEGATION OF FUNCTIONS

The Authority will exercise and delegate functions in accordance with the following table.

Decision	Licensing Committee or Sub-Committee	Officer
Application for personal licence	If a police or immigration enforcement objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If relevant representation made	If no relevant representation made
Application for Provisional Statement	If relevant representation made	If no relevant representation made
Application to vary Premises Licence/ Club Premises Certificate	If relevant representation made	If no relevant representation made
Application to vary Designated premises supervisor	If a police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of a premises licence	If a police objection	All other cases
Application for interim Authority	If a police objection	All other cases
Decision on whether a representation is irrelevant, , vexatious or frivolous etc		All cases
Application to Review Premises licence / club premises Certificate unless all parties agree unnecessary	All Cases	
Decision to object when a local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of a Minor Variation		All cases
Determination of a s20 Film Classification	All cases	
Licensing Authority to act as Responsible Authority		All cases
Determination of an application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases