

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
LICENSING & REGULATORY COMMITTEE MEETING

Minutes

FRIDAY, 10 MARCH 2017

PRESENT: Councillor L D Lea (Chair)

Councillors D Grocott, B A Hughes, P Jackson, B Johnson,
G Lockett, M M Lovatt, I J Lucas and D Shaw

IN ATTENDANCE: A Patterson Operations Manager – Environmental Services
(Regulatory)
N de Bruin Principal Legal officer
P Trafford Member Services Officer

APOLOGIES: Councillors M A Lovatt

18 **MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY
COMMITTEE HELD ON 18TH NOVEMBER 2016**

RESOLVED – That the Minutes of the meeting of the Licensing and Regulatory
Committee held on 18th November 2016 be approved as a correct
record and signed by the Chair.

19 **URGENT ITEMS OF BUSINESS, IF ANY.**

There were none.

20 **DECLARATIONS OF INTEREST, IF ANY.**

There were no declarations made.

21 **AMENDMENTS TO FEES AND CHARGES**

Alicia Patterson – Operations Manager, Environmental Services – gave a brief
overview of changes to the Council's Fees and Charges, as agreed by Full Council.
The full schedule was now available to view on the Council's website.

22 **LICENSING ENFORCEMENT ACTIVITY - JULY TO SEPTEMBER 2016**

The Committee received a report on licensing enforcement activity for the period 1st
July 2016 to 30th September 2016, indicating that a total of 26 enforcement actions
had been undertaken, as shown below. The actions had involved reactive responses
to complaints and intelligence received from the public and partner agencies as well
as proactive compliance checks.

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The actions were summarised as follows:-

Frequency	Enforcement Activity
5	Licensed premises. Letters associated with complaints e.g. unlicensed activities, noise, breach of conditions, underage concerns.
4	Licensed premises. Notice checks for new premises applications and Applications to Vary Licences including revisits.
3	Joint Multi Agency enforcement visits to alcohol licensed premises with the Police, Trading Standards and/or Environmental Health to deal with general compliance, reported breaches of licensing conditions and excessive noise.
1	Letters to unlicensed premises following complaints re: carrying on licensable activities.
2	Letter to Taxi Operators – 1x re: conduct of driver and 1x re: renewal of vehicle.
1	Letter to Taxi Drivers – 1x re: conduct of driver.
1	Magistrates Court – appeal against premises licence revocation.
3	Taxi driver licences suspended or revoked. 1x revocation and 2x suspension.
5	Attendance at Pubwatch meetings in Leek and Biddulph.
1	Letters re: suspending premises licences for non-payment of annual fees.

The Magistrates' Court appearance was following a decision by the Licensing Sub-Committee to revoke the premises licence at Downtown Pizza, Cheadle. The licence holder appealed the decision but then failed to attend court. The Magistrates' Court dismissed the appeal in September 2016. Mention was made that the business was still in operation – this was to be looked into and reported back to Committee.

A member query relating to E-cigarettes was “Some no-smoking signs in licensed premises also refer to E-cigarettes, or “vaping”. Could it be made compulsory to display such signs?” The officer response was that there was currently no legislation to allow the Council to make such demands, barring in Taxis. The signs that had been seen were purely discretionary and were not a legal requirement.

RESOLVED – That the report be **NOTED**.

23 LICENSING ENFORCEMENT ACTIVITY - OCTOBER TO DECEMBER 2016

The Committee received a report on Licensing Service enforcement actions for the period 1st October 2016 to 31st December 2016.

The details were as follows:-

Frequency	Enforcement Activity
4	Licensed premises. Letters associated with complaints e.g. unlicensed activities, noise, breach of conditions, underage concerns.

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10	Licensed premises. Notice checks for new premises applications and Applications to Vary Licences including revisits.
3	Joint Multi Agency enforcement visits to alcohol licensed premises with the Police, Trading Standards and/or Environmental Health to deal with general compliance, reported breaches of licensing conditions and excessive noise.
2	Letter to Taxi Drivers – 2x re: conduct of driver.
3	Attendance at Pubwatch meetings in Leek and Biddulph.

There was no further legal action taken in any of the cases. Encouragingly, no complaints had been received or action taken in respect of smoking on licenced premises.

RESOLVED – That the report be **NOTED**.

24 **CHAIR/MEMBERS' QUESTIONS/ISSUES.**

There were no questions or issues raised.

25 **DATE OF NEXT MEETING - TO BE ANNOUNCED**

A provisional date had been set for Friday 30th June 2017. However, this was to be ratified at Council Annual General Meeting and was therefore open to change.

26 **COMMITTEE MEMBERS TRAINING SESSION**

Four presentations were given for members covering the following:-

1. Introduction to licensing in the Staffordshire Moorlands;
2. Licensing Act 2003;
3. Taxi & Private Hire licensing;
4. Street Trading licensing.

Members raised queries as follows (*responses in brackets*):-

- Could a list of licensing applications be circulated to members, in the same way that planning applications were? (*This could be looked at with potentially a monthly list being issued.*)
- How was the Council able to adequately monitor taxi drivers in terms of ongoing criminal matters? (*They had to sign up to the on-line Disclosure and Barring Service check (DBS). Drivers were required to advise the Council of any convictions as and when they occurred.*)
- There was no right of appeal against a decision not to grant a street trading licence. Did this leave us open to legal challenge for inconsistency? (*The relevant statute contained no right of appeal. The Council still had an obligation to deal with applications fairly however since there was still the option to take a refusal to grant a licence to Judicial Review.*)

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Nicola de Bruin then addressed members on the Licensing Sub-Committee process, emphasising the need for such decisions to be based on the principles of public law, such as fairness, equality of arms, evidential and rational. The Sub-Committee process was of a quasi-judicial nature.

The following main points were made:-

- Members should always read the papers in advance of the meeting;
- Members should always be cautious in ensuring that any interests were declared;
- The procedure to deal with the application was enclosed with the papers on each occasion;
- Consideration to be given to the location for the hearing. The Council Chamber was sometimes a daunting place when the matter had only a few people involved;
- The applicant should always have the last word prior to the members retiring for their deliberations;
- If the application did not comply with the Council's policy, any decision to grant or renew a license should explain why the Sub-Committee were satisfied it was appropriate to deviate from policy in that particular case.

The Chair thanked Alicia Patterson and Nicola de Bruin for their input.

The meeting closed at 11.00 am

_____ Chairman _____ Date