

Blackpool Council

15 May 2017

To: Councillors G Coleman, Collett, Cox, Critchley, Elmes, Hobson, Humphreys, Hutton, Maycock, Owen, Roberts, Ryan, D Scott, M Scott and Singleton

The above members are requested to attend the:

LICENSING COMMITTEE

Wednesday, 24 May 2017 at 6.00 pm
In
Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 8 NOVEMBER 2016 (Pages 1 - 4)

To agree the minutes of the last meeting held on 8 November 2016 as a true and correct record.

3 CREATION OF A PUBLIC PROTECTION SUB-COMMITTEE (Pages 5 - 8)

To consider the constitution of a Public Protection Sub- Committee for the forthcoming Municipal Year.

4 CHANGES TO THE LICENSING ACT (Pages 9 - 12)

To update the Committee on changes to the Licensing Act 2003 brought about by the Immigration Act 2016 and the Policing and Crime Act 2017.

To update the Committee on the details of licences applied for, dealt with and appealed in the period 22 October 2016 to 30 April 2017.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Hutton (in the Chair)

Councillors

| | | | |
|-----------|---------|---------|------------|
| G Coleman | Hunter | Roberts | Singleton |
| Hobson | Maycock | Ryan | L Taylor |
| Humphreys | Owen | Scott | T Williams |

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Manager
Mrs Sharon Davies, Head of Licensing Service

1 DECLARATIONS OF INTEREST

Councillor G Coleman declared a prejudicial interest in Agenda Item 3, Frequency of Vehicle Tests, and Agenda Item 4, Horse Drawn Hackney Licensing Policy. The nature of the interest in both cases being that he held a Private Hire Vehicle Driver's Licence.

2 MINUTES OF THE LAST MEETING HELD ON 25 MAY 2016

The Committee considered the minutes of the last meeting held on 25 May 2016.

Resolved:

That the minutes of the last meeting held on 25 May 2016 be approved and signed by the Chairman as a correct record.

3 FREQUENCY OF VEHICLE TESTS

The Licensing Committee considered a proposed amendment to the testing regime for both Hackney Carriages and Private Hire Vehicles as set out in the Hackney Carriage and Private Hire Licensing Policy.

The Committee considered carefully the view submitted by a Private Hire Vehicle Operator that the testing regime previously agreed and contained was excessive for brand new vehicles. The Committee then also considered the Council's mechanics' view of the proposal and the results of vehicle inspections in August, September and October 2016.

In response to questions, Mrs Sharon Davies, Head of Licensing Service, explained that vehicles were tested immediately prior to their initial licensing and so the recommendation from the mechanics was that it was unnecessary to then test the vehicle during the first year of licensing. It was however considered that the mileage often undertaken by licensed vehicles meant that after the first year of licensing vehicles should continue to be tested twice yearly.

Resolved:

To recommend to the Executive to amend the Hackney Carriage and Private Hire Licensing so that new vehicles (those less than 6 months old) are tested on their first licensing and on the first anniversary of their licensing instead of twice a week.

(Councillor G Coleman having declared a prejudicial interest left the room during consideration of this item and took no part in the discussion or voting.)

4 HORSE DRAWN HACKNEY CARRIAGE LICENSING POLICY

Following consultation, the Licensing Committee considered the proposed Horse Drawn Hackney Carriage Licensing Policy.

Mrs Sharon Davies, Head of Licensing reminded the Licensing Committee that the draft policy had been approved for consultation at its March 2016 meeting. The consultation had taken place until the end of June 2016. No formal written representations had been received but the Landau Liaison meeting had discussed the document and had been broadly supportive. The Landau Liaison meeting had recommended some minor amendments to the consultation document which had been incorporated into the document included with the agenda.

Resolved:

To recommend to the Executive the adoption of the revised Horse Drawn Hackney Carriage Licensing Policy.

(Councillor G Coleman having declared a prejudicial interest left the room during consideration of this item and took no part in the discussion or voting.)

5 REVIEW OF SEX ESTABLISHMENT POLICY

The Licensing Committee considered following consultation, the updated Sex Establishment Policy. The Committee noted that the policy had been approved for consultation at the previous Committee meeting on 25 May 2016 and one consultation response had been received which had been attached at Appendix 5a to the agenda. Mrs Sharon Davies, the Head of Licensing Services outlined that this representation had resulted in a number of amendments being made to the document as attached to the agenda at Appendix 5b.

Resolved:

To recommend the Executive to approve the draft revised Sex Establishment Policy.

6 LICENSING SERVICE UPDATE

The Licensing Committee received an update on the details of licences applied for, dealt with and appealed during the period 1 January 2016 to 21 October 2016.

Mrs Sharon Davies, Head of Licensing Services, highlighted the forty-four new Premises Licence applications granted as no representations had been received, the three licences refused and two licences granted by the Licensing Panel, the actions of the Licensing Panel regarding the five licence reviews and the details of the one appeal pending.

Resolved:

To note the update on licences considered, dealt with and appealed.

Chairman

(The meeting ended at 6.25 pm)

Any queries regarding these minutes, please contact:
Lennox Beattie Executive and Regulatory Manager
Tel: 01253 477157
E-mail: lennox.beattie@blackpool.gov.uk

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| Report to: | LICENSING COMMITTEE |
| Relevant Officer: | Mark Towers, Director of Governance and Partnerships |
| Date of Meeting | 24 May 2017 |

FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE

1.0 Purpose of the report:

- 1.1 Members are requested to consider the constitution of a Public Protection Sub-Committee for the forthcoming Municipal Year.

2.0 Recommendation(s):

- 2.1 To agree to the constitution of a politically balanced Public Protection Sub-Committee with a membership of 7 (5 Labour and 2 Conservative).
- 2.2 Subject to the approval of 2.1 above, to note the membership of the proposed Sub-Committee as informed by the Group Leaders as follows: Councillors Collett, Hobson, Humphreys, Hutton, Singleton, Robertson BEM and M Scott.
- 2.3 That the functions assigned to the Public Protection Sub-Committee continue to be those as set out in Part 3 of the Council's Constitution.
- 2.4 To consider whether or not to appoint at this meeting, the Chairman and Vice-Chairman of the Public Protection Sub-Committee.

3.0 Reasons for recommendation(s):

- 3.1 Following the confirmation of the Committee structure at the Council meeting on the 15 May 2017, if the Licensing Committee wishes to delegate functions to a Public Protection Sub-Committee such a body needs to be created.
- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to create a Public Protection Sub-Committee which would mean that all the functions previously delegated would remain the responsibility of the Licensing Committee.

4.0 Council Priority:

4.1 The relevant Council Priority is: "Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 The Council at its meeting on 15 May 2017 recommended the constitution of a politically balanced Public Protection Sub-Committee with a membership of 7(5 Labour and 2 Conservative). The functions assigned to the Sub-Committee are as set out in Part 3 of the Council's Constitution. The Council will also be asked to recommend that the Sub-Committee continues to meet on a monthly basis. The functions of the Licensing Committee under the Licensing Act 2003 would continue to be discharged by panels consisting of 3 members of the Licensing Committee. Members are reminded that these Panels are appointed as required by the Head of Democratic Governance.

5.2 If the Committee agrees to the creation of a Public Protection Sub-Committee, it should also consider whether it wishes to appoint a Chairman and Vice-Chairman at this meeting or to leave the appointments for consideration by the Sub-Committee itself.

5.3 Does the information submitted include any exempt information? No

5.4 List of Appendices:

None.

6.0 Legal considerations:

6.1 This Committee was reconstituted at the meeting of the Council on 15 May 2017 and as such the Public Protection Sub-Committee has to be reconstituted for this Municipal Year, in order for it to carry out its duties.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Internal/ External Consultation undertaken:

11.1 None.

12.0 Background papers:

12.1 None.

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| Report to: | LICENSING COMMITTEE |
| Relevant Officer: | Sharon Davies, Head of Licensing Service |
| Date of Meeting | 24 May 2017 |

CHANGES TO THE LICENSING ACT

1.0 Purpose of the report:

- 1.1 To update the Committee on changes to the Licensing Act 2003 brought about by the Immigration Act 2016 and the Policing and Crime Act 2017.

2.0 Recommendation(s):

- 2.1 To note the update.

3.0 Reasons for recommendation(s):

- 3.1 One of the responsibilities of the Committee is to keep up to date with legislative changes that could impact on the work of the Committee.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

None

4.0 Council Priority:

- 4.1 The relevant Council Priority is :

"The economy – maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 Immigration Act 2016

This Act received Royal Assent in May 2016 and brings about a number of changes to prevent illegal working both in licensed premises and in taxis. The main changes are noted below.

- 5.2 Taxi Drivers and Operators – as part of the application process they are required to demonstrate that they have a right to work in the UK. Those with time limited right to work can be licensed however the licence cannot extend beyond the date of their entitlement to remain in the Country. These provisions came into force in December 2016

- 5.3 Premises Licences – the Secretary of State (in practice Home Office Immigration Enforcement) became a responsible authority on 6 April 2017. This allows Home Office Immigration Enforcement to make representations against the grant or variation of Premises Licences where the licensable activities include the sale of alcohol or provision of late night refreshment. An applicant residing in the UK applying for a new Premises Licence, for the transfer of an existing licence or serving an interim authority must have the right to work in the UK. A Licensing Panel must reject an application at a hearing convened due to a representation from the Secretary of State if it considers it appropriate for the prevention of illegal working in licensed premises to do so.

A Premises Licence will now lapse if the Licence Holder ceases to be entitled to work in the United Kingdom.

Immigration Officers have now been given a right to enter licensed premises where they believe that an offence under the Immigration Act 2014 is being committed.

- 5.4 Personal Licences - anyone applying for a personal licence must be entitled to live and work in the United Kingdom. A personal licence will now lapse if the entitlement to work ceases.
- 5.5 **Policing and Crime Act 2017**
The changes detailed below came into force on 6 April 2017 with the exception of those relating to Cumulative Impact Policies and the Late Night Levy. These will come into force at a later date.

- 5.6 Meaning of Alcohol – the definition of alcohol has been amended to specify that powdered and vaporised alcohol should be treated in the same way as liquid alcohol.

- 5.7 Summary Reviews – the Police can make an application for a summary review of premises if they have been associated with serious crime or serious disorder. When an application is received, the authority must decide within 48 hours whether it is necessary to impose any interim steps (which could include suspension of the licence). This decision can be made in the absence of the Licence Holder however the licence is entitled to ask the authority to hold a hearing to reconsider the interim steps.

The Policing and Crime Act 2017 amends the Licensing Act 2003 so that after the Licensing Authority has held a hearing to consider the interim steps, the licence holder can only make further representations if there has been a material change in circumstances since that hearing.

At the full review hearing the authority must review the interim steps that have been taken and decide whether they should continue, or be modified, during the 21 day period before the decision takes effect.

A further change is that the Police and Licence Holder have been given the right to appeal against the interim steps decision taken at the review hearing. Any such appeal must be heard by a Magistrates' Court within 28 days.

- 5.8 Personal Licences – previously a personal licence once granted could only be suspended or revoked by a Magistrates Court when the holder had been convicted of a relevant offence. As of the 6 April 2017, the Licensing Authority has been given a similar power where they become aware that the holder has been convicted of a relevant offence, foreign offence or been required to pay an immigration penalty. The licence may be revoked or suspended for a period of up to six months.
- 5.9 Section 182 Guidance – the statutory guidance issued by the Secretary of State will now take effect as soon as it is published as the requirement to obtain Parliamentary approval has been removed.
- 5.10 Cumulative Impact Policies – A new Section 5A has been created to allow the Licensing Authority to publish a cumulative impact assessment if it considers that the number of licensed premises in an area is such that granting further licences would be inconsistent with its duty to promote the licensing objectives. The Licensing Authority will be required to publish the evidence for its opinion and consult. This evidence must be reviewed at least every three years.
- 5.11 Late Night Levy – when these provisions are brought into force an authority would be able to target the levy on a specific area rather than being required to impose it on the whole Borough. The levy will be extended to cover premises supplying late night refreshment. The Police and Crime Commissioner would be able to request that the authority proposes introducing a levy.

5.12 Does the information submitted include any exempt information? No

5.13 **List of Appendices:**

None.

6.0 Legal considerations:

6.1 None.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 None.

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| Report to: | LICENSING COMMITTEE |
| Relevant Officer: | Sharon Davies, Head of Licensing Service |
| Date of Meeting | 24 May 2017 |

LICENSING SERVICE UPDATE

1.0 Purpose of the report:

- 1.1 To update the Committee on the details of licences applied for, dealt with and appealed in the period 22 October 2016 to 30 April 2017.

2.0 Recommendation(s):

- 2.1 To note the update on licences considered, dealt with and appealed.

3.0 Reasons for recommendation(s):

- 3.1 One of the responsibilities of the Licensing Committee is to receive reports on the work of the licensing service

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

None

4.0 Council Priority:

- 4.1 The relevant Council Priority is:

"The economy – maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 During the period 22 October 2016 to 30 April 2017, the Licensing Service received 31 applications for new Premises Licences.

5.2 The following were granted administratively as no objections were received:

Adelaide Lodge – 100 Adelaide Street
Best Turkish Kebab – 160 Lytham Road
Carty's – 75/75a George Street
Leecliff Gurst House – 37 Palatine Road
12 Central Drive
Food Lounge – 22 Market Street
Milano's – 7 Station Road
Marko-Polo – 331/333 Dickson Road
Stretton Hotel – 206/214 North Promenade
Moray House Hotel – 28 Withnell Road
Montgomery Hotel – 14 Hornby Road
Aldi – Squires Gate Retail Park
Cressington Hotel – 8/10 Barton Avenue
Friends Bed and Breakfast – 32 Reads Avenue
Seventies – 11/13 Queen Street
Finesse Chippy – 30 Dickson Road
3 Back Church Street
The Little Black Pug – 13 Talbot Road
Viva – 3 Church Street
Dim Sum Café – 96b Coronation Street

5.3 The following applications were considered by a Licensing Panel and refused
189 Lytham Road
Grosvenor Stores – 226 Church Street

5.4 The following application was considered by a Licensing Panel and granted:
Loco Club – Back Ribble Road

5.5 The following applications are being processed:
Spar Convenience Store, 495/497 Promenade – last date for representations 5 May 2017
The Vineyard, 55-57 Topping Street – last date for representations 5 May 2017
Nisa Local, 289-291 Whitegate Drive – last date for representations 23 May 2017

5.6 The Licensing Panel has reviewed the following licences:
Al Amir, 37/39 Talbot Road – licence revoked
Osprey Hotel, 27 Charnley Road – conditions added to licence
Dickson Pizza, 281 Dickson Road – licence revoked

Bucharest, 47/49 Talbot Road – licence revoked
 Shaftesbury Hotel, 26 Shaftesbury Avenue – licence revoked
 Shadowlands Hotel, 22/30 Pleasant Street – licence revoked
 Seaview Private Hotel, 142 Bond Street – licence revoked
 Quenchers, 277 Devonshire Road – licence revoked
 Philsden Hotel, 6 General Street – licence revoked
 New Strathmore Hotel, 3 Withnell Road – licence revoked
 Mount Hotel, 47 Withnell Road – licence evoked
 Mallory Hotel, 340 Queen’s Promenade – licence revoked
 Henry’s Wine Bar, 27 Queen Street – licence revoked
 Da Vinci Restaurant, 27/29 King Street – licence revoked
 Corner House Hotel, 50 Central Drive – licence revoked
 Bon Accord, 23 Crystal Road – licence revoked
 Adlon Hotel, 10 Pleasant Street – licence revoked
 Best One, 24/30 Bond Street- licence revoked
 Jazzsong Café, 76/80 Bolton Street – licence revoked
 Meadowcroft Hotel, 136/138 Bond Street – licence revoked
 Pizza Zone, 94 Bond Street – licence revoked
 Seaview Hotel, 6 Dean Street – licence revoked
 Kebab House, 54 Foxhall Road – conditions added to licence

5.7 During the same period, the licensing service also received 8 variation applications, 16 minor variation applications, 100 vary Designated Premises Supervisor applications, 62 transfers of Premises Licences, 86 Temporary Event Notices and 46 Late Temporary Event Notices.

5.8 There is one appeal currently before the Magistrates’ Court

- Al Amir – appeal against revocation of licence

5.9 Does the information submitted include any exempt information? No

5.10 **List of Appendices:**

None.

6.0 Legal considerations:

6.1 None.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 None.