

Contact Officer: Jenny Bryce-Chan

## **KIRKLEES COUNCIL**

### **LICENSING AND SAFETY COMMITTEE**

**Monday 6th January 2020**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Carole Pattison  
Councillor Mahmood Akhtar  
Councillor Karen Allison  
Councillor Paola Antonia Davies  
Councillor David Hall  
Councillor James Homewood  
Councillor Michelle Grainger-Mead  
Councillor Mohan Sokhal  
Councillor Kath Taylor  
Councillor Michael Watson  
Councillor Cathy Scott

In attendance: Russell Williams, Group Leader  
Stephanie Mashiter, Senior Licensing Officer  
Nicola Sylvester, Governance Officer

Apologies: Councillor Mumtaz Hussain  
Councillor Manisha Roma Kaushik  
Councillor Terry Lyons  
Councillor Harpreet Uppal

**1 Membership of the Committee**

Apologies for absence were received from Councillors Hussain, Kaushik, Iredale and Lyons.

**2 Minutes of Previous Meeting**

The minutes of the meeting of the Committee held on 11 June 2019 were approved as a correct record.

**3 Interests**

No interests were declared.

**4 Admission of the Public**

That all agenda items be considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were received.

**7 Proposed Revision to Statement of Licensing Policy 2020-2025**

The Committee considered a report which outlined proposed revisions to the Statement of Licensing Policy, issued under the Licensing Act 2003. The Licensing Act 2003 requires the Council, in its capacity as Licensing Authority to review its statement of licensing policy every 5 years.

The Committee was informed that consultation on the revised policy was undertaken between the 4 November 2019 and the 15 December 2019 and five responses were received. In its response, West Yorkshire Trading Standards commented that section 13.5 of the revised policy, appeared to be a softening of the council's stance against counterfeit/illicit tobacco and requested that the suggested revision revert back to the original statement as outlined in the previous policy at section 13.4. The public had also raised concerns about the hours granted for some premises licences and environmental issues. (A full list of consultees was contained at appendix B of the main report).

The Committee was advised that the revisions aimed to link the policy to the council's corporate priorities and strengthen a number of areas. The key changes include:-

- The structure of the policy
- Expanding guidance around promoting the four Licensing Objectives; and work has been undertaken in conjunction with the Kirklees Safeguarding Partnership to strengthen the protection of children from harm
- Online sale of alcohol
- Adding guidance in relation to the Equalities Act 2010
- Expanding guidance on completing operating schedule
- Updating information on Closure Notices, Reviews and Expedited reviews
- Updating the guidance on safeguarding
- Highlighting the importance of ward members and applicants are encouraged to consult ward members

The Committee asked a number of questions and the responses are summarised below:-

The Licensing Authority has a role to provide advice and guidance with regard to the online sale of alcohol, however the onus is on the seller to have robust checks and safeguards in place. These safeguards should include verifying that the person accepting the delivery is over the age of 18. Nationally this is a growing concern and it will be for the government to introduce legislation.

Applicants should consult ward councillors prior to submitting an application, however this could be viewed as lobbying. To prevent this the Committee felt that every ward councillor should be made aware and given clear guidelines that spells out their limitations with regard to licensing. It was agreed that this would be taken

## Licensing and Safety Committee - 6 January 2020

away by officers for further discussion with a view of producing guidelines for ward councillors.

The Licensing Authority does not have any powers under the Licensing Act to refuse a licence to reduce the cumulative impact of certain premises for example for fast food establishments. Work is being undertaken with Public Health to look at this.

Extensive training is available for businesses to enable them to comply with the policy, however there is no requirement to make it mandatory.

The Committee requested that amendments be made to the wording of section 6.30 of the revised policy, to give it more clarity.

**RESOLVED** - That subject to the amendments agreed at the meeting that the proposed revised Statement of Licensing policy 2020-2025 progress to Full Council on 15<sup>th</sup> January 2020 for adoption.

### 8 **Licensing Service - Update Report** **Licensing Service – Update Report**

The Committee received an update on the activities undertaken to discharge the Council's licensing Functions from 1<sup>st</sup> April 2019 to 1<sup>st</sup> December 2019. The Committee was advised that between April and December the following applications were processed:-

New applications – 39  
Full variations – 3  
Minor variations – 10  
Transfers – 36  
Reviews – 11

The Committee was informed that the overriding aim of the Licensing Service when carrying out its function relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators is the protection of the public.

In March 2019, the Committee approved the new Kirklees Taxi Policy, which included the West Yorkshire wide Fitness and Suitability Policy, and Driver Training Policy. Colleagues from the West Yorkshire Combined Authority (inc York) continue to work together on the harmonisation of certain policies in respect of the licensing of hackney and private hire trades.

The number of hackney carriage and private hire licences in force in Kirklees are:-

Hackney Carriage Vehicles – 235  
Dual Drivers Licence – 3010  
Private Hire Operators – 137  
Private Hire Vehicles – 2026

The Committee was informed that the government has now reduced the maximum stake for fixed odd betting terminals, reducing it from £100 to £2.

**RESOLVED** - That the Licensing Service update report be noted.