



GENERAL PURPOSES COMMITTEE

Date: Thursday, 27 February 2020

Time: 10.00am

Location: Autun Room, Daneshill House, Danestrete

Contact: Ian Gourlay (01438) 242703

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Members: Councillors: L Chester (Chair), D Bainbridge, S Barr, J Brown, M Downing, J Hanafin, L Harrington, R Henry, G Lawrence, J Lloyd, M McKay, A McGuinness, L Rossati and G Snell.

AGENDA

PART 1

1. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

2. **MINUTES - 30 JANUARY 2020**

To approve as a correct record the Minutes of the meeting of the General Purposes Committee held on 30 January 2020.

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3. **PROCEDURE**

To note the procedure to be followed at the meeting.

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4. **URGENT PART I BUSINESS**

To consider any Part I business accepted by the Chair as urgent.

5. **EXCLUSION OF PRESS AND PUBLIC**

To consider the following motions –

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

6. REVIEW OF AN APPLICATION FOR A DUAL (HACKNEY CARRIAGE / PRIVATE HIRE) DRIVER LICENCE - MR V.S.

To review the Dual (Hackney Carriage/Private Hire) Driver Licence application submitted by Mr V.S.
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7. URGENT PART II BUSINESS

To consider any Part II items accepted by the Chair as urgent.

Agenda Published 19 February 2020

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE MINUTES

Date: Thursday, 30 January 2020

Time: 6.00pm

Place: Shimkent Room, Daneshill House, Danestrete

Present: Councillors: Laurie Chester (Chair), Sandra Barr, Jim Brown, Michael Downing, Jody Hanafin, Liz Harrington, Richard Henry, Graham Lawrence, Maureen McKay and Graham Snell.

Start / End Start Time: 6.00pm
Time: End Time: 6.45pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Doug Bainbridge and John Lloyd.

There were no declarations of interest.

2 MINUTES - 7 JULY 2019

It was **RESOLVED** that the Minutes of the meeting of the Committee held on 7 July 2019 be approved as a correct record and signed by the Chair.

3 LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered a report in respect of the proposed draft Licensing Act 2003 Statement of Policy.

The Senior Environmental Health and Licensing Manager advised that the draft Statement of Policy, attached at Appendix A to the report, contained the dates 2019-2024. This was because work had commenced on the draft Statement in 2019, but had been halted due to the Pre-Election Period leading up to the December 2019 General Election. However, as the Statement of Policy was scheduled to be adopted by the Council on 26 February 2020 and, as the document was required to be in place for a five year period, it was noted that dates in the Statement would be amended in the final version to read 2020-2025.

The Senior Environmental Health and Licensing Manager stated that the Council was the licensing authority for the purposes of the Licensing Act 2003 and consequently was under a duty to prepare a Statement of Licensing Policy that it proposed to apply in exercising its functions under the Act. Section 5 of the Act required licensing authorities to publish such a policy every five years in accordance with prescribed requirements.

The Senior Environmental Health and Licensing Manager explained that the Statement of Licensing Policy sets out the general approach the Council would take when carrying out its regulatory role under the Act and promoting the four licensing objectives of:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Committee noted that the Policy sought to strike a balance between the interests of licence holders, applicants and residents in the promotion of the licensing objectives defined by the Act. Additionally, it outlined the licensing authority's expectations of licence holders in promoting the licensing objectives, whilst advising on the licensing authority's obligations under the Act, including its interpretation of the Act and/or Statutory Guidance where necessary. The Statement was designed to offer appropriate protection for residents and a streamlined approach to regulation that eased unnecessary burdens on businesses.

The Committee further noted that the Policy took on additional significance in the event that an applicant challenged or appealed the Council's decision on a specific application. At this point the Magistrates Court would adopt the licensing authority's policy as if it were its own.

The Senior Environmental Health and Licensing Manager advised that all additions or variations from the 2014-2019 policy had been highlighted in grey in the Policy (Appendix A to the report). There were no changes in the proposed 2020-2025 policy to the intent or direction of the 2019-2024 policy. The significant changes were outlined in Paragraph 4.3 of the report.

In response to Members' questions, the Senior Environmental Health and Licensing Manager stated:

- As well as the list of consultees set out at Appendix B to the report, public consultation on the Statement had been by way of a press release and through the Council's website. Only one consultation response (from the British Beer and Pub Association, and attached at Appendix C to the report) had been received, and their comments had been incorporated into the draft Statement. All Members of the Council had also been consulted;
- The existing website was unable to identify how many "hits" the consultation page had received, although the proposed new website would be able to provide such statistics;
- Enforcement of the policy at the 163 licensed premises in the Borough was a joint effort, involving the Licensing Team, the Police and Trading Standards. The Licensing Team would respond to issues raised by the Responsible Authorities regarding particular premises, although the majority of visits related to new licences, licence variations, or responding to complaints;
- In terms of modern slavery, a broader licensing approach would be required. The issue had been brought to the attention of the taxi trade, and would be

- raised when visiting licensed premises. A proactive publicity campaign on this matter would be considered;
- Each licensed premises had to have a Designated Premises Supervisor (DPS), who also had to be a Personal Licence Holder. However, the DPS was not required to be on the premises at all times;
 - The licence conditions relating to indoor and outdoor activities were often covered by mandatory conditions, which varied from licence to licence. A number of conditions on licences had been carried over from the previous licensing regime;
 - The Climate Change Implications of the report was amended to reflect the fact that Licensing Officers would work with premises licence holders to encourage them to meet their carbon reduction responsibilities, including the recycling of used bottles;
 - Licensing fees had been set by Government Regulations published in 2005, and were therefore statutory. They had been based on cost recovery, although a 2016 estimate had identified the net cost of licensing for Local Authorities in England and Wales was in the region of £10M. The Local Government Association had been lobbying the Government for either an uplift of the statutory fees or allowing Local Authorities to set their own fees.

The Committee was pleased to see the reference in the policy to linkages with the Council's Cultural Strategy, particularly the deregulation created by the Live Music Act 2012, which encouraged the potential for more music events and an improvement to the night-time economy of the town.

In debating Temporary Event Notices (TENs), the Committee requested the Senior Environmental Health and Licensing Manager to strengthen Section 19 of the Statement of Principles regarding the limitations that are imposed on the use of TENs by the Licensing Act 2003.

It was **RESOLVED:**

1. That the proposed Stevenage Borough Council Licensing Act Statement of Licensing Policy 2020-2025 (attached at Appendix A to the report, and as amended) be supported.
2. That the Stevenage Borough Council draft Statement of Licensing Policy 2020-2025, as amended, be recommended to the Executive for onward recommendation to Council for adoption.

4 URGENT PART I BUSINESS

None.

5 EXCLUSION OF PRESS AND PUBLIC

Not required.

6 URGENT PART II BUSINESS

None.

CHAIR

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

CONSIDERATION OF APPLICATIONS IN RESPECT OF REGULATORY MATTERS – PROCEDURE

The procedure detailed below will be followed.

1. The Committee Administrator will introduce the applicant (and representative) to the Committee.
2. The Licensing Officer will report on the facts of the case calling any appropriate witnesses.
3. The applicant (and/or representative) may then ask questions of the Licensing Officer and witnesses.
4. With the Chair's permission Members of the Committee may then ask questions of the Licensing Officer.
5. The applicant (and/or representative) may then state his/her case, calling any witnesses they wish. All who speak may be asked questions by the Licensing Officer.
6. With the Chair's permission Members of the Committee may then ask questions of the applicant.
7. The Licensing Officer is then invited to make a closing speech.
8. The applicant (and/or representative) is then invited to make a closing speech.
9. The applicant (and representative) and the Licensing Officer then retire for the Committee to consider the matter and make its decision. In the event that the Committee wishes to seek clarification from one or other of the parties, all parties will be invited to return to the meeting.
10. At the conclusion of its deliberations, the Committee will EITHER invite all parties to return to the meeting to deliver its decision OR inform all parties of its decision in writing as soon as possible after the meeting.
11. The Committee Administrator and Council's Solicitor (if present) will be present throughout the meeting and may ask questions at any time to assist the Committee.

NB ALL PARTIES MAY REQUEST CLARIFICATION OF ANY POINT AT ANY TIME IN THE PROCEEDINGS

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