

LICENSING COMMITTEE

Date: 25 October 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- **Glenvil Greenwood-Smith (Chairman)**
Barbara Jenney (Vice-Chairman)

Tony Boto	Andy Mercer
Richard Gell	Steven North
Helen Howell	Peter Wathen
Dorothy Maxwell	Pam Whiting

210. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gill Mercer and Geoff Shacklock.

211. MINUTES

The minutes of the meeting held on 5 July 2017 were approved and signed by the Chairman as a correct record.

212. DECLARATIONS OF INTEREST

No declarations of interest were made.

213. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

No questions were submitted under Procedure Rule 10.3.

214. LICENSING PROTOCOL WORKING PARTY

The Senior Democratic Services Officer presented a report seeking approval of the Terms of Reference for the Licensing Protocol Working Party.

At its meeting held on 18 January 2017, the Committee had agreed to establish the Working Party to review the Code of Practice for Licensing Procedures in Part 5.7 of the Council's Constitution and Councillors Barbara Jenney, Geoff Shacklock and Peter Wathen had subsequently been appointed to the Working Party.

Once the Working Party had completed its review, it would consult with this Committee before submitting final recommendations to the Governance and Audit Committee for consideration and recommendation to Council.

It was noted that Councillor Peter Wathen was the Chairman of the Governance and Audit Committee, but this was not considered to present any procedural or governance concerns with the review or consideration of recommendations.

RESOLVED:

That the Terms of Reference for the Licensing Protocol Working Party, attached at Appendix A, be approved.

215. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under paragraphs 1 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 may be disclosed.

216. LICENSING ACTIVITY UPDATE

The Senior Environmental Health Officer presented a report outlining developments in licensing associated legislation and the licensing activity undertaken by East Northamptonshire Council and the Central Licensing Administration Unit since the previous Licensing Committee Meeting in July 2017.

It was noted that the Immigration Act 2016 had given the Immigration Service additional powers to in relation to calling licensing reviews and a licensing objective in relation to preventing illegal immigration. The Immigration Service, together with the Police, operated on intelligence received, including from members of the public.

RESOLVED:

That the licensing activity and update report be noted.

217. REVIEW OF THE IMPLEMENTATION OF THE IMMIGRATION ACT 2016

PC Dave Bryan of Northamptonshire Police outlined the procedures involved in the Immigration Service issuing Civil Penalty Notices where spot checks had identified illegal workers working at business premises and the subsequent decision-making process for determining whether a case was to be prosecuted.

Where a “no further action” notice was subsequently issued, any licence review procedure would be significantly undermined by this and these circumstances had recently led to a licence review being withdrawn shortly before the hearing was to take place.

Environmental Services officers and the Chairman of the Committee had met recently with the Immigration Service to make representations concerning this process, noting in particular that the Licensing Authority worked on the balance of probabilities and not the “beyond reasonable doubt” test applied by the Courts. The Immigration Service did not have a duty to provide the rationale for issuing “no further action” notices.

The Committee expressed support in principle for the Police being consulted on applications for Hackney Carriage and Private Hire licenses thereby providing an opportunity for the Police to make representations at any hearing. Similarly, the Local Safeguarding Board could be a consultee and it was considered that these matters should be examined by the Licensing Protocol Working Party.

PC Bryan also gave a summary of new Night-time Economy Policing arrangements which were about to come into operation.

218. REVIEW OF THE LGA TAXI AND PHV LICENSING COUNCILLORS' HANDBOOK

The Committee reviewed the content of the Handbook and it was noted that many of the areas of good practice highlighted in the Handbook were already in operation at ENC. The Licensing Protocol Working Party would incorporate the content of the Handbook into its review of the Protocol.

Members were invited to submit any specific issues or queries for the Working Party to consider via the Democratic Services team.

A question was asked regarding Members sharing posts on social media which might imply agreement with content and thereby create a view of actual bias or the appearance of bias in decision-making. This was a further matter the Working Party could consider, either to recommend provisions for inclusion in the Licensing Protocol or a social media policy which was currently under consideration.

219. REVIEW OF RECENT LICENSING PANEL CASES

The Committee received a report on the outcome of recent Licensing Panel Hearings.

Chairman



East Northamptonshire Council

Licensing Protocol Working Party

Terms of Reference

1 Name

- 1.1 The name of the Working Party is the Licensing Protocol Working Party

2 Purpose

- 2.1 This Working Party was created to carry out a review of The Code of Practice for Licensing Procedures, at Part 5.7 of the Council's Constitution, in accordance with the resolution made by the Licensing Committee at its meeting held on 18 January 2017 (minute 354 refers).
- 2.2 The Working Party will undertake a review of The Code of Practice for Licensing Procedures and consult with the Licensing Committee on the findings of the review before submitting its final recommendations to the Governance and Audit Committee for consideration and recommendation to Council.
- 2.3 The Working Party will be councillor led but will include key officers tasked with providing information and liaison with key partners where necessary. It will provide a forum for discussion and determine options and approaches for ensuring the review is completed in a timely manner.
- 2.4 The Working Party has no statutory role and has no formal decision making powers. It will make recommendations to the Governance and Audit Committee and Council as necessary.

3 Membership

- 3.1 The Working Party will comprise of three Councillors nominated by the Leader of the Council. Councillors Barbara Jenney, Geoff Shacklock and Peter Wathen have been nominated to serve on the Working Party. It will be advised by the Health Protection Manager, Licensing Enforcement Officer and legal services representatives, together with other officers as appropriate.
- 3.2 The Working Party will be serviced by East Northamptonshire Council.
- 3.3 The Working Party will be able to invite individuals or representatives of other organisations or individuals to attend a particular meeting when an item of relevance to them is to be discussed or where particular specialist input is needed.

4 Meetings

- 4.1 Working Party meetings will take place when required. The business of the meeting shall be set out in an agenda and notified to members of the Working Party five days in advance of the date of the meeting. At least two of the Working Party will need to be present for the meeting to be quorate.
- 4.2 The Working Party will appoint a Chairman at its first meeting.
- 4.3 Items for inclusion on the agenda will be agreed with the Chairman and should be submitted for consideration at least 7 days prior to the date of the meeting.
- 4.4 The minutes of the previous meeting shall be submitted for agreement at the start of every meeting.
- 4.5 In order to provide for free and open discussions, reports and minutes will be confidential to the Working Party until otherwise agreed by the Working Party.
- 4.6 Once no longer considered confidential, reports and minutes will be published on the Council's website.

5 Members' Responsibilities

- 5.1 Councillors and officers must declare at the start of any meeting an interest in any matter for discussion in which they have a personal interest or involvement.

6 Voting

- 6.1 The Working Party will work towards securing mutual agreement on all aspects of the project, but should a vote be necessary each Councillor will have a single vote and decisions will be made on the show of hands. In the event of a tie in the number of votes, the Chairman will have a second, or casting, vote.

7 Variation of the Terms of Reference

- 7.1 These Terms of Reference may be altered by vote at (full) Council.