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Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 30 June 2021
Location	Council Chamber, Council Offices, Coalville - The public are encouraged to attend remotely
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES OF THE PREVIOUS MEETING	
To confirm the minutes of the meeting held on 19 February 2020.	3 - 6
4. REVIEW OF CUMULATIVE IMPACT ASSESSMENT OF LICENSED PREMISES IN ASHBY DE LA ZOUCH TOWN CENTRE	
Report of the Licensing Team Leader	7 - 12

Circulation:

Councillor J Clarke (Chairman)
Councillor K Merrie MBE (Deputy Chairman)
Councillor E G C Allman
Councillor D Everitt
Councillor M French
Councillor S Gillard
Councillor M D Hay
Councillor G Hout
Councillor J Hout
Councillor V Richichi
Councillor R L Morris
Councillor A C Saffell
Councillor C A Sewell

Councillor S Sheahan
Councillor J G Simmons
Councillor N Smith
Councillor M B Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 19 FEBRUARY 2020

Present: Councillor J Clarke (Chairman)

Councillors N Smith, E G C Allman, D Everitt, T Eynon, M French, M D Hay, K Merrie MBE, V Richichi, A C Saffell, S Sheahan and M B Wyatt

Officers: Mr L Mansfield, Mr A Cooper, E Tomlinson, Mr T Delaney and Mrs R Wallace

9. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Harrison, B Harrison-Rushton, G Hault and J Hault.

10. DECLARATIONS OF INTEREST

Councillor M Wyatt declared a non-pecuniary interest in item 5 – Licensing Update Report as a Premise licence holder.

11. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 6 November 2019.

It was moved by Councillor J Clarke, seconded by Councillor N Smith and

RESOLVED THAT:

The minutes of the meeting held on 6 November 2019 be approved and signed by the Chairman as a correct record.

12. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS

The Environmental Health Team Manager presented the report.

The report outlined the results of a consultation of private hire drivers and changes in policy to a number of areas including age of vehicles, emission standards, safeguarding, and in-vehicle equipment. He also confirmed the timings of when proposed changes to conditions would come into effect as set out on page 11 of the report.

In response to a question from Councillor N Smith, the Environmental Health Team Manager confirmed that the impact of policy changes on taxis are measured by recording the percentage that pass a depot inspection at the first attempt. He also informed the committee that this is currently at 76.9% which was the best it had been since the Licensing Team started recording this in 2016 and in some months, this had even reached the mid-eighties.

In response to a series of questions from Councillors M Wyatt, D Everitt and Smith; the Environmental Health Team Manager and Licensing Team Leader confirmed the stance of the Licensing Team on tinted windows. As set out on page 32 of the Hackney Carriage Vehicle Licence Policy Hackney Carriage Vehicle Conditions of Licence attached as Appendix 1 of the Environmental Health Team Manager's report.

In response to a question from Councillor V Richichi, the Licensing Team Leader confirmed that outside of renewals and regular checks, vehicles were periodically spot checked but there were limits set in legislation as to how many times this could be carried

out in a year. He also stated that his report in item 5 provided several examples of spot checks over the Christmas period and at hotspots such as airports and festivals.

In response to questions from Councillors S Sheahan and T Eynon, the Licensing Team Leader confirmed that for vehicles aged under 6 years inspections took place annually after initial registration, which included a full mechanical and visual inspection, and for vehicles older than 6 years inspections would be every 6 months after initial registration. Furthermore, the Environmental Health Team Manager clarified that the required standards for vehicles undergoing inspection were the same for all vehicles regardless of age at the point of initial registration.

In response to several questions from Councillor M Hay, the Environmental Health Team Manager stated that he believed the proposals in the report presented a fair balance between the need to further improve standards and needs of drivers trying to make a living. He also observed that the aim of the Licensing Team was not to penalise drivers for having older vehicles, especially those that could be retrofitted to improve emission standards. He also identified the move to Euro 5 engines or equivalent engines as an example of the Licensing Team's efforts towards improving air quality.

In response to a question Councillor A C Saffell, the Licensing Team Leader confirmed that taxis received a visual inspection at the Council Offices before going forward to a depot inspection at both the point of being registered and at renewals. He explained this was a chance to inspect cleanliness and other non-mechanical issues and second chances were offered to ensure drivers kept their vehicles to an acceptable standard.

Councillor Richichi then spoke in support of the officer's proposals and observed that, in his experience as a mechanic, taxis in the District were of a high standard. He also stated that if drivers were made to upgrade to newer vehicles this would impact customers in the form of higher fares to meet additional drivers' costs.

In response to a question from Councillor Saffell, the Environmental Health Team Manager confirmed that there was currently a Tesla registered as a taxi and presented information on the vehicle in question. He also confirmed the Licensing Team were acting to encourage further use of electric vehicles by offering a 15% reduction in licensing fees, and also working with Community Focus to explore offering grants to those drivers wishing to switch to electric or lower emission vehicles.

A discussion then ensued on the need for more charging points in the District and the ways this could be achieved moving forward.

Councillor Saffell observed that the report was one of best he had read for some time and commended the officers for their efforts.

It was proposed by Councillor J Clarke, seconded by Councillor V Richichi and

RESOLVED THAT:

- A) The draft Hackney Carriage Vehicle Policy and Conditions be approved
- B) The draft Private Hire Vehicle Policy and Conditions be approved
- C) Amendments to the Hackney Carriage and Private Hire Vehicle Policy and conditions to reflect changes in legislation and central government policy is delegated to the Environmental Health Team Manager following consultation with the Portfolio Holder

13. LICENSING UPDATE REPORT

The Licensing Team Leader presented the report, highlighting work undertaken by the Licensing team over the last year in a variety of fields.

Councillor J Clarke began by thanking the Licensing Team Leader for the report, he also encouraged members to look at the Taxi and Private Hire Monthly magazine as members may find its contents very informative when taking decisions on future committees and sub-committees.

In response to a question from Councillor M Wyatt, the Licensing Team Leader agreed to have discussions with the police regarding ways of preventing drink driving and selling of illegal substances within licensed premises. He noted several staffing changes were underway within the police but would ensure these issues remained on their agenda.

Councillor T Eynon praised the quality and detail of the report and stated it was important for Councillors to be informed as to what events and enforcement action was taking place within the District.

In response to a question from Councillor Eynon, a conversation then ensued relating to rules and procedures for the Committee. In particular, the rules relating to pecuniary interests and the involvement of licensed premises owners as Members of the Licensing Committee.

Councillor Clarke concluded the conversation by assuring Councillor Eynon that the matter would be investigated further and a response provided to her in due course.

In response to several questions from Councillor N Smith, the Licensing Team Leader stated that he was involved in pushing for greater cooperation among Leicestershire Licensing Teams and information was always shared when required. He observed that membership of the national register of taxi and private hire revocations and refusals (NR3) was optional, and whilst the Council was a member, it would require legislation change to force other councils to adopt this and lobbying for this had taken place. It was also stated that although not in Leicestershire there was a great deal of cooperation with South Derbyshire District Council on cross-border reinforcement.

In response to several questions from Councillor S Sheahan, the Environmental Health team Manager and Licensing Team Leader confirmed that two of the incidents detailed on page 2 of the report were in relation to the same location. It was confirmed that these incidents were due to a number of factors and monitoring was ongoing after recent improvements.

Councillor A C Saffell spoke of his experiences with the location in question as a Castle Donington resident and expressed support for the approach taken by officers.

RESOLVED THAT:

The report be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.32 pm

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Title of Report	REVIEW OF CUMULATIVE IMPACT ASSESSMENT OF LICENSED PREMISES IN ASHBY DE-LA-ZOUCH TOWN CENTRE	
Presented by	Andrew Cooper Licensing Team Leader	
Background Papers	Licensing Act 2003 Section 182 Guidance April 2018 Cumulative Impact Policy	Public Report: Yes
		Key Decision: No
Financial Implications	The risk of incurring costs arising from any challenge against the assessment	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	There is a risk that the Council's Cumulative Impact Assessment is challenged. Legal advice sought in its preparation to mitigate the risk of challenge.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the Assessment shall be undertaken within existing resources.	
	Signed off by the Deputy Head of Paid Service: Yes	
Purpose of Report	To consult Licensing Committee on the review of the Cumulative Impact Assessment for Ashby De La Zouch town centre ahead of a formal consultation process.	
Recommendations	That Licensing Committee; <ol style="list-style-type: none"> 1. Endorses the commencement of statutory consultation following the process detailed within the report. 2. Notes the crime data relating to Ashby De La Zouch and make initial comment on the necessity to retain a Cumulative Impact Assessment beyond February 2022. 	

1. BACKGROUND

1.1 The Licensing Act 2003 made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol
- The provision of regulated entertainment and
- The provision of late-night refreshment

There are four licensing objectives which underpin the legislation, and these are:

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

All decisions under the act must be taken with a view to promoting these licensing objectives.

- 1.2 In addition to processing applications, the act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the act. The act requires the Council to review and re publish its Statement of Licensing Policy every 5 years and its Cumulative Impact Assessment (CIA) every 3 years.
- 1.3 Since the Licensing Act 2003 was enacted, the Government has produced statutory guidance to accompany it and the concept of 'cumulative impact' has always been detailed in this statutory guidance. The statutory guidance was updated in April 2018 to reflect an amendment to the Licensing Act 2003, which placed cumulative impact on a statutory footing. Cumulative impact is the potential impact on the promotion of the licensing objectives (listed at 1.1 above) of a number of licensed premises concentrated in one area.
- 1.4 A CIA in Ashby De La Zouch town centre was approved and included within the original Statement of Licensing Policy in 2005. The current policy (issue 7) was approved by Full Council and came into force on 26 March 2019 and remains valid until 25 March 2022 unless amendments are necessary before this date.
- 1.5 After publishing a CIA the licensing authority must, within 3 years, consider whether it remains of the opinion set out in the CIA.
- 1.6 A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIA's relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 1.7 If, having consulted, the licensing authority decides that it remains of the opinion set out in the CIA, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion.

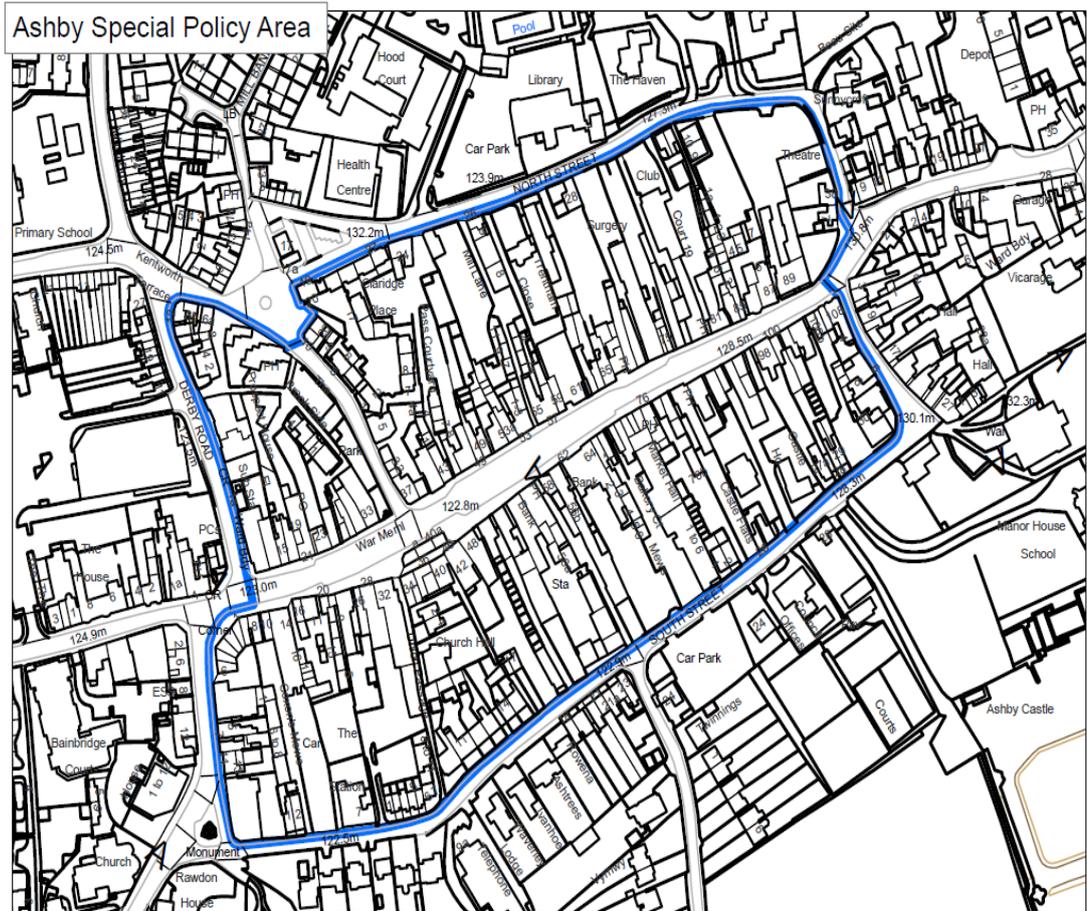
2. CUMULATIVE IMPACT – ASHBY DE LA ZOUCHE TOWN CENTRE

- 2.1 The CIA was initially adopted by the Licensing Authority in November 2005 because of the impact on the prevention of crime and disorder licensing objective. The CIA in respect of Ashby de la Zouch town centre has been retained following reviews of the policy in 2008, 2011, 2014 and 2019.
- 2.2 The Council considers that, in a specified part of Ashby de la Zouch town centre known as the Cumulative Impact Zone (CIZ), the number of premises licences and club premises certificates are such that it is likely that granting further licences or variations to existing premises licences and/or club premises certificates would be inconsistent with our duty to promote the licensing objectives. The map outlining the CIZ is as follows.



1:2,500

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3.0 Crime and Disorder in Ashby De La Zouch Town Centre

3.1 Leicestershire Police have continued to monitor crime data in relation to the late-night economy for Ashby De La Zouch since the implementation of the CIZ. Data from 2002 to present is attached as **Appendix 1**.

4.0 Consultation & next steps

4.1 We are required by the Act to consult the following groups of people:

- Chief Officer of police for the area;
- Chief Officer of fire & rescue service for the area;
- The Local Health Board;
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of Club premises certificates;
- Persons/bodies representative of local holders of Personal licences;
- Persons/bodies representative of local holders of Businesses and residents in its area.

4.2 The timeline and next steps are as follows;

- Commence consultation in June 2021 for a period of 12 weeks with the groups listed above;
- Analyse consultee comments;
- Present a report to the Licensing Committee of the outcome of the consultation recommending the continuation or removal of the CIA;

- Present outcomes and /or policy changes to Full Council for approval and implementation.

Policies and other considerations, as appropriate	
Council Priorities:	Business and Jobs, Homes and Communities
Policy Considerations:	Cumulative Impact Assessment
Safeguarding:	Not applicable
Equalities/Diversity:	Equality Impact Assessment already undertaken, issues identified actioned
Customer Impact:	Businesses may be impacted by any decision made
Economic and Social Impact:	Any proposals to change the number and operating times of licensed premises within Ashby De La Zouch town centre may be impacted by the decision made
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Informative report for Members. Responsible Authority and trade consultation to follow
Risks:	There is a risk that the Council's Cumulative Impact Assessment is challenged. Legal advice sought in its preparation to mitigate the risk of challenge.
Officer Contact	<p>Andrew Cooper Licensing Team Leader andy.cooper@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager lee.mansfield@nwleicestershire.gov.uk</p>

Appendix 1

Cumulative Impact Assessment – Ashby De La Zouch Town Centre

Crime Data relating to the night-time economy in the town centre 2002 to 2012

Crime / Year	8Nov02 - 7Nov03	8Nov03 - 7Nov04	8Nov04 - 7Nov05	8Nov 05 - 7Nov 06	8Nov06 - 7Nov07	8Nov07 - 7Nov08	8Nov08 - 7Nov09	8Nov09 - 7Nov10	8Nov10 - 7Nov11	8Nov11- 7Nov12
Assault	56	81	87	78	77	61	55	45	68	44
Public order	4	6	9	4	6	8	4	0	5	3
Criminal damage	22	12	10	18	18	17	8	12	11	9
Total	82	99	106	100	101	86	67	57	84	56

Crime Data relating to the night-time economy in the town centre 2012 to 2021

Crime / Year	2013	2014	2015	2016	2017	2018	2019	2020	<u>2021 (to date)</u>
Assault	31	35	22	38	41	44	47	13	
Public order	21	14	14	17	10	17	12	8	2
Criminal damage	3	9	3	4	5	4	2	0	
Drunk and disorderly	0	0	0	0	2	1	3	0	
Offensive weapon	0	1	0	1	0	0	1	0	
Sexual offence	0	1	3	0	0	0	0	1	
Robbery									
Drugs		1	1	1	0	0	0	2	
Total	55	61	43	61	58	66	65	24	2

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