

To: Members of the Licensing
Committee

Date: 27 February 2014

Direct Dial: 01824 712568

e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 5 MARCH 2014** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 18)

To receive the –

(a) minutes of the Licensing Committee held on 4 December 2013 (copy enclosed), and

(b) minutes of the Special Licensing Committee held on 20 December 2013 (copy enclosed).

5 APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE
(Pages 19 - 22)

To consider a report by the Head of Planning and Public Protection (copy enclosed) regarding an application from Adult World for the renewal of a Sex Establishment Licence in respect of premises situated at 43 – 47 Queen Street, Rhyl.

6 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2014/15
(Pages 23 - 26)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the committee's forward work programme and updating members on relevant issues.

PART 2 - CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in paragraphs 12 and 14 of Part 4 of Schedule 12A of the Act would be disclosed.

7 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 043844 (Pages 27 - 30)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 043844.

MEMBERSHIP

Councillors

Cefyn Williams (Chair)

Stuart Davies (Vice-Chair)

Joan Butterfield

Barry Mellor

Bill Cowie

Win Mullen-James

Richard Davies

Peter Owen

Hugh Irving

Arwel Roberts

Pat Jones

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LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS OF EXISTING LICENSED DRIVERS

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/licence holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
6.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish
10.	The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker

11.	The committee members will consider the application/review taking into account the evidence heard
12	Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.
13.	When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.
14.	The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council's Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.
15.	If the decision is to refuse or there is a decision to suspend or revoke, the Council's Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates' Court (the decision letter will also include these details).
16.	For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either: <ul style="list-style-type: none"> 1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter. <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Russell House, Rhyl on Wednesday, 4 December 2013 at 9.30 am.

PRESENT

Councillors Bill Cowie, Richard Davies, Stuart Davies, Hugh Irving, Win Mullen-James, Arwel Roberts and Cefyn Williams (Chair)

ALSO PRESENT

Head of Legal and Democratic Services (GW); Licensing Officers (NJ & JT); Licensing Enforcement Officer (HB); Public Protection Manager (EJ); Senior Community Safety Enforcement Officer (TWE) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Joan Butterfield, Pat Jones, Barry Mellor and Peter Owen

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 18 September 2013 were submitted.

RESOLVED that the minutes of the meeting held on 18 September 2013 be received and confirmed as a correct record.

5 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2013/14

A report by the Head of Planning and Public Protection was submitted (previously circulated) on the Licensing Committee's future work programme. Due to various reasons as detailed within the report officers had been unable to meet the requirements of the existing work programme and proposed to present a revised forward work programme to the committee's next meeting in March.

Councillor Bill Cowie advised that licensing matters had been discussed at the last Performance Scrutiny Committee and he had queried the possibility of additional staff in light of the work pressures identified. Members noted the reasons for slippage in the work programme and the need to review licensing priorities in view of other demands on officers' time. Consequently it was –

***RESOLVED** that the report be noted and officers present a revised forward work programme to the next Licensing Committee in March.*

EXCLUSION OF PRESS AND PUBLIC

***RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 14 of Part 4 of Schedule 12A of the Act.*

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 041213

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application received from Applicant No. 041213 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having not been in a position to grant the application in light of the information revealed following an enhanced disclosure from the Disclosure and Barring Service;
- (iii) a summary of the convictions disclosed which related to a number of offences spanning a period from 1961 to 2001 including incidents relating to dishonesty, violence and traffic offences;
- (iv) the Council's current policy with regard to the relevance of convictions, and
- (v) the Applicant having been requested to attend the meeting in support of his application and to answer members' questions thereon.

The Applicant was in attendance at the meeting and following introductions confirmed he had received the report and committee procedures. The Licensing Officer (JT) provided a summary of the report and explained that the matter had been brought before the committee to assess the Applicant's suitability to hold a licence given the amount and nature of the convictions disclosed.

The Applicant addressed the committee and explained the circumstances surrounding a number of the convictions with some having been received in his youth and others which related to a difficult period during his personal life. He portrayed himself as an honest, hardworking churchgoer and assured the committee that he had become a responsible individual. The Applicant clarified a number of issues relating to the nature and circumstances of his previous convictions in response to members' questions thereon. In his final statement the Applicant asked the committee to look favourably on his application and provided assurances as to his future conduct if a licence was granted.

The committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle drivers licence from Applicant No. 041213 be granted.

The reasons for the Licensing Committee's decision were as follows –

The committee had carefully considered the report and Applicant's submission and had expressed concern regarding the number of type of convictions revealed by the criminal record check. However, regard had been given to the fact that the offences had taken place a significantly long time ago and members accepted the explanation surrounding those convictions put forward by the Applicant. The committee had found the Applicant to be genuine in his assurances regarding his current and future behaviour and consequently considered him to be a fit and proper person to hold a licence. The Applicant was warned that any future transgression would be severely dealt with.

The committee's decision and reasons therefore were conveyed to the Applicant.

7 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 045613

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 045613 to hold a licence to drive hackney carriage and private hire vehicles;
- (ii) information received on 24 September 2013, and a subsequent complaint having been made against the Driver, regarding the posting of offensive, insulting and inappropriate comments on a social networking website about a fare paying passenger which also involved the disclosure of personal details (a summary of facts together with witness statements and associated documentation had been attached to the report), and
- (iii) the Driver having been requested to attend the meeting in support of his licence review and to answer members' questions thereon.

The Driver was in attendance at the meeting and following introductions confirmed that he had received the report and committee procedures. The Licensing Enforcement Officer (HB) introduced the report and detailed the facts of the case.

The Driver apologised for his behaviour explaining that he thought the postings private banter between friends which had not been intended to offend or be made public. Members questioned the driver regarding his behaviour and attitude towards the passenger concerned and queried how the postings had been made public. In mitigation the Driver referred to problems in his personal life affecting his state of mind at that time and his intention to have some fun (copy of a solicitor's letter dated 18 November 2013 substantiating references in his personal life had been circulated at the meeting). He assumed the postings had been passed on by friends and had removed those references and had not used the website since. He advised that he had not been aware of the seriousness of his actions at the time

and had not been thinking clearly. In response to further questions the Driver confirmed that he had not apologised to the passenger as yet because he did not want to approach her directly or make the situation worse. Finally he advised that it had been an isolated incident and he did not commonly make reference to customers on the website.

In his final statement the Driver apologised for the incident and expressed remorse over his actions. He added that he would apologise to the passenger concerned.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that the Hackney Carriage and Private Hire Driver's Licence issued to Driver No. 045613 be revoked on public safety grounds.

The reasons for the Licensing Committee's decision were as follows –

Members carefully considered all the evidence presented and the Driver's submissions in support of his case and response to questions. Serious concerns were expressed regarding the behaviour exhibited by the Driver which amounted to a gross breach of trust and the committee did not consider him a fit and proper person to hold a licence. The committee's overriding consideration was for public safety and given the aggravating factors that (1) the passenger had been a vulnerable individual, (2) personal details had been disclosed which potentially revealed the passenger's identity on the internet which had put her at risk, and (3) the disrespectful comments made and the Driver's attitude in that regard, it was agreed to revoke the licence with immediate effect in the interests of public safety.

The committee's decision and reasons therefore were conveyed to the Driver and he was advised of his right of appeal.

At this juncture (10.30 a.m.) the meeting adjourned for a refreshment break.

8 REVIEW OF A LICENCE TO DRIVER HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 046577

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted seeking a review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 046577.

Driver No. 046577 had requested an adjournment in this case and had submitted a letter (circulated at the meeting) explaining that he would be overseas at the time of the hearing and therefore unable to attend. In the interests of natural justice members decided to grant the adjournment request but in view of the seriousness of the case it was agreed that a special meeting be convened as soon as practicable to consider the matter.

RESOLVED that consideration of the suitability of Driver No. 046577 to hold a hackney carriage and private hire vehicle drivers licence be deferred to a special meeting of the Licensing Committee to be convened as soon as practicable.

9 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 048997

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted seeking a review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 048997.

Driver No. 048997 was in attendance and referred to his letter (circulated at the meeting) requesting an adjournment in this case to allow him sufficient time to prepare and submit a fair and impartial defence. He also tabled a letter from an individual he intended to rely on as a key witness confirming he was unable to attend the meeting due to work commitments. The Head of Legal and Democratic Services advised that an adjournment request had also been received via email the previous day from the Driver's Solicitor.

Members considered the request for an adjournment and noted the seriousness of the matter. In the interests of a fair hearing it was –

***RESOLVED** that consideration of the suitability of Driver No. 048997 to hold a hackney carriage and private hire vehicle drivers licence be deferred to a special meeting of the Licensing Committee to be convened as soon as practicable.*

The Driver was advised of the committee's decision and when the special meeting would likely be held which would be confirmed as soon as possible. It was impressed upon him that the committee expected to deal with the case on that day and if any difficulties arose in terms of witnesses attending then members would expect a written statement be provided.

10 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 047689

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 047689 to hold a licence to drive hackney carriage and private hire vehicles;
- (ii) the report having been deferred from the last meeting of the Licensing Committee held on 18 September 2013 at the request of the Driver;
- (iii) a report having been received from North Wales Police regarding the behaviour of the licensed driver on 10 June 2013 for which a Public Order Act Fixed Penalty had been issued – the incident had also been captured on CCTV (a summary of facts together with witness statements and associated documentation had been attached to the report), and
- (iv) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Driver was in attendance at the meeting and was being represented by his employer. Following introductions the Driver confirmed that he had received the report and committee procedures. The Licensing Enforcement Officer (HB) introduced the report and detailed the facts of the case.

The Driver's Representative advised that the Driver had worked for him four years previously without incident and was a valuable member of the team with an exemplary record. He had admitted his wrongdoing, apologised for the incident and had accepted the fixed penalty notice. He provided a number of written references from customers attesting to the Driver's good character (circulated at the meeting) and commending him as a licensed driver. He appealed to members not to remove his licence and highlighted the detrimental effect on existing customers as a consequence. The Driver responded to questions and in mitigation referred to problems in his personal life at the time of the incident, acknowledged that it was unacceptable behaviour and advised that he was deeply embarrassed by the incident and apologetic. He explained the circumstances relating to the incident and his frustration at the time.

In making a final statement the Driver's Representative appealed to the committee not to remove the licence highlighting the valuable service he provided.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that a warning be issued to Driver No. 047689 regarding the seriousness of the offence and to his future conduct.

The reasons for the Licensing Committee's decision were as follows –

During deliberations serious concerns were expressed over the Driver's behaviour, whilst on duty, which could have been witnessed and overheard by the public including children. However the committee accepted that the Driver was genuinely sorry for his actions and had also taken into account the references provided by customers attesting to his good character and valuable service. Whilst the behaviour exhibited by the Driver in this case was clearly unacceptable it was agreed that a serious warning be issued on this occasion. However any future transgression brought before the committee would be severely dealt with.

The committee's decision and reasons therefore were conveyed to the Driver and his Representative.

11 SUITABILITY OF A VEHICLE FOR A HACKNEY CARRIAGE LICENCE

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of a Hackney Carriage vehicle (currently licensed to carry 7 passengers) to be licensed to carry 8 passengers;
- (ii) officers having not been in a position to grant a licence for 8 passengers as the vehicle did not comply with Hackney Carriage/Private Hire Compliance

Test Guidance or specification 3.1(f) as detailed in the Council's Hackney Carriage and Private Hire Licensing Conditions, namely (1) the seat configuration did not provide the minimum clearance through which passengers may pass, and (2) passengers would be required to tip one of the other seats to access/exit the rear row of seats, and

- (iii) the applicant having been invited to attend the meeting in support of his application and to answer members' questions thereon.

The Applicant was not in attendance and the Licensing Enforcement Officer (HB) presented the report. Members were asked to consider whether it would be appropriate to depart from the Council's policy concerning vehicle specifications in order to grant the application as applied for.

The committee adjourned to consider the application and it was –

RESOLVED that the Hackney Carriage vehicle subject of the application be granted a license to carry 8 passengers.

The reasons for the Licensing Committee's decision were as follows –

During their deliberations members noted advice issued by the Department of Transport regarding the safety of the vehicle for commercial use and that the Council's current hackney carriage/private hire licensing conditions relating to seating configuration was currently under review. The committee was satisfied that the vehicle subject of the application was suitable for carrying 8 passengers. Consequently the committee resolved to grant the application as applied for.

As an aside the committee asked that any vehicle subject of a future application of this nature be made available for members' inspection.

The meeting concluded at 11.30 a.m.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Council Chamber, County Hall, Wynnstay Road, Ruthin on Friday, 20 December 2013 at 9.30 am.

PRESENT

Councillors Bill Cowie, Richard Davies, Stuart Davies, Barry Mellor, Win Mullen-James, Arwel Roberts and Cefyn Williams (Chair)

ALSO PRESENT

Head of Legal and Democratic Services (GW), Licensing Enforcement Officer (HB), Senior Community Safety Enforcement Officer (TWE) and Committee Administrator (KJ)

1 APOLOGIES

Councillors Joan Butterfield and Hugh Irving

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 046577

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 046577 to hold a licence to drive hackney carriage and private hire vehicles;
- (ii) information received on 24 September 2013, and a subsequent complaint having been made against the Driver, regarding the posting of inappropriate comments on a social networking website about a fare paying passenger which also involved the disclosure of personal details (a summary of facts together with witness statements and associated documentation had been attached to the report), and
- (iii) the Driver having been requested to attend the meeting in support of his licence review and to answer members' questions thereon.

The Driver was in attendance at the meeting and confirmed he had received the report and committee procedures. The Licensing Enforcement Officer introduced the report and summarised the facts of the case. Members were reminded that the

matter had been deferred from the last meeting at the Driver's request as he had been unable to attend.

The Driver submitted a written plea in mitigation together with character references from his employer and some of his regular customers (circulated at the meeting). He expressed deep remorse over the incident and assured the committee as to his previous good conduct and future behaviour. He referred to circumstances surrounding the incident and explained he thought the postings private banter between friends. The Driver acknowledged his behaviour was unacceptable and offered his apologies to the passenger concerned. Finally he referred to his family circumstances advising that losing his licence would cause extreme hardship.

Members questioned the Driver about his actions, particularly referring to the rationale behind his behaviour and his interpretation of events. The Driver was keen to stress that he had never intended his comments be made public or cause offence and naively thought they had been made between friends. He did not intentionally disclose address details and was adamant he would never have revealed the passenger's name or full address. In addition the Driver advised that he always treated his passengers courteously and with respect.

In his final statement the Driver expressed deep regret and apologised again for his actions. He urged members not to remove his licence and provided assurances as to his future conduct highlighting his previously unblemished record.

The committee adjourned to consider the case and it was –

RESOLVED that Driver No. 046577 be suspended from driving hackney carriage and private hire vehicles for a period of one week to take immediate effect on public safety grounds.

The reasons for the Licensing Committee's decision were as follows –

Members carefully considered all the evidence presented and the Driver's submission in support of his case including his plea in mitigation and character references provided. Serious concerns were expressed regarding the disrespectful comments posted by the Driver in respect of a vulnerable passenger and the fact that he had revealed part of her address which could have placed the individual at risk. Members had considered revocation of the licence but had taken into account the Driver's demeanor and genuine remorse over the incident together with the fact that the comments had not been abusive in nature and he had not disclosed the passenger's full address. Consequently it was agreed to suspend the licence with immediate effect for one week on the grounds of public safety. In addition the committee expected the Driver to make a fulsome apology to the passenger concerned and for a copy to be sent to the Licensing Section for file purposes.

The committee's decision and reasons therefore were conveyed to the Driver together with the implications of that decision and his right of appeal. He was also warned as to his future conduct.

At this juncture (10.20 a.m.) the meeting adjourned for a refreshment break.

5 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 048997

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 048997 to hold a licence to drive hackney carriage and private hire vehicles;
- (ii) a complaint having been made from a Civil Enforcement Officer regarding the behaviour of the licensed driver on 10 October 2013 following the issuing of a Penalty Charge Notice in respect of a hackney carriage vehicle;
- (iii) the Driver having subsequently been issued with a Public Order Offence Fixed Penalty Notice by North Wales Police relating to the incident (a summary of facts together with witness statements and associated documentation had been attached to the report), and
- (iv) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Licensing Enforcement Officer (LEO) provided a summary of the report and advised that the Driver was not present. The matter had been deferred from the last meeting following written representations from the Driver and his instructed solicitors requesting an adjournment. The solicitors had since advised that they no longer represented the Driver concerned. In the absence of any explanation from the Driver regarding his non attendance; the fact that the matter had already been adjourned at the Driver's request, and given the serious nature of the case members decided to proceed with the review in the Driver's absence.

The Head of Legal and Democratic Services reminded members of the representations that had been made at the last meeting. He read out a letter received from the Driver concerned in which he accepted the serious nature of the incident and wished to put the matter into the hands of solicitors. He conveyed his apologies and deep remorse for the incident advising that a series of unfortunate events had led to its culmination. The Driver had felt that the evidence presented had been biased against him and he wanted to prepare a defence and provide witness statements.

The LEO responded to questions from members advising that –

- details of the member of the public involved in the incident had not been taken at the time of the event and unfortunately he could not be traced
- confirmed there were some minor anomalies between the two statements provided by the Civil Enforcement Officers
- Civil Enforcement Officers permitted cars to park for up to ten minutes in the parking bay before issuing a Penalty Charge Notice
- it was not known whether the Driver had paid the Fixed Penalty Notice issued by the Police but had indicated in his statement that he intended to do so.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that the Hackney Carriage and Private Hire Driver's Licence issued to Driver No. 048997 be revoked on public safety grounds.

The reasons for the Licensing Committee's decision were as follows –

Members carefully considered all the evidence presented including written representations previously submitted by the Driver as part of his adjournment request at the last meeting. Serious concerns were expressed regarding the behaviour exhibited by the Driver during the incident; in particular his aggression towards the Civil Enforcement Officers and a member of the public present together with the foul and abusive language used which demonstrated an issue with his management of anger. This incident had occurred whilst the Driver was on duty and in a public place witnessed and overheard by the public and possibly children. Members noted that North Wales Police had seen fit to issue a Public Order Offence Fixed Penalty Notice which corroborated to a certain extent the incident as described in the report. It was noted that the Driver himself had acknowledged in his written representations that his behaviour had been unacceptable. Members also noted that a previous adjournment of the case had been permitted and no explanation had been provided by the Driver regarding his non attendance. The committee's overriding consideration was for public safety and in light of the Driver's behaviour as described it was agreed to revoke the licence with immediate effect in the interests of public safety.

The meeting concluded at 11.00 a.m.

Agenda Item 5



REPORT TO:	Licensing Committee
DATE:	5 March 2014
LEAD OFFICER:	Head of Planning & Public Protection
CONTACT OFFICER:	Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Application for Renewal of a Sex Establishment Licence

1. PURPOSE OF THE REPORT

The Licensing Authority has received an application for the renewal of a Sex Establishment Licence, pursuant to Section 2 of the Local Government (Miscellaneous Provisions) Act 1982.

The Licensing Committee is required to determine the application, taking into account all relevant facts/evidence.

2. EXECUTIVE SUMMARY

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 makes provisions for the licensing of sex establishments by local authorities.

At the Licensing Panel held on 30th May, 2001, Members resolved to consider each application on its own merits. Subsequently, at a Meeting held on 19th September, 2001, Members resolved to formally adopt Schedule 3 of the Act with effect from 19th November, 2001.

3. POWER TO MAKE THE DECISION

Section 18, Local Government (Miscellaneous Provisions) Act 1982.

4. BACKGROUND INFORMATION

- 4.1 An application has been received from Adult World in respect of premises situated at 43 – 47 Queen Street, Rhyl for the renewal of a Sex Establishment Licence.

4.2 Members may recall that the business was originally located at Brighton Road, Rhyl until an application for the transfer of the business to the current premises was approved in December, 2002. Since this date, Members have approved applications for renewal on an annual basis.

4.3 The applicants do not wish to vary the conditions of the licence and the opening hours remain unchanged as follows:

Monday – Saturday 09:30 – 21:00
Sundays & Bank Holidays 11:00 – 16:00

4.4 The applicants have been invited to attend this Meeting in support of their application.

5. CONSULTATION

5.1 North Wales Police

A copy of the application was submitted to North Wales Police and Members will wish to note that the police have not raised any objections to the annual renewal of this Licence.

5.2 Public Notice

The applicants have also published the requisite public notices, one in a local newspaper circulating in the area subject of the application and one on the premises itself; no objections have been received from members of the public in response to either notice.

6. COST IMPLICATIONS

6.1 In accordance with the Council's scale of charges, a fee of £2,600 is payable by the applicants in respect of this application. The fee provides full cost recovery to the licensing service of issuing and monitoring the licence.

6.2 Members will recall that, on 16th March, 2010 , following a comprehensive review of the Sex Establishment Licence Fees, it was resolved that both the renewal fee and transfer fee for a Sex Establishment Licence be set at £2,600, with the option of payment by installments. The fee for a new Sex Establishment Licence remains at £6,250.

7. IMPLICATIONS ON OTHER POLICY AREAS

Section 17 of the Crime and Disorder Act places a duty on local authorities to consider issues of crime and disorder when making

licensing related decisions. When considering this application therefore, Members will wish to give regard to all relevant factors, including any implications associated with the potential for the decision to impact upon issues of crime and disorder within the locality.

8. CONSIDERATION

Members may consider the following points pertinent to their deliberations:

- To date, North Wales Police have not opposed applications for renewal
- No relevant public objections have been received that oppose renewal of the licence, and
- The premises have operated fully in accordance with the existing permission, and Licensing Enforcement Officers have not had cause to visit or contact the premises other than for matters of a routine nature.

9. RECOMMENDATION

In the absence of any objections, officers recommend the renewal of the Sex Establishment Licence, along with the option to continue to pay the fee of £2,600.00 in installments.

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Agenda Item 6



REPORT TO:	Licensing Committee
DATE:	5th March 2014
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Licensing Committee Forward Work Programme 2014/15

1. PURPOSE OF THE REPORT

- 1.2 To advise Members of the proposed Forward Work Programme for 2014/15.

2. EXECUTIVE SUMMARY

- 2.1 A proposed Forward Work Programme is attached, at appendix 1, for Members to consider and approve.

3. BACKGROUND INFORMATION

- 3.1 Members will be aware that at the last meeting of the Licensing Committee, Officers informed you that, due to a number of unforeseen circumstances, the Forward Work Programme had not been fully adhered to. It was also agreed that a 2 year Forward Work Programme would be presented to Members at the next Licensing Committee.
- 3.2 We are now in a position to report to Members on a proposed revised Forward Work Programme. This programme will incorporate reviews of licensing policies as well as proposals to adopt any new regional policies that officers have contributed to or are made aware of.
- 3.3 There are a number of proposed changes to the Licensing Act 2003, One is the Deregulation Bill which is currently before Parliament, which proposes a number of small changes to the Licensing Act 2003. Another forthcoming change is the addition of a new mandatory condition, concerning banning alcohol sales at a price below the cost of alcohol duty plus VAT.
- 3.4 Local Authorities are also waiting for a final implementation date for setting of local fees and charges for functions under the Licensing Act and Gambling Act. Once in force, this is a large piece of complex work,

that will be in addition to the existing fee review.

- 3.5 With regards to the review of fees and charges, Officers would like to update Members as to the current position. The All Wales Licensing Technical Panel have prepared a Fee Tool Kit to assist Local Authorities when setting their Licensing fees and charges. The Tool Kit will be available to Welsh Authorities very soon.
- 3.6 Members are aware, any fees and charges set must be fully justifiable, and until the final staff structure for the Service has been approved, Officers are unable to complete this task as until it becomes apparent which staff and which grades are carrying out the licensing functions, it will be difficult to come to a justifiable figure for the fees and charges.
- 3.7 Taking all the above into consideration, Officers therefore feel it is more appropriate to produce a slightly shorter forward work programme as opposed to 2 years, as agreed, due to the number of proposed changes in legislation.
- 3.8 Officers are currently consulting with the hackney carriage and private hire licence holders and interested parties, on a couple of Policies drafted by the All Wales Licensing Technical Panel, namely a Conviction Policy for drivers and operators and Intended Use Policy for hackney carriage vehicles. Members will be advised of the outcome of the consultation at the next committee meeting in June.
- 3.9 Officers are further consulting with the trade on a revised Penalty Point policy and procedure for licensed Operators and Drivers. Once again, Officers will be reporting the outcome of the consultation with Members at the next committee meeting in June. If approved, this will provide an additional tool for Officers to enforce non-compliant licensees.
- 3.10 There are a number of complex policy reviews that need to be undertaken, which will require extensive research by Officers, for example taxi licensing, Sex Establishment, Street Trading. Members will be aware that work is ongoing with the taxi licensing review and Officers will report on the different elements of the review, as detailed in the attached forward work programme.

3.11 **RECOMMENDATION**

For Members to note the contents of the report and to approve the Forward Work Programme, as detailed at Appendix 1.

REPORT TO: LICENSING COMMITTEE

DATE: March 2014

REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION

SUBJECT: LICENSING COMMITTEE WORK PROGRAMME 2014/15

DATE	REPORT	COMMENT
June 2014	Review of Hackney Carriage and Private Hire policy: Conviction Policy Intended Use Policy Penalty Point Scheme	Report for Members to approve the proposed policies
	The Scrap Metal Dealers Act 2013 Policy	Report for Members to approve the proposed North Wales Policy
September 2014	Review of Hackney Carriage and Private Hire Policy: Driver Dress Code Code of Conduct	Report for Members to approve the proposed policy
December 2014	Review of the existing Sex Establishment Policy	Report for Members consideration
March 2015	Review of the existing Street Trading Policy	Report for Members consideration and approval for Officers to consult all interested parties
	Sex Establishment Renewal	Report for Members to consider the renewal of existing Sex Establishment Licence
June 2015	Review of the existing Hackney Carriage and Private Hire Policy relating to Vehicles	Report for Members to consider and approve the proposed amendments to policy
September 2015	Review of the existing Hackney Carriage and Private Hire Policy relating to Operators	Report for Members to consider and approve the proposed amendments to policy

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By virtue of paragraph(s) 12, 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

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