

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Wednesday, 17 June 2015 in the Council Chamber, Runcorn Town Hall*

Present: Councillors K. Loftus (Chairman), Wallace (Vice-Chairman), Fry, P. Hignett, Lea, McDermott, Nelson, G. Stockton and Wall

Apologies for Absence: Councillors Howard and A. Lowe

Absence declared on Council business: None

Officers present: G. Ferguson, K. Cleary and J. Tully

Also in attendance: Councillor Osbourne and seven members of the public.

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

#### REG17 MINUTES

The Minutes of the meeting held on 11<sup>th</sup> March 2015 having been circulated were signed as a correct record.

#### REG18 APPLICATION FOR A PREMISES LICENCE - 224 DITCHFIELD ROAD WIDNES

The Committee met to consider an application which had been made under Section 17 of the Licensing Act 2003 for the grant of a premises licence. The hearing was held in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting was held as a hearing relating to an application for a premises licence made by Pandiyarajah Sellathurai in respect of premises at 224 Ditchfield Road, Widnes.

The applicant requested the following licensable activities:-

- the supply of alcohol off the premises between the hours of 08.00 to 23.00 each day; and
- the hours the premises are open to the public 06.00 to 23.00 each day.

The Committee was advised that as part of his

operating schedule the Applicant had volunteered a number of conditions, details of which were outlined in the report. In addition, comments received from Cheshire Police and conditions agreed between Trading Standards and the applicant were noted.

The Chairman introduced the members of the Committee and the Council's officers who were present.

The Council's legal adviser, John Tully, summarised the procedure to be followed and outlined the nature of the application.

Prior to outlining the application Mr Tully advised the Committee of the 20 letters/emails which had been received and included details on relevant representations. All persons who had made relevant representations had been requested to supply evidence on not later than five working days prior to the hearing.

After outlining the nature of the application Mr Tully advised the Committee of the additional information which had been received from the applicant and emailed to members of the Committee and those residents who made objections by email. It was noted that this information did not add anything that was not already in the Premises Licence application.

At the hearing, the Committee were addressed by the applicant's Licensing Representative Ian Rushton who was accompanied by Pandiyarajah Sellathurai the applicant.

Mr Chorley and Mr Grizedale had both submitted representations and addressed the members as "other persons". The members also took into consideration the relevant written representations submitted by other persons who did not attend the hearing. In addition Councillor Osborne, Ward Councillor, addressed the Committee on behalf of the residents who made representation.

The Committee asked a number of questions of the parties and retired to consider the matter.

RESOLVED:

### **Findings**

1. A number of representations submitted to the licensing authority did not constitute relevant representations. These were not taken into

- consideration.
2. None of the representations which were capable of being relevant representations were supported by evidence which the Committee could consider.
  3. The application was consistent with the Licensing Objectives.

### **The Determination**

Having considered the application in accordance with section 4 of the Licensing Act 2003 and all other relevant considerations it is decided that the application be granted subject to:

1. The conditions volunteered as part of the operating schedule;
2. The conditions agreed with Trading Standards; and
3. The relevant mandatory conditions.

Time that the licence shall take effect: Immediately.

## REG19 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

The Committee considered a request to authorise a review of the Council's Statement of Licensing Policy (SLP). SLP must be reviewed by the Council for successive five year periods and the current Policy was due to expire at midnight on 6<sup>th</sup> January 2016. Members were advised on the consultation process to be followed and a copy of an amended SLP, which would assist the process, had been circulated to Members.

Following the consultation process a report would be brought back to Committee for consideration and recommendation to Council.

RESOLVED: That

1. the Operational Director, Legal and Democratic Services (OD-LD) be authorised to undertake a consultation exercise in respect of the Council's Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003;
2. the OD-LD determine all matters relating to the consultation process; and
3. the matter be reported back to the Regulatory

Committee following the completion of the consultation process; and

4. a voluntary code of good practice be prepared by the Director of Public Health by the beginning of August (and circulated to members at that time) and brought to the September 2015 meeting for consideration.

#### REG20 GAMBLING ACT 2005 STATEMENT OF GAMBLING POLICY

The Committee considered a request to authorise a review of the Council's Statement of Gambling Policy. The Policy must be reviewed by the Council for successive three year periods and the current Policy was due to expire at midnight on 30<sup>th</sup> January 2016. Members were advised on the consultation process to be followed and a copy of an updated Policy, which would assist the process, had been circulated to Members.

Following the consultation process a report would be brought back to Committee for consideration and recommendation to Council.

RESOLVED: That

1. the Operational Director, Legal and Democratic Services (OD-LD) be authorised to undertake a consultation exercise in respect of the Council's Statement of Gambling Policy in accordance with section 349 of the Gambling Act 2005;
2. the OD-LD determine all matters relating to the consultation process; and
3. the matter be reported back to the Regulatory Committee following the completion of the consultation process.

#### REG21 TAXI LICENSING MATTER

The Committee was advised that during meetings of the Taxi Consultative Group various changes and additions were tabled to the Single Status Drivers conditions (and pre conditions) and Hackney Carriage and Private Hire Vehicle conditions. The Taxi Consultative Group was requested to consult with the taxi trade regarding changes and the outcome of the consultation was outlined in the report. The potential changes were as follows:

- The introduction of an English/Maths test for all new Single Status Drivers;
- the use of electronic cigarettes by licensed drivers and passengers whilst in their licensed vehicles;
- the use of a spare tyre, a space saver tyre or sealant are required in licenced vehicles;
- changing the size of luggage space in licenced vehicles taking into consideration the area above the back seat of the vehicle; and
- removing the Council's policy on blackout/privacy glass.

RESOLVED: That the following be recommended to Executive Board for approval as Council policy:

1. the proposals set out at Appendix B of the agenda except that (1) The proposal regarding maths tests be not proceeded with; (2) The details of level of competence in English which must be achieved be determined by the OD-LD; and
2. existing conditions relating to "privacy glass" (being condition 2.5 of the current Hackney Carriage Vehicle Conditions and 2.6 of the current Private Hire Vehicle Conditions) shall be deleted and the following condition substituted in each case:

#### **Privacy Glass**

Privacy glass shall be permitted subject to the following rules:

- The permitted degree of tinting of glass in front of the vehicle's "B-Pillar" shall be in accordance with national standards;
- The permitted degree of tinting of glass behind the vehicle's "B-Pillar" shall not exceed the vehicle manufacturer's specification for the vehicle in question.

*Meeting ended at 8.48 p.m.*