

LICENSING AND REGULATORY COMMITTEE
2nd March 2021

PRESENT: Councillor Sutherland (Chair)
Councillors Mrs Allen, Mrs Carter, Clarke, Gallagher, Lambert and Pillai.

41 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sweeney.

(Councillor Mrs Carter left the meeting at 19:00 hours).

(Councillor Pillai arrived at 19.05 hours).

The meeting closed at 19.16 hours.

42 MINUTES OF THE LICENSING AND REGULATORY COMMITTEE HELD ON 15TH SEPTEMBER 2020

RESOLVED that the Minutes of the Meeting of the Licensing and Regulatory Committee held on 15th September 2020 be approved as a correct record and signed by the Chair.

The Chair welcomed the Senior Partnership and Enforcement Officer and congratulated them on the recent appointment.

43 APPLICATION FOR THE RENEWAL OF A SEXUAL ENTERTAINMENT VENUE

The Legal Officer on behalf of The Assistant Director, Neighbourhoods submitted a written report seeking consideration of an application for the renewal of a Sex Establishment Licence (sexual entertainment venue) where objections had been received. The application was in respect of the premises known as La Salsa, 24 Silver Street, Halifax.

An application had been received on Monday 16th November 2020 to renew the Sex Establishment Licence for La Salsa, 24 Silver Street, Halifax. The objection period expired on 21st December 2020 and the Council had received thirty letters objecting to the licence being renewed. In determining the application, the local authority had consulted with West Yorkshire Police and Ward Councillors and there had been no objections from them in relation to this application. In addition, the applicant had advertised the application in the local newspaper and displayed a public notice on the premises so as to be visible to the public for a period of 28 days.

The current licence expired on 12th December 2020. The application has been brought to the next official scheduled Licensing and Regulatory Committee Meeting to be held on 2nd March 2021 following the closure of the objection period of 21st December 2020. La Salsa was still permitted to operate as a sexual entertainment venue until a decision was taken regarding the renewal application, however, it should be noted that the premises had not operated as a sexual entertainment venue since March 2020 due to the current pandemic situation.

Appended to the report was a copy of the application form to renew the Sex Establishment Licence for La Salsa, 24 Silver Street, Halifax, copies of the letters of objection, Calderdale Council's Licensing of Sex Establishment Statement of

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Licensing Policy the Home Office Guidance and an Equality and Community Cohesion Impact Assessment.

Guidance given on the refusal of a sex establishment licence was prescribed on mandatory and discretionary grounds. This was shown at 5.1 of the Licensing of Sex Establishments – Statement of Licensing Policy (shown in appendix 3). The Home Office Guidance (shown at appendix 4) for sexual entertainment venues stated at para 3.23 – objections – that objections should not be based on moral grounds or values and that Local Authorities should not consider objections that were not relevant to the mandatory and discretionary grounds.

The applicant, his legal representative and all objectors to the application were invited to attend the meeting and were invited to address the Committee. The applicant and three of the objectors who attended the meeting addressed the Committee.

RESOLVED that the application for the renewal of the Sex Establishment Licence for LA Salsa, 24 Silver Street, Halifax, HX1 1HS be granted as applied for the following reasons:

- (i) there had been no objection by the Police Authority;
- (ii) the premises were located within the town centre area containing commercial premises and other late night venues; and
- (iii) the premises had been there since 2002 and the character of the locality had not changed in the last 19 years.

44 DEPARTMENT OF TRANSPORT – STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Community and Safety Resilience Officer on behalf of the Assistant Director, Neighbourhoods submitted a written report which provided information on the of the Department of Transport(DfT) – Statutory Taxi and Private Hire Vehicle Standards (STPHVS) which was published on 21st July 2020. A copy of the standards was attached as Appendix 1 of the report.

The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who were over 18 from harm when using these services. Whilst the focus of the guidance was on protecting children and vulnerable adults, all passengers would benefit from the recommendations contained in it. There was a consensus that common core minimum standards were required to regulate better the taxi and private hire vehicle sector, and the recommendations in the guidance were the result of detailed discussions with the trade, regulators, and safety campaign groups.

The Council was responsible for licensing hackney carriage and private hire drivers, vehicles, and private hire operators. In undertaking these responsibilities, the Council must have regard to the legislation, relevant statutory guidance, and best practice as

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well as its own policies and procedures. Following publication of the standards officers were seeking approval from Members to commence a review of the Licensing Services Hackney Carriage and Private Hire Policies.

Officers advised that:

- relationships with the trade had been critical this last twelve months due to Covid restrictions and were pleased to advise that co-operation from them had been remarkable.
- Calderdale Council had adopted its Hackney Carriage and Private Hire Licensing Policy in August 2016 and this had been amended in August 2019.

Councillors Mrs Allen, Pillai, and Sutherland commented on the report and advised that by working together positive changes had occurred within the trade.

RESOLVED that:

(a) the report be noted; and

(b) the Assistant Director, Neighbourhoods be requested to conduct a review of the current policies and procedures in relation to Hackney Carriage and Private Hire Licensing following publication of new guidelines and to bring a report on its findings back to a future meeting of this Committee for Members consideration.