

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 12th July 2012

Present: Councillor Gill (in the Chair)
Councillors: Ashworth, Cheetham, Crawforth, De Souza, Eaton, Farrington, Hughes, Shipley and Wilkinson.

In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Nicola Holmes, Enforcement Officer
Sarah Doherty, Solicitor
Michelle Hargreaves, Committee and Member Services Officer
Pat Couch, Democratic Services
Lorna McShane, Legal and Democratic Services Manager

Also Present: 20 Members of the Public

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Neal.

2. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 26th June 2012 be approved and signed by the Chair as a correct record.

3. URGENT ITEM OF BUSINESS

There were no urgent items of business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

Due to the number of items on the agenda the Chair asked the Licensing and Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

5. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involve the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

6. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – ZH

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Licensing and Enforcement Manager presented the report detailing the proposed revocation of a Hackney Carriage Drivers Licence.

The Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer, the Applicant and the Applicant's Representative for clarification purposes only.

The Chair asked the committee whether they wanted to ask questions of the witnesses that had submitted statements.

The witnesses were welcomed to the meeting. The committee asked questions for clarification purposes only.

The Witnesses, Applicant, Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

The Legal Representative clarified relevant issues raised associated with the application to the committee.

Resolved:

That the licence be revoked. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

7. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – NA

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

8. REPORT TO CONSIDER THE APPLICATION TO SUSPEND A CURRENT HACKNEY CARRIAGE DRIVERS LICENCE – MY

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Licensing and Enforcement Officer presented the report detailing the reasons for the suspension of a current application for a Hackney Carriage Drivers Licence.

The Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be suspended until the Applicant submits an amended DVLC licence showing correct details or the Applicant's hackney carriage drivers badge lapses, whichever is soonest. The Committee were not satisfied that the applicant

was a fit and proper person to hold a Hackney Carriage Driver's Licence as a result of not having an enhanced CRB.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

9. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE/RENEWAL – AM

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Licensing and Enforcement Manager presented the report detailing the proposed renewal for a Hackney Carriage Drivers Licence.

The Applicant and the Applicant's spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, the Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

10. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – AA

The Chair welcomed the Applicant to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

11. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – WA

The Chair welcomed the Applicant to the meeting. The Committee Members introduced themselves to the Applicant and Applicant's Representative.

The Licensing and Enforcement Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

12. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – IA

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant and the Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Enforcement Officer, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

N.B Members of the public were welcomed back into the meeting for the remaining items on the agenda.

13. QUARTER 4 ENFORCEMENT REPORT

The Licensing and Enforcement Manager outlined the purpose of the report which was to present to the Committee a summary of the enforcement action taken by the Licensing and Enforcement Unit between 1st January 2012 to 31st March 2012.

The Licensing and Enforcement Manager outlined the matters which the Licensing and Enforcement Unit dealt with, some of which were highlighted within the report.

The Licensing and Enforcement Manager recommended that the report be noted.

Upon hearing the item, the Committee discussed the following:

- Specifying which cancer research charities are collected
- Whether operation maestro included the cover of mini buses
- Monitoring of licensed vehicles for other boroughs

Resolved:

That the report be noted.

14. REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

The Enforcement Officer outlined the report to the committee which was to inform members that the Law Commission launched its consultation on the draft proposals for reforming taxi and private hire licensing laws on 10th May 2012.

The Law Commission had now launched its consultation on their draft proposals for reforming taxi and private hire licensing laws. The public consultation sought views on the proposed changes to the way in which taxis and private hire vehicles (often referred to as minicabs) are regulated. Some of the main points were included within the report.

Resolved:

That the report be noted.

15. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER BADGE LENGTH AND COMMUNITY IMPACT ASSESSMENT

Prior to the commencement of this item, Cllr Eaton raised a point of order in relation to the fact that the item was deferred at the meeting on 28th February for a CIA assessment to be brought to the meeting, not the whole report. Concerns were raised that the Taxi Trade would not have had time to respond fully in writing to this item.

The Licensing and Enforcement Manager outlined the purpose of the report which was following the deferral of this item at the meeting held on 28th February 2012, a community impact assessment had now been carried out and was appended along with the report. The matter was being reported back to the Licensing Committee for their determination.

At a meeting of the Licensing Committee on 28th February 2012 it was resolved:

- That the duration of hackney carriage and private hire driver's licences remained at 12 months. With the amended request to explore the issue of such licences for 2 and 3 years.

- A community impact assessment would be carried out and the matter brought back to the Licensing Committee for further consideration.

For the purpose of new members on the committee, the Licensing and Enforcement Manager outlined the main points in the report which was taken to committee on the 28th February.

Mr Lawrie and Mr Bulcock spoke on the item.

Upon hearing the item, the committee discussed the following:

- Location based rule for taxi licenses
- Improvement of public safety with 12 month licences
- Percentage of trade that do work for LCC (school run)
- Clarification of why full report had come to committee

Councillor Eaton proposed a different recommendation to the officer recommendation, which was seconded by Councillor Cheetham as follows: *that the duration of hackney carriage and private hire drivers licences be amended to 3 years.*

Members voted and the motion was lost.

Councillor Wilkinson proposed an amendment which was seconded by Councillor Eaton as follows: *that the duration of hackney carriage and private hire drivers licences be amended to 2 years.* Members voted on the amendment and this became substantive motion.

Members voted on the substantive motion which was carried.

The Licensing Unit would have a month to put this procedure in place and it would only effect grants and renewal applications.

Resolved:

That the Licensing Committee recommend that the duration of hackney carriage and private hire drivers licences be amended to 2 years.

16. LICENSED VEHICLE AGE LIMITS

The Enforcement Officer outlined the purpose of the report which was to inform members that a community impact assessment had been carried out in relation to licenced vehicle age limits and was now being reported back to the Licensing Committee.

It was requested that members note the content of the report and the community impact assessment attached.

Mr Lawrie and Mr Bulcock spoke on the item.

The Legal representative clarified a point raised by the committee.

Resolved:

That the content of the report and community impact assessment be noted.

17. LICENSING ACT 2003 REFORMS

The Licensing and Enforcement Manager outlined the purpose of the report which was to inform members of the recent changes to the Licensing Act 2003 and the necessary action to implement these changes.

The committee requested the Licensing and Enforcement Manager to outline the main changes which were as follows:

- Licensing Authorities to act as Responsible Authorities - the intention of Government was to give Licensing Authorities (LA) more power and flexibility, and as such, had given them Responsible Authority (RA) status under the Act.
- Non-payment of annual fees - the reforms sought to address this issue by granting LAs the power to suspend a Premises Licence or Club Premises Certificate if the annual fee was not paid when it is due.
- Changes to Temporary Event Notices (TENs) - the maximum length of time a TEN could have effect had been increased from 96 hours (or 4 days) to 168 hours (or 7 days).
- Lowering evidential thresholds.
- Health bodies as responsible authorities - all Primary Care Trusts (PCTs) had been given RA status under the reforms.
- Licensing policies - the frequency that the Council was required to review and publish its Licensing Policy had been changed from 3 to 5 years.
- Sales of alcohol to children - the maximum fine for the offence of selling alcohol to children had been doubled to £20,000.
- Relevant offences - the list of relevant offences had been extended to include criminal attempt and conspiracy offences.

Further details of these changes were outlined within the report.

Resolved:

That the committee agree recommendations 1.1 to 1.3 of the report.

The meeting commenced at 5.05pm and closed at 9.20pm

CHAIRMAN
