

Licensing and Public Safety Committee

Wednesday, 15 September 2010

Present: Councillor Keith Iddon (Chair), and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Laura Lennox, Marion Lowe, Beverley Murray, Alan Platt, Debra Platt, Edward Smith, Ralph Snape and Stella Walsh

Also in attendance: Simon Clark (Head of Environment), Stephen Culleton (Public Protection Officer), Zeynab Patel (Solicitor) and Cathryn Barrett (Democratic and Member Services Officer)

10.LPS.63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Pat Haughton and Councillor John Walker.

10.LPS.64 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interest.

10.LPS.65 MINUTES

RESOLVED – That the minutes of the Licensing and Public Safety Committee meetings held on 9 June 2010 and 7 July 2010 be confirmed as a correct records and signed by the Chair.

10.LPS.66 MINUTES OF THE LICENSING SUB-COMMITTEE

RESOLVED – That the minute of the General Licensing Sub-Committee meetings held 7 July 2010, 4 August 2010 and 1 September 2010 be confirmed as a correct record and signed by the Chair.

10.LPS.67 SEXUAL ENTERTAINMENT VENUES - POLICE CRIME ACT 2009 - ADOPTIVE POWERS

Members of the Committee considered a report from the Head of Environment which asked Members to recommend adoption by the Council of the provisions for Sexual Entertainment Venues which had been introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009, and approve the first appointed day or day on which the adoption becomes effective.

It was moved by Councillor Ralph Snape, seconded by Councillor David Dickinson and **RESOLVED –**

- 1. That the report be noted.**
- 2. Members of the Committee recommended adoption under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982, of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 police and Crime Act 2009 to Council.**

3. That the 'first appointed day' or the day on which adoption becomes effective as 1 January 2011.
4. Delegation to be given to the Licensing and Public Safety Committee to determine any policy framework and fee structure within which applications for Sexual Entertainment Venue licences are considered.
5. If the provisions are adopted by Council that the Licensing and Public Safety Committee be the determining body for all applications for Sexual Entertainment Venue Licences.

10.LPS.68 SEXUAL ENTERTAINMENT VENUES - PROPOSED POLICY AND PROCEDURE

Members of the Committee considered a report from the Director of People and Places on a policy and procedure for dealing with applications for Sexual Entertainment Venue licences should the adoption of the provisions for Sexual Entertainment Venues introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009 be adopted by the Council.

It was moved by Councillor Ralph Snape, seconded by Councillor Laura Lennox and **RESOLVED –**

1. That the report be noted.
2. That the proposed policy and procedure as set out in Appendix 1 and Appendix 2 respectively of this report be approved subject to the adoption of powers by the Council.
3. The proposed fee structure for licence application be approved.

10.LPS.69 TAXI DRIVER CONDITIONS REVIEW

Members of the Committee considered a report from the Director of People and Places which sought approval for revised Hackney Carriage and Private Hire Driver Conditions.

At the Licensing and Public Safety Committee on 10 March 2010, it had been agreed that the current driver licence conditions be reviewed in consultation with the taxi trade.

In response, a working group which included representatives of the taxi trade had met on several occasions to review the driver licence conditions and proposed changes which ensured that the objectives set out in legislation for driver licences were met, as well as determining the level of training which should be made a requirement for new driver applications.

Members of the taxi trade on the Chair's request, put forward their representations in relation to the proposed changes to the conditions.

Members of the Committee considered the proposed changes.

It was proposed by Councillor Laura Lennox, seconded by Councillor Keith Iddon to approve that new applicants must successfully complete both the Driving Standards Agency (a two part course) and a BTEC Level 2 Award – Transporting Passengers by Taxi and Private Hire on condition of the grant of a driver licence.

Following a vote, it was moved by Councillor Anthony Gee, seconded by Councillor Ralph Snape and subsequently **RESOLVED** -

1. **That the report be noted.**
2. **That the revised conditions relating to the application and issue of Hackney Carriage and Private Hire Driver Licences relating to the renewal period and medical examination be confirmed.**
3. **To adopt the policy that all new drivers successfully complete both parts of the Driving Standards Agency training course as a condition of the grant of a driver licence. This policy will be reviewed after twelve months at which time it would be considered if the training course adequately met the skills and knowledge with regards to customer services and legal aspects of hackney carriage and private hire services or if the policy should also include as a condition for the grant of a licence the successful completion of the BTEC Level 2 Award – Transporting Passengers by Taxi and Private Hire.**
4. **Any driver brought before the General Licensing Sub-Committee for a review of their driver licence may be asked to undertake and successfully complete the BTEC Level 2 Award – Transporting Passengers by Taxi and Private Hire as a condition to retaining their driver licence.**
5. **That the proposed changes to the Knowledge Test and DVLA driver licence checks be approved.**
6. **That all changes be implemented by 1 October 2010.**

10.LPS.70 CHANGE TO VEHICLE CONDITION

Members of the Committee considered a report from the Director of People and Places which sought approval for a revision to the Hackney Carriage and Private Hire Taxi Licence conditions.

Members of the Committee had been asked to consider amending the condition which related to signs, notices etc by the insertion of an exemption to allow hackney carriage and private hire vehicles to display appropriate trade membership details within vehicles.

It was moved by Councillor Debra Platt, seconded by Councillor Anthony Gee and **RESOLVED** –

1. **That the report be noted.**
2. **That the revised condition relating to the display of relevant trade association membership within Hackney Carriage and Private Hire vehicles be approved.**

10.LPS.71 HACKNEY CARRIAGE - VEHICLE TYPE APPROVAL

The Committee Members considered a report from the Director of People and Places which brought to Members attention proposals to amend the Council's Hackney Carriage and Private Hire Vehicle conditions of licensing in relation to vehicle type and disabled access.

The outcome of the Council's unmet demand survey carried out in 2008 identified a number of considerations to be determined which would influence the type of vehicles the Council would licence as a Hackney Carriages. However, no further action was taken until the outcome of the Department for Transport had released its own findings and recommendations from a consultation exercise in relation to the Disability Discrimination Act with reference to Hackney Carriages.

From the outcome of that consultation the Department of Transport have defined the following disabled vehicle types:

- Type One – Wheelchair Accessible Taxis
Accessible taxis capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as other people with other disabilities;
- Type Two – Standard Accessible Taxis
Vehicles which feature designs to make use by disable people easier, but would be able to carry a wheelchair user who can transfer from a taxi seat.

Members of the Committee were asked to approve the proposed changed to the Council's Hackney Carriage Vehicle Licenses Conditions of Applications and proposed conditions as outlined in appendix A.

At this point Members of the Committee were invited to inspect example models of modified vehicles presented.

It was moved by Councillor Alan Platt, seconded by Councillor Ralph Snape and **RESOLVED –**

- 1. The report be noted.**
- 2. The amended vehicle conditions as set out in the report and appendices be approved.**

10.LPS.72 LICENSING PERFORMANCE REPORT - QUARTER 1

The Members of the Committee received a report for information from the Director of People and Places which detailed the performance of the Council's licensing functions during quarter 1.

Enforcement action had resulted in:

- 1 suspensions of a vehicle licence relating to the conditions of a vehicle
- 4 defect notices had been issued for minor issues on taxi's
- 6 premises had been visited for non compliance of their licence
- 1 visit with the Gambling Commission to a premises
- 9 joint operations with the Police visiting premises in the Town Centre

In addition there had been:

- 4 applications for house to house collection licenses
- 1 application for a second hand dealers registration

- 8 street collection permit with a further 2 applications to amend existing permits.
- 1 Sex Shop Licence application renewed (and not 2 as stated in the report)

RESOLVED – That the report be noted.

10.LPS.73 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair had received representation from a Private Hire Taxi Driver relating to MPV type taxi internal dimensions.

Previously this type of vehicle could have been registered to carry six passengers, however due to a change in the Council's conditions for licensed vehicles that is no longer the case. The driver had requested Members of the Committee to review this policy so that he would be allowed to licence a recently bought vehicle for six passengers instead of four which the current conditions presently allow.

At the request of the Chair, Members of the Committee received verbal representation from the taxi driver in support of his request for a change in vehicle conditions relating to MPV type taxis.

RESOLVED – That a full consultation exercise be carried out the findings of which to be presented to a special meeting of the Licensing and Public Safety Committee or the next scheduled Committee which ever is sooner.

Chair