

LICENSING COMMITTEE

Minutes of the meeting held on 17 May 2016 commencing at 6.00 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllr. Clark (Vice Chairman)

Cllrs. Abraham, Mrs. Bosley, Dr. Canet, Cooke, Esler, Kelly, Lake, Parkin, Pett, Scholey and Clark

An apology for absence was received from Cllr. McArthur

1. Ruling by the Chairman regarding Urgent Matters

In accordance with Section 100B(4) of the Local Government Act 1972, the Chairman advised the Committee she had agreed to accept an urgent matter - 'Appointments to Licensing Hearing Sub-Committees.'

Due to agenda publication preceding the meeting of Annual Council held on 10 May 2016, which confirmed the new membership of the Licensing Committee, it had not been possible to write the report. However Licensing Sub-Committees must be confirmed to ensure compliance with Part 8 of the constitution.

2. Minutes

Resolved: That the Minutes of the meeting of the Licensing Committee held on 17 March 2016, be approved and signed as the Chairman as correct record.

3. Declarations of interest

No additional declarations of interest were made.

4. Actions from the previous meeting

There were none.

CHANGE IN AGENDA ITEM ORDER

With the agreement of the Committee, the Chairman brought forward consideration of agenda item 5 (Minute 4).

5. Licensing Partnership Update Report 2016

The Licensing Partnership Manager presented a report which updated Members on the performance of the Licensing Partnership in 2015/16, progress against service plan objectives and service objectives and planned service improvements for 2016/17. She described it as an outstanding year and highlighted that the lowest

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value performance target was 98.18% against a target of 90% and many were achieving 100%. The aim for 2016/17 was to reach the Partnership's targets. The introduction of the London Borough of Bexley as a new Partner would make it difficult to achieve similar levels of performance. Significant work was needed to incorporate them into the Partnership. The Licensing Partnership Manager considered the Team as one of the Council's leading services for digital transformation, with the introduction of many online forms and in April 2016 they began to send renewal notices to taxi drivers electronically.

In response to a question, the Licensing Partnership Manager confirmed that she had received an email from a Council expressing interest in becoming the fifth member of the Licensing Partnership. She noted that current savings from a fifth partner would be less than the savings from a fourth partner. The Partnership Board had already agreed that structural changes would be required, which could include the appointment of an Assistant Partnership Manager and these changes could make the Partnership better prepared for future expansion.

A Member asked about the progress of the dementia training to taxi drivers. She confirmed training had been rolled out together with the safeguarding training. There had not been a great take up, though some firms had taken a great interest. It was to be revisited later in the year and parts incorporated into the new online knowledge test that was being developed.

The Committee congratulated the Licensing Partnership on their digital transformation.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted, and an Annual report continue to be provided.

6. Amendment to the Taxi and Private Hire Licensing Policy

The Senior Licensing Officer and Administration Team Leader presented a report which sought to amend the Hackney Carriage and Private Hire Licensing Policy which had come into effect 17 February 2016. The authority was required regularly to review its Taxi Licensing Policy and ensure it complied with the legislation. The report sought an amendment to the policy to ensure that it reflected the legislation effectively. It was proposed to remove the second section of paragraph 7.2 to clarify that legislation did not strictly permit a Hackney Carriage driver to leave their vehicle unattended on a rank or stand. As the amendment was minor in nature and was proposed to align with the legislation more effectively, there was no requirement for consultation.

The Committee discussed the concerns of the Portfolio Holder for Legal & Democratic Services, reported by the Chairman, that deletion would reduce clarity. Members noted the proposal was a response to concerns raised by the Parking

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Team and that deletion would still allow the Parking Team to use discretion when deciding when to enforce parking restrictions.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That Council be recommended to approve the amendment to paragraph 7.2, by the deletion of the second paragraph, in the Taxi and Private Hire Licensing Policy.

7. Adoption of Section 76 of the Public Health Act 1925 to regulate public vehicles at railway stations

The Senior Licensing Officer and Administration Team Leader presented a report which sought the adoption of section 76 of the Public Health Act 1925. The authority had a duty of care to enforce the adopted policies by the Council and the legislation and byelaws associated with taxi licensing. Extending this to private land, the railway stations, would enable officers to undertake the delegated functions to ensure compliance from the trade.

Officers sought approval to begin the process of adoption. In order to adopt this section of the legislation, a notice must be placed in a local newspaper for two consecutive weeks, be served to affected Town and Parish Councils, and a resolution passed by full Council adopting section 76 of the Act. The Licensing Partnership Manager clarified that although there were only two Hackney Carriage stands at railway stations in the District, adoption would allow there to be no ambiguity over other railway land.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: It be recommended to Council to approve seeking adoption of Section 76 of The Public Health Act 1925 and agree for the legislative adoption process to commence.

8. Appointments to Licensing Hearing Sub-Committees

The Committee considered a report setting out the proposed memberships for the Sub-Committees for Licensing Hearings.

Resolved: That

- a) the following memberships of the Licensing Sub-Committees, be approved

Sub-Committee A - Cllrs. Clark, Esler and Kelly

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Sub-Committee B - Cllrs. Mrs. Bosley, McArthur and Pett

Sub-Committee C - Cllrs. Lake, Mrs Parkin and Scholey

Sub-Committee D - Cllrs. Abraham, Dr. Canet and Cooke

Cllr. Mrs Morris a floating Member; and

- b) it be noted that any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.

THE MEETING WAS CONCLUDED AT 6.50 PM

CHAIRMAN