



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 11th December 2018

PRESENT : Cllrs. Brooker (Vice-Chair, in the Chair), Walford, Brazil, D. Brown, Gravells, Haigh, Hanman, Hyman and Williams

Officers in Attendance

Vikki Fennell, Solicitor - One Legal

Meyrick Brentnall, City Improvement and Environment Manager

Darren Mountford, City Centre Improvement Officer (Licensing Lead)

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Hansdot, Lugg, Patel and Tracey

21. DECLARATIONS OF INTEREST

Councillor Williams declared a personal interest in agenda item 8, review of fees and charges for the licensing of items to be placed on the highway, as a stallholder in the Antiques Centre.

22. MINUTES

The minutes of the meeting held on 11th September 2018 were confirmed and signed by the Vice-Chair as a correct record.

23. MINUTES OF LICENSING SUB-COMMITTEES

No Members indicated that they wished to discuss the exempt minutes of the Licensing Enforcement Sub-Committees.

RESOLVED that the exempt minutes of the Licensing Enforcement Sub-Committees held on 5th September 2018 (three cases) and 13th November 2018 be received.

24. PUBLIC QUESTION TIME

There were no questions from members of the public.

25. PETITIONS AND DEPUTATIONS

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There were no petitions or depositions.

26. PROPOSED REVISED DRAFT CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Licensing Lead Officer introduced the report of the Head of Place which presented the result of the consultation on the revised draft Policy Conditions (Rule Books) for Hackney Carriage and Private Hire licensing and invited the Committee to agree a final version for adoption.

He advised that there was an error in Appendix 4 to the report and Paragraph 3.3(g) should read as follows:-

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

He also recommended that the following text be added to paragraph 3.3(g):-

Any dishonesty by any applicant or the other person on the applicants behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

Councillor Gravells requested that paragraph 1.1B of the Drivers Rule books be amended to reflect paragraph 1.5J (Hackney Carriage) and 1.5K (Private Hire) Drivers Rule Books.

Councillor Haigh asked if an equivalent qualification in English would be acceptable in place of the English Proficiency test. The Licensing Lead Officer advised that the proficiency test would ensure a consistent standard of English for drivers and would avoid discrimination.

Councillor Haigh was advised that the charge for the English proficiency test would be £45 which she considered could present a barrier to applicants who may possess an equivalent qualification. She was advised that the full cost of obtaining a Private Hire Drivers licence, taking into account all costs including medical and DBS fees was in the region of £350-400.

RESOLVED that

- 1) Paragraph 3.3 (g) of Appendix 4 be amended to read as follows:-
Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Any dishonesty by any applicant or the other person on the applicants behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified

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references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

- 2) Paragraph 1.1B of the Drivers Rule Books be amended to reflect paragraph 1.5J (Hackney Carriage) and 1.5K (Private Hire) Drivers Rule Books.
- 3) **Subject to 1) and 2) above, the revised Policy and conditions for Hackney Carriage and Private Hire licensing be adopted with immediate effect.**

27. REVIEW OF FEES AND CHARGES FOR THE LICENSING OF ITEMS TO BE PLACED ON THE HIGHWAY (TABLES AND CHAIRS AND A BOARDS).

Councillor Williams had declared a personal interest in this item as a stallholder in the Antiques Centre.

The Licensing Lead Officer introduced the report of the Head of Place which invited the Committee to review the current arrangements for charging to place tables and chairs and A-boards on the highway.

Councillor Haigh stated that paragraph 4.1 of the report – Asset Based Community Development Considerations was not clear.

The City Improvement and Environment Manager explained that licensing of these items was a regulatory based process.

Members agreed that the second sentence of the text of Paragraph 4.1 be deleted.

Councillor Gravells requested justification of the increased charges. The City Centre Improvement Officer (Licensing Lead) explained that the charges had been calculated to the minute to recover the costs. He advised that the breakdown of the costings was not in the public domain as it contained information pertaining to staff salaries.

Councillor Gravells asked for the matter to be deferred and for Committee Members to be provided with the confidential costings information.

In answer to a question from Councillor Brown, the City Improvement and Environment Manager advised that salaries represented the main element of the costs involved and he did not foresee a fall in building related costs when the Council moved to Shire Hall.

RESOLVED that the report be deferred and members of the Committee be provided with the exempt costings information prior to the next meeting.

28. MEMBERS UPDATE REPORT

The Licensing Lead Officer presented the report of the Head of Place which outlined details of key licensing activities carried out in the quarter July to September 2018 including applications and service requests received, details of

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any enforcement work, progress updates on the work plan and any changes in licensing law.

He drew Members' attention to the Best Bar None Awards which had attracted 19 entries for this year. He advised that judging would take place in December with the awards ceremony to take place in January 2019.

Councillor Haigh welcomed the Gambling Act enforcement work detailed in paragraph 4.6.

The Vice-Chair and Members congratulated Mr Mountford on his recent marriage.

RESOLVED that the report be noted.

29. DATE OF NEXT MEETING

Tuesday, 19th March 2019 at 6.00 pm.

30. SEASON'S GREETINGS

The Vice-Chair wished those present a Merry Christmas and Happy New Year.

Time of commencement: 6.00 pm

Time of conclusion: 7.15 pm

Chair