

MINUTES OF THE MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY, 9 JULY
2008 AT 4.30 PM

PRESENT: Councillor M P A McMullen (Chairman).
Councillors D Andrews, W Ashley, P R Ballam,
K A Barnes, A L Burlton, J Demonti, Mrs D M Hone,
N C Poulton, J J Taylor, A L Warman.

ALSO IN ATTENDANCE:

Councillor P A Ruffles

OFFICERS IN ATTENDANCE:

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| Chris Clowes | - Community Protection Manager (Enforcement) |
| Jeff Hughes | - Head of Democratic and Legal Support Services |
| Paul Newman | - Licensing Process Manager |
| George Robertson | - Head of Legal Services |
| Jan Spong | - Head of Community Safety |

138 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors N Wilson and B M Wrangles.

139 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported receipt of a letter from the
Hertfordshire Building Preservation Trust Ltd. expressing
its appreciation for the work of Council Officers in dealing
with its licensing application. The Trust also commented
that its application had received a fair hearing by the
Licensing Sub-Committee.

At the request of the Chairman, the Head of Community Safety gave a brief presentation on a proposal to make a Designated Public Place Order covering the town centre area of Bishop's Stortford. The Committee noted the area proposed to be covered. The Police would be undertaking a formal consultation exercise on the proposed Order shortly.

The Chairman invited the Committee to identify items for future agendas of the Committee. Members requested that a report on the operation of the Pub Watch scheme be submitted to a future meeting and an update report on enforcement activities to the October 2008 meeting.

Members also sought information on the operation of the in-cab Closed Circuit Television (CCTV) scheme. The Community Protection Manager (Enforcement) advised that Council had agreed to fund 50% of 21 CCTV units. To date only 10 units had been installed in vehicles, a disappointing take-up.

The Chairman advised that copies of the updated night time economy action plan for 2008/09 had been tabled for Members' information.

RESOLVED ITEMS

ACTION

140 APPOINTMENT OF VICE-CHAIRMAN

The Chairman invited nominations for the position of Committee Vice-Chairman.

Councillors A L Burlton and A L Warman were duly proposed and seconded. Upon being put to the vote, Councillor Burlton was appointed as Committee Vice-Chairman.

RESOLVED – that Councillor A L Burlton be appointed Vice-Chairman of the Licensing Committee for the remainder of the 2008/09 Civic Year.

ACTION141 MINUTES

RESOLVED - that the Minutes of the meeting held on 23 April 2008 be confirmed as a correct record and signed by the Chairman.

142 LICENSING SUB-COMMITTEE MINUTES

In relation to the Minutes of the Licensing Sub-Committee meeting held on 17 June 2008, the Committee noted that:

- (A) Mrs Darston (in the list of attendees) was a Director of County Cars not "Cabs", and
- (B) the penultimate paragraph of narrative under Minute 6 concerning a driver's licence for "Mr H", should reflect that Councillor Andrews as well as Councillor McMullen withdrew from the meeting.

In relation to the list of attendees within the Minutes of the Licensing Sub-Committee meeting held on 24 June 2008, the Committee noted that Dorothy Abel Smith's surname should not be hyphenated.

RESOLVED - that the Minutes of the Licensing Sub-Committees held on 7 and 22 May and 17 and 24 June 2008 be received.

143 LICENSING ACT 2003, GAMBLING, SEX SHOP AND TAXI LICENSING – UPDATE

The Director of Neighbourhood Services submitted a report providing statistical information on the various licences issued by the Council under the Licensing Act 2003.

ACTION

In response to comments from the Chairman concerning Temporary Events Notices, the Committee noted that such notices specified the number of people permitted within a designated area. Often an event would cover an area larger than that covered by the Notice. Provided the number of people in the area the subject of the Notice did not exceed any limitation imposed there would be no licensing breach. Representations had been made to central government over this licensing loophole.

In response to a question from a Member, the Licensing Process Manager advised that small lotteries were now regulated under the Gambling Act 2005. Previously, they were regulated under the Lotteries and Amusements Act 1976.

The Committee noted that no appeals had been made in respect of licensing determinations since the last report on this matter.

The Committee agreed to note the report.

RESOLVED - that the report be noted.

144 RISK ASSESSMENT TOOLKIT

The Director of Neighbourhood Services submitted a report seeking the Committee's view on the need for a taxi driver risk assessment toolkit.

The Director suggested that a task and finish group should be established to draft a suitable toolkit for consideration at a future meeting.

The Director outlined the reasons why a toolkit may be beneficial in determining whether or not to grant taxi driver licences.

ACTION

The Committee did not support the Director's suggestion. It considered that any toolkit would not assist Members in their decision making process. All applications were considered on their individual merit. A toolkit could potentially fetter decision making.

The Committee agreed not to establish a task and finish group.

RESOLVED – that (A) the report be received, and

(B) no action be taken to establish a task and finish group to produce a draft taxi driver risk assessment toolkit.

145 MINOR VARIATIONS CONSULTATION RESPONSE

The Director of Neighbourhood Services submitted a report upon the consultation responses received by Government to its proposal to amend the Licensing Act 2003 to introduce a simplified process for making minor variations to licences.

The Committee recalled that it had considered this matter at its meeting held on 23 April 2008 (Minute 660 refers).

The Committee noted the detail of the responses, as appended to the report now submitted.

RESOLVED – that the report be noted.

146 SAFEGUARDING VULNERABLE GROUPS ACT 2006 – IMPLICATIONS

The Director of Neighbourhood Services submitted a report on the provisions of the Safeguarding Vulnerable Groups Act 2006 (the Act). The Act would come into force in October 2009.

ACTION

The Director stated that, currently, an applicant for a taxi driver's licence was required to provide an Enhanced Disclosure of their criminal record. This assisted the Council to determine whether or not an applicant was a fit and proper person to hold such a licence.

Under the Act, a new body, the Independent Safeguarding Authority (ISA), would be established to administer a registration scheme. The ISA would bring together various lists maintained by a number of existing bodies with the aim of protecting children and vulnerable adults. The ISA would maintain two lists, one for children and one for vulnerable adults. The ISA would make banning decisions and operate an appeals process.

The Committee noted that information that the ISA would use to make banning decisions would be the same as that which forms part of the Enhanced Disclosure. It may therefore be appropriate for taxi drivers to be ISA registered as a licensing condition.

The Director highlighted that taxi drivers undertaking a "regulated activity" under the Act would need to be registered. Registered activity included driving children or vulnerable adults frequently, intensively or overnight.

The Director commented that requiring ISA registration as a licensing condition would have the benefit of preventing drivers from inadvertently committing offences under the Act.

The Director advised that information on this matter had been included in the summer edition of the Council's Taxi Talk newsletter.

The Committee would be invited to consider whether or not to include ISA registration as a licensing condition at its October 2008 meeting. Consultation with the taxi trade would take place between now and that meeting.

ACTION

The Committee agreed to note the report.

RESOLVED – that the report be noted.

The meeting closed at 5.40 pm.

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| Chairman | |
| Date | |