

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 21 JULY 2011,
AT 4.30 PM

PRESENT: Councillor M McMullen (Chairman)
Councillors W Ashley, E Bedford,
R Beeching, Mrs R Cheswright, J Demonti,
M Newman, N Poulton, P Ruffles, J Taylor,
A Warman, N Wilson and B Wrangles

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Paul Newman	- Interim Licensing Manager
Brian Simmonds	- Head of Community Safety

206 APOLOGIES

Apologies were submitted on behalf of Councillors P Ballam, E Buckmaster, A Burlton and K Crofton. It was noted that Councillors M Newman and P Ruffles were in attendance as substitutes for Councillors E Buckmaster and P Ballam respectively.

207 APPOINTMENT OF VICE-CHAIRMAN

Councillor J Taylor proposed and Councillor A Warman seconded that Councillor A Burlton be appointed Vice-Chairman of the Licensing Committee for the Civic Year.

RESOLVED – that Councillor A Burlton be appointed Vice-Chairman of the Licensing Committee for the Civic Year.

208 MINUTES

RESOLVED – that the Minutes of the meeting held on 10 March 2011 be confirmed as a correct record and signed by the Chairman subject to the following amendments:

Minute 614 page 879 – Paragraph 6 – Delete £5000 and insert £1800;

Minute 615 page 882 – Paragraph 4 – Delete last sentence and insert “Museums and art galleries could obtain exemptions when showing films”.

209 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the meetings held on 21 March, 12 April and 24 June 2011 be received.

210 TAXI DRIVER NVQS

The Director of Neighbourhood Services submitted a report about training of taxi drivers for a level 2 National Vocational Qualification (NVQ) in Road Passenger Driving.

Members commented on the usefulness of the scheme. They thought it could help taxi drivers to set up their own businesses and would encourage them to stay in this line of work. They thought the small cost to the Council was worthwhile and thanked Officers for their work on the scheme.

The Committee decided to receive the report as detailed below.

RESOLVED - that the report be received and Officers be thanked for their work on this very worthwhile scheme.

211 LICENSING ACTIVITIES QUARTER 1 AND 2, 2011

The Director of Neighbourhood Services submitted a report updating Members on activity in the Licensing Section including processing licences, enforcement activity and other implementation of the Service Plan.

Members suggested that the penalty points system for taxi drivers could be given more publicity and the Interim Licensing Manager undertook to include this in the next newsletter for taxi drivers.

The Head of Community Safety undertook to write to taxi drivers about parking in Bircherley Green outside the taxi rank. The Interim Licensing Manager said the process of moving the rank to Fore Street would soon begin.

Members felt taxi marshalling should continue and the Head of Community Services gave some details of the difficulties of obtaining funding.

The Committee decided to receive the report.

RESOLVED – that the report be received.

212 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee held during the last civic year and since 18 May 2011.

The Committee decided to receive the report.

RESOLVED – that the report be received.

213 STATEMENT OF LICENSING POLICY

The Director of Neighbourhood Services submitted a report advising Members of consultation on an interim review of the Statement of Licensing Policy under the Licensing Act 2003.

A draft revised Statement of Licensing Policy was presented for consideration by Members. Members were asked to approve the draft revised policy for recommendation for adoption by Council, subject to any amendments proposed by the Committee, public consultation and consideration of consultation responses at the next Licensing Committee. This issue had arisen from a recent case and would formalise arrangements for informing residents if applicants decided to appeal to the Magistrates Court after the period allowed for residents to appeal. Members suggested some drafting amendments.

The Committee decided to recommend the Statement of Licensing Policy for the purposes of public consultation as now detailed.

RESOLVED - that the draft revised Statement of Licensing Policy, be recommended for adoption by Council, subject to the inclusion of the drafting amendments discussed, public consultation, and further consideration of consultation responses.

214 AMENDMENTS TO TAXI LICENSING POLICY

The Director of Neighbourhood Services submitted a report on proposed amendments to the Taxi Licensing Policy. The amendments included delegation of non-statutory taxi licensing decisions to a Licensing Panel instead of the Licensing Sub-Committee, changes to the Licence Holder Code of Conduct and Penalty Points Scheme and changes to taxi licensing conditions to incorporate these changes. These changes would be subject to consultation with the taxi trade and further consideration by the Committee.

Members commented that they wished to give further consideration to the issues which should be delegated to the Licensing Panel (consisting of the Director of Neighbourhood Services, Chairman or Vice-Chairman of the Licensing Committee and the Executive Member for Community Safety and Environment) rather than the Licensing Sub-Committee.

The Committee decide to approve the changes as detailed below.

RESOLVED – that, subject to consultation with the taxi trade, and further approval by Licensing Committee, the following changes as detailed in the report now submitted be approved:

- (A) the creation of a Licensing Panel to deal with such taxi issues as the Licensing Committee decide are appropriate following a report to a further meeting;
- (B) amendments to the Taxi Licensing Policy; and
- (C) amendments to the Code of Conduct and Penalty Points Scheme.

215 CHANGES TO CRIMINAL RECORD BUREAU (CRB) CHECKS

The Director of Neighbourhood Services submitted a report on changes to Criminal Records Bureau (CRB) checks. The Interim Licensing Manager explained that Officers would only be allowed to ask for a standard check unless taxi drivers were working with children or the vulnerable. Licensing Officers were lobbying for this to be changed as the enhanced check gave valuable information about applicants on some occasions which helped to keep the public safe. He was also seeking information about those who were working with children or vulnerable adults from the County Council.

The Committee decided to note the report as now detailed.

RESOLVED - that subject to consultation with the taxi trade, and further approval by Licensing Committee, clarification issued by the Criminal Records Bureau on entitlement to criminal record checks on taxi drivers and applicants, be noted.

216 DELEGATED AUTHORITY TO SUSPEND LICENCES

The Director of Neighbourhood Services submitted a report seeking delegation to him of the power to suspend a taxi driver's licence or taxi vehicle proprietor's licence, and to require the return of the licences, badges, roof light and taxi licence plate, in appropriate circumstances, pending resolution of concerns over information received, whether or not the information leads to reference to Licensing Sub-Committee of a report on such licences, that includes a recommendation from Officers for revocation of the licence. The report gave details of a recent example where non-conviction information had been received about a taxi driver. The Interim Licensing Manager explained that the powers were sought to help keep the public safe.

The Committee decided to approve the delegation of the powers as detailed below.

RESOLVED - that the additional powers to suspend a taxi driver's licence or taxi vehicle proprietor's licence as detailed in the report now submitted be delegated to the Director of Neighbourhood Services in consultation with the Chairman or Vice-Chairman of the Licensing Committee and the Executive Member for Community Safety and Environment.

217 INTRODUCTION OF EARLY MORNING RESTRICTION ORDERS AND LATE NIGHT LEVY

The Director of Neighbourhood Services submitted a report informing Members about forthcoming changes to the Licensing Act 2003 to approve Early Morning Restriction Orders, and a Late Night Levy. The two powers would be mutually exclusive. The Interim Licensing Manager said that the Late Night Levy would generate additional income for the Council and the Police, however, the Police had indicated that they preferred the Early Morning Restriction Order. This would ensure all premises selling alcohol must close between 3 a.m. and 6 a.m.

The Committee decided to receive the report.

RESOLVED - that the report be received.

The meeting closed at 6.05 pm

Chairman

Date