

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday 29th November 2011 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT

Councillors C Mason (Chair), T Hope, L Murray, R Picken, R Scammell, J Seymour and J Thompson.

Officers in attendance: Michael Barker – Head of Housing, Planning & Public Protection, Ian Mercer – Public Protection Service Delivery Manager, Suzanne Fisher – Public Protection Team Leader, Tina Street – Solicitor and Wendy Buckley - Democratic Services Support Officer.

LC-07 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 7th September 2011 be confirmed and signed by the Chairman.

LC-08 APOLOGIES FOR ABSENCE

Councillors B Duce, A Mackenzie and K Tomlinson.

LC-09 DECLARATIONS OF INTEREST

Councillor L Murray declared an interest, as a signatory to a consultation response, in Agenda item 6,- Sex Establishment Policy.

LC-10 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The report of the Service Delivery Manager – Public Protection was received which sought to inform Members of a draft Licensing policy for Hackney Carriage and Private Hire Licensing. A copy of the draft policy was appended to the report.

The draft policy set out the policies and procedures that the Council wished to apply in exercising its Hackney Carriage and Private Hire licensing function. The aim of having such a policy was to ensure the safety and welfare of taxi users and drivers, as well as assisting the Council with consistent decision making. It was proposed that the draft policy, if agreed by the Committee, be subject to a period of public consultation.

A comment was received outlining concern in relation to a difference in condition between Hackney Carriage Licensing and Private Hire Licensing which the Public Protection Team Leader advised were written under different legislation.

A discussion followed with regard to paragraph 15.5 (2) which resulted in the wording changed to: 'To ensure that vehicles **licensed** within the controlled district of Telford & Wrekin meet these criteria'. In respect of paragraph 15.9 (1) the wording

be changed to: 'Drivers of vehicles adapted to carry disabled passengers **must be** trained in the use of equipment necessary to convey the passenger safely.'

Confirmation was sought on the level of CRB checks made within the new policy. The Public Protection Team Leader stated that previously Councils across the country required licensed drivers to undergo enhanced checks. This was now not appropriate as the law stated that the enhanced CRB check was only required for drivers who transported children on a regular basis. A number of Members expressed concern at this but was advised that the draft policy could not be changed to include enhanced CRB checks for all drivers as this would be contrary to legislation.

The Head of Housing, Planning & Public Protection enquired as to whether elements of the draft policy for Telford & Wrekin were comparable to Shropshire Council. The Public Protection Team Leader advised Members that cross border control was similar and included the item for Period of Licence, for drivers to request a licence for 3 years.

RESOLVED – by unanimous vote –

- (a) **that Members adopt a Hackney Carriage and Private Hire Policy.**
- (b) **that the draft policy for Hackney Carriage and Private Hire licensing be approved for public consultation.**
- (c) **that if following a period of public consultation, no changes or only minor amendments were required, authority be delegated to the Principal Licensing Officer in consultation with the Chairman of the Licensing Committee.**

LC-11 HACKNEY CARRIAGE LICENCE CONDITION REVIEW – AGE LIMITS ON VEHICLES

Following a request from Telford Hackney Carriage Association to increase the age limits on hackney carriage vehicles from ten years to twelve years the Public Protection Team Leader presented a report of the Service Delivery Manager – Public Protection. It was advised that paragraph 5.3.1 of the report should be deleted. Also attached to the report was a copy of licence conditions, criteria for 'exceptional condition' vehicles and the results of a benchmarking exercise.

The Committee were informed that whilst the Council currently licence hackney carriages up to 10 years of age this could be extended if a hackney carriage vehicle was found to be in 'exceptional condition'. The proprietor would need to apply for the hackney carriage to continue to be licensed over the 10 year age limit, and the vehicle would then be subject to 6 monthly compliance tests, tested at Telford & Wrekin Services, which is a VOSA qualified MOT testing station. If the vehicle failed on 1 major or 3 minor items the application would be refused.

Having considered the request and information in the report it was:

RESOLVED – by unanimous vote –

- (a) that the maximum age of a purpose built vehicle (purpose-designed and built hackney carriage) to be licensed by this Council as a hackney carriage be maintained at 10 years**
- (b) that condition 2.6 be amended to state that the Council may waive the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of ‘exceptional condition.’ Where vehicles are of ‘exceptional condition’ and continue to be licensed over the 10 year age limit, the vehicle would be subject to 6 monthly compliance tests.**
- (c) that the Council consults on the ‘exceptional condition’ criteria with the Hackney Carriage and Private Hire trade Associations before it is implemented.**

LC-12 SEX ESTABLISHMENT POLICY

Councillor Murray left the meeting at this point regarding his declaration of interest in the matter.

The Committee were made aware that Telford & Wrekin’s policy was out of date and following new legislation a new draft policy was prepared. The report of the Service Delivery Manager – Public Protection was received which informed Members of the results of the consultation on the Council’s draft policy for the regulation of sex establishments. They were further advised that of the 8 responses from the consultation, 1 expressed that no sex establishments were wanted in the Borough and one of the responses, signed by 7 Borough Councillors, strongly recommended introducing a ‘nil policy’ for Sex Entertainment Venues. Members were reminded that it was a regulatory function of the Council to licence sex establishments. Each application to licence a premises would be dealt with on its own merits and each application for a Sex Entertainment Venue would be heard by the full Licensing Committee.

It was further noted that not all venues need a sex establishment licence as it is possible to hold 11 sex entertainment events per year without a licence.

The Solicitor made Members aware that a nil policy for sex entertainment venues could result in a judicial review by prospective licensees and that a nil policy for all sex establishment licences could result in a judicial review for existing and prospective licensees. Members were supportive of retaining a sex establishment policy in order to give the Committee control over the licensing of such establishments.

RESOLVED – by unanimous vote – that Members considered the results of the consultation and that the reviewed Policy be effective on 1st December 2011.

The meeting ended at 7.00 pm.

Chairman:

Date: