

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday 17th January 2017 at 6pm at Addenbrooke House, Ironmasters Way, Telford

Present: Councillors C Mason (Chair), M Boylan, M Hosken, I Fletcher, J Francis, S J Reynolds, J Seymour, and C F Smith (as substitute for C R Turley).

In Attendance: A Astley (Assistant Director - Neighbourhood & Customer Services), S Fisher (Principal Licensing Officer), A Hunt (Public Protection), K Burford (Attendance Support Team Leader), K Strangwood (Child Employment Case Work Officer) C Girvan (Legal Advisor) and J Clarke (Democratic and Scrutiny Officer).

LC -12 Apologies for Absence

Councillors M J Smith and C R Turley.

LC -13 Declarations of Interest

None.

LC -14 Minutes

Resolved – that the minutes of the meeting of the Licensing Committee held on the 20th December 2016 be confirmed and signed by the Chair following the amendment of the word “relay” to “rely” on page three of the Minutes.

LC -15 Street Trading Consent Policy Statement

The Principal Licensing Officer presented the report of the Service Delivery Manager - Public Protection which asked Members to make a minor amendment to the current Policy Statement in respect of the Street Trading Consent and to approve an 8 week consultation which was proposed to include the Council’s Community Safety, Cohesion and Environmental Enforcement Team, the Council’s Waste and Neighbourhood Services and the Council’s Health and Well Being Team. It was also proposed to include annual renewals of trading consents as part of the agreed Policy as this had previously not been made reference to. With regards to the current practice there was nothing new being introduced but Officers wished to make the enforcement of public protection policy transparent and in accordance with statute.

During the ensuing debate Members raised the following changes to the report/policy:

- Report – recommendation 2.1.3 refers to “2.2 above” – this should read “2.1.2 above”

- Report – 4. Information – 4th bullet point of 4.1.4 seems to be repeated in the 7th bullet point – if this is a repetition this needs to be removed.

Appendix A

- Street Trading – Policy Statement – Revocation of Street Trading Consents – references to “we” should be referred to as “the Council”
- Street Trading – Policy Statement – Enforcement – top paragraph on last page “A lighter touch will be applied to those Consent Holders that are shown to have well managed and maintained operations.” Due to concerns raised by some Members this sentence needs to be removed
- Street Trading – Policy Statement – Other Relevant Legislation - first sentence “us” need to be replaced with “the Council”.
- Street Trading – Policy Statement - Changes to Street Trading Policy – references to “we” and “us” need to be changed to “the Council” and the last sentence be changed to read “If you have any comments with regard to this policy . . .”

Appendix B

- Street Trading – Consultation – List of Consultees –
 - Telford and Wrekin PCT – Needs to be changed to Telford and Wrekin CCG
 - Lilleshall & Donnington Parish Council needs to be changed to Lilleshall Parish Council and a separate parish for Donnington & Muxton Parish Council

Appendix C

- Community Impact Assessment – Section 1 Overview 2. 1. Add “of” to the sentence to read “The reviewing of the current Policy Statement applicable to street trading consents.
- Community impact Assessment – Community Impact – Section 4. In bold – take out the word “Whilst” and add an “s” to believe so that the sentence reads “The Licensing Service believes that there will be no . . .”
- Community Impact Assessment – Community Impact – Section 5 – take the word “was” out of the first sentence and the words “were also” in the last sentence in order for it to read “A full consultation exercise will be undertaken . . . published on the Council’s website and copies placed in libraries . . .”

Appendix D

- Street Trading – Standard Conditions of Consent – (n) the word “of” be included in the first sentence between the words “display” and “goods” – to read “display of goods”. The comma between “commodities” and “during” be removed.
- Street Trading – Standard Conditions of Consent – (o) add the word “of” between the words “sale” and “goods” to read “sale of goods”

During the debate some Members asked whether the policies would be brought back to Committee, the differences between a pedlar and a street trader

The Principal Licensing Officer confirmed that the Policies would only be brought back if there were significant changes to be made following the consultation. It was confirmed that a pedlar travelled from town to town whereas a street trader had a stall.

Upon being put to the vote it was unanimously:-

Resolved – that:

- a) an eight week consultation on the proposed amendment to the Council’s Policy Statement in relation to Street Trading Consents be approved;**
- b) authority be delegated to the Chair of the Licensing Committee in conjunction with the Principal Licensing Officer to consider the responses of the consultation process; and**
- c) following consideration of the consultation responses the Chair of the Licensing Committee and the Principal Licensing Officer determine that it is appropriate for the proposed amendment to the policy to remain unchanged then the Committee delegate power to the Principal Licensing Officer to implement the amendment to the policy with an immediate effect. However if there is any significant matter or issue which arises out of the consultation response or in their considerations under recommendation b) above the Chair of the Licensing Committee and the Principal Licensing Officer determine that the proposed amendment to the policy should be further amended then the matter shall be referred back to Committee for further consideration and determination.**

LC -16 Delegation of Authority to issue Child Performance Licences, Work Permits for School Age Children and Chaperone Licences

The Attendance Support Team Leader and the Child Employment Case Work Officer presented the report of the Service Delivery Manager – School Organisation and Traded Services which related to the delegation of authority to issue child performance licences to children from birth to compulsory school leaving age, work permits for children over the age of thirteen and chaperone licences to adults who chaperone children. It was explained to Members that the current delegation of

authority had lapsed. A fee for the issuing of chaperone licences to adults was charged to cover administration costs and would not be a way of raising revenue. Key opportunities and risks had been identified and assessed and arrangements put in place where necessary.

Upon being put to the vote it was unanimously:-

Resolved – that

- a) **Members of the Licensing Committee approve all powers and duties under part II of the Children and Young Persons Act 1933, except authority to approve prosecution proceedings, be delegated to the Child Employment Officer, the Attendance Support Team Leader, and the Group Manager, Access & Inclusion;**
- b) **Members of the Licensing Committee approve prosecution proceedings under part II of the Children and Young Persons Act 1933 be delegated to the Service Delivery Manager School Organisation and Traded Services and the Assistant Director: Education and Corporate Parenting;**
- c) **Members of the Licensing Committee approve all powers and duties under part II of the Children and Young Persons Act 1963, except authority to approve prosecution proceedings, is delegated to the Child Employment Officer, the Attendance Support Team Leader and the Group Manager, Access & Inclusion;**
- d) **Members of the Licensing Committee approve prosecution proceedings under part II of the Children and Young Persons Act 1963 be delegated to the Service Delivery Manager School Organisation and Traded Services and the Assistant Director: Education and Corporate Parenting;**
- e) **Members of the Licensing Committee approve that the fee of £25 for issuing a chaperone license to adults, (subject to completion of training and references and any other criteria as required) remains the same until such time that any further report to Committee made by the Local Authority is submitted to revise it. This fee is a true reflection of the administrative costs of processing the licence.**

LC -17 Review of the Council’s Hackney Carriage and Private Hire Licence Condition Relating to Tinted Windows

The Principal Licensing Officer presented the report of the Service Delivery Manager, Public Protection for a review of the Council’s Hackney Carriage and Private Hire Licence Condition relating to tinted windows.

An increasing number of vehicles were being fitted with tinted windows as a manufacturers standard, however the glass used in some vehicles was so dark that it may prevent passengers being seen from the outside. Benchmarking exercises had been undertaken around other Council’s policies and procedures with regard to factory fitted windows. Two reports from North Tyneside and South Tyneside had

agreed what they considered to be an acceptable level of light transmittance which was 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle privacy windows and it was proposed that these levels be accepted percentages put out by Telford & Wrekin Council for consultation.

If these proposals were to be approved following consultation, it was proposed that this would be implemented on new vehicles and not applied retrospectively as this could cost drivers up to £900 to change their vehicle windows. There was only 1 vehicle which currently did not meet this standard (which was 7 years old) and would be off the road as a private hire vehicle/hackney carriage within 3 years as the vehicle would then be over the permitted age of 10 years.

The Principal Licensing Officer asked members to approve an eight week consultation on the proposed amendments.

During the ensuing debate Members expressed concerns with regard to passenger safety, the visibility through the tinted windows and the percentages of tint. Other Members felt that the safety of the public was paramount especially with regard to issues of Child Sexual Exploitation (CSE).

The Principal Licensing Officer confirmed that there was a necessity to be able to see into the vehicles but there were benefits from the tinting which included protection from harmful sun rays and passenger comfort.

Upon being put to the vote it was, unanimously:-

RESOLVED – that:

- 2.1 an eight week consultation on the proposed amendment to the Council's Hackney Carriage Condition of Licence number 3 and the Councils Private Hire Vehicle Condition of Licence number 6.1.4 Condition of Vehicle be approved;**
- 2.2 delegated authority be approved for the Chair of the Licensing Committee in conjunction with the Principal Licensing Officer consider the responses of the consultation process; and**
- 2.3 following consideration of the consultation responses the Chair of the Licensing Committee and the Principal Licensing Officer determine that it was appropriate for the proposed condition to remain unchanged then the Committee delegate power to the Principal Licensing Officer to implement the condition with an immediate effect. However if there was any significant matter or issue which arises out of the consultation response or in their considerations under recommendation 2.2 above the Chair of the Licensing Committee and the Principal Licensing Officer determine that the proposed condition should be further amended then the matter shall be referred back to Committee for further consideration and determination.**

LC -18 Taxi Licensing Sub-Committees

The Legal Advisor presented the report of the Assistant Director: Governance, Procurement & Commissioning which sought to review the membership of the Committee and in particular the number of Councillors required to be in attendance at "Taxi" Licensing Sub-Committees in order for the meeting to be quorate for the business to be transacted. The Human Rights Act 1988 gave the public a "right to have a fair hearing" and any delay could prejudice a fair hearing and it was important the hearings were listed within a reasonable period of time. It was suggested that a quorum for the Taxi Licensing Sub-Committees be reduced to three.

During the ensuing debate, some Members felt that reducing the quorum to three would bring this in line with other meetings and tribunals. Other Members felt that fewer Members sitting at Hearings would make them feel vulnerable and this would also lessen the viewpoints. It was suggested that as there had been pre-planned Licensing Hearings that this be given a fair trial and that Members kept these dates free, where possible, in order to give good attendance. It was further suggested that this be given a period of 6-9 months to fully test the new monthly meetings. Members also raised that if a quorum of four was imposed, it may rely on the Chair's casting vote for decisions and this was not acceptable. Other Members felt that the decision making took place in private and discussion could take place in order that decisions did not need to go to Chair's casting vote. A suggestion came forward that Membership for these meetings be five with a quorate of three.

Upon being put to the vote it was, by a majority:-

RESOLVED – that:-

- a) the membership of a Licensing Sub-Committee considering applications, renewals and reviews in respect of hackney carriages and private hire drivers, vehicles and operators, remain at five (drawn from the panel of ten Members of the Licensing Committee) but that the quorum of five be reduced to three with immediate effect; and**
- b) the Terms of Reference of the Sub-Committees be amended accordingly as appended at Appendix A.**

The meeting ended at 6.59 pm.

Chairman:

Date: