

LICENSING AND SAFETY COMMITTEE

Thursday, 19 April 2007
(7.30 pm - 9.15 pm)

Present:- Councillors Kendall (Chairman), Mrs Ryder, Adams, Baily, Mrs Barnard, Beadsley, Browne, Brunel-Walker, Finch, Mihell, Osborne, Piasecki and Thompson

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Leake and Sargeant.

35. DECLARATIONS OF INTEREST

There were no declarations of interest.

36. MINUTES AND MATTERS ARISING

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 1 February 2007 be approved as a correct record and signed by the Chairman subject to Councillor Brunel-Walker being recorded as having presented his apologies.

37. GAMING IN LICENSED PREMISES

The Committee considered a procedural report that proposed the introduction of Section 6 permits to ensure that any equal chance gaming taking place at licensed premises would be properly authorised. Any Section 6 permits issued would have an expiry date of 31 August 2007, as the legislation in respect of gaming at licensed premises would change when the Gambling Act 2005 comes into force on 1 September 2007.

RESOLVED that the Director of Environment and Leisure be delegated authority to determine applications for Section 6 permits and approve the 'Guidance on Section 6 Permits' document.

38. ROAD SAFETY ACT 2006

The Committee considered a procedural report which informed Members that the Road Safety Act 2006 (the Act) contained two important changes to taxi and private hire legislation, which were aimed at addressing significant risks to public safety. These changes would give Local Authorities more powers in respect of suspending or revoking a taxi or private hire vehicle driver's licence, although it was not envisaged that these powers would be used very often.

Section 53 of the Act also repealed the exemption from the requirement for private hire vehicles to be licensed if they were only used for contracts lasting not less than seven days.

RESOLVED that the Committee noted

- i) the amendments to legislation brought about as a result of the Road Safety Act 2006; and
- ii) the commencement date of 16 March 2007 in respect of section 52 (immediate driver suspension) and of January 2008 in respect of section 53 (repeal of the contract exemption).

That the proposal to encourage providers of transport currently operating within the contract exemption to become licensed before the end of December 2007 is approved and commenced from 1 June 2007.

39. GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE OWNERS, OPERATORS AND DRIVERS

The Committee received a report from the Director of Environment and Leisure. This explained that the guidance notes had been up dated to reflect the recommendations made by the Committee over the last year, changes in law and to clarify matters where there had been confusion.

During discussion, it was noted that cars registered before 1966 were not required to have seat belts, although the fitting of them would be encouraged by the Council. It was also noted that paragraph six of Section 5 of the guidance notes (Driver's Licence – Requirements) should read '....for the previous 5 years....'.

It was planned that the new guidance notes would be published on 1 May 2007.

RESOLVED that the Committee

- (i) noted the changes made to the Guidance Notes; and
- (ii) provided comment on the proposed changes to the Licensing Team Leader by 27 April 2007; and
- (iii) agree that the Guidance Notes would be issued following consultation with, and agreement of, the Chair of the Licensing and Safety Committee.

40. CONSULTATION ON LICENSING ACT POLICY

The Committee considered a report from the Director of Environment and Leisure, which set out proposals for the consultation which was due to be released for public consultation by 14 June 2007. Prior to public consultation, there would be internal consultation with Responsible Authorities, members and relevant Council officers.

The Committee was advised that paragraph 4.2 of the report outlined the timescales for the consultation, and that paragraph 4.4 was worthy of particular note. It was hoped that the members of the Committee would apply their experiences and feed them back to the Licensing Team. If members had any concerns about the revised Licensing Policy, and would like training to be tailored accordingly, they should contact the Licensing Team.

RESOLVED that the Committee

- (i) noted the proposed timetable; and

- (ii) agree the areas within which to focus the questioning be as proposed in paragraph 4.4 of the report.

41. GAMBLING ACT 2005 - FEES AND CHARGES

The Committee considered a report from the Director of Environment and Leisure. Since the publication of the report a subsequent report, that would be going to Council on 25 April 2007, had incorporated the recommendations made in this report, which now just needed to be noted. Initial fees and charges would now be set by Council, and then subsequently by this Committee.

A paper by the Local Authorities Coordinators of Regulatory Services (LACORS) was circulated which set out the background and process for determining fees payable to licensing authorities.

RESOLVED that the Committee noted the report.

CHAIRMAN