

**LICENSING AND SAFETY COMMITTEE
8 OCTOBER 2015
7.30 - 7.55 PM**



Present:

Councillors Allen (Chairman), Thompson (Vice-Chairman), Dr Barnard, G Birch, Brossard, Finch, Finnie, Ms Gaw, Mrs McCracken, Mrs McKenzie, Ms Miller and Porter

Apologies for Absence were received from:

Councillor Brunel-Walker

19. Declarations of Interest

There were no declarations of interest.

20. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 11 June 2015 be approved as a correct record and signed by the Chairman.

21. Urgent Items of Business

There were no urgent items of business.

22. Notice of Public Speaking

It was noted that no members of the public had registered to speak at the meeting.

23. Fees and Charges 2016-2017

The Committee considered a report that set out the current and proposed fees for licensing matters for 2016-2017.

The Council had to provide a Licensing Function and this was funded through central rates. In addition the Council could charge fees to cover the costs of processing certain licence applications however recent court cases have made it clear that when setting fees they may only be set at a level to enable the recovery of costs and can not be set at a level where a profit is made. Members noted that the Council had given guidance that fees and charges should be increased on average by 1% to take into account inflationary pressures and staff costs. It was noted that the majority of fees were set by Government regulation and these could not be changed by the Council.

RESOLVED that:

- i. save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A, for public consultation.

- ii. the Committee agrees that the proposed charges for operators and vehicle licence fees are:
 - a) advertised;
 - b) if no objections are received, implemented for any licences commencing from 1 April 2016; or
 - c) if objections are received they be considered by the Committee at the meeting on 7 January 2016.

24. Taxi and Private Hire Vehicles Licensing Criminal Convictions Policy

The Committee considered a report setting out the results of a consultation exercise agreed by the Committee at their meeting on 11 June 2015 and seeking approval to adopt a Criminal Convictions Policy to be used when considering issuing licenses to drivers and private hire operators.

The introduction of a Criminal Convictions Policy had been proposed to ensure that Council policy reflected recognised best practice and was sensitive to public concern about recent criminal cases where taxi drivers had been prosecuted in a number of high profile sexual exploitation cases.

It was clarified that all applicants are required to pass a Knowledge Test which contained both oral and written elements. These were used by officers to ascertain whether an applicant had a sufficient grasp of the English language to provide the service they wished to be licensed for. If an applicant found reading difficult, for example because of dyslexia, then officers would read questions to applicants and this again would be used to assess an applicant's comprehension skills.

It was noted that a number of drivers were installing CCTV cameras in licensed vehicles and it was questioned what steps could be taken to ensure that these were used appropriately. The Council's Guidance Notes for Hackney Carriage and Private Hire Vehicles did contain some guidance on the use of CCTV cameras and this concern would be looked at when the document was next reviewed.

The draft Criminal Convictions Policy had been placed upon the Council's Consultation Portal on 9 July 2015 and emailed to 562 licensed drivers and private hire operators in the Borough. The Consultation had run until 6 September 2015 and no responses were received.

It was questioned whether, given the low number of responses received, email was the most effective medium to use to publicise consultations. It was acknowledged that alternative methods of communication might elicit a higher response rate and the matter would be looked at further however the availability of resources did place constraints on what could be done. A licensing newsletter was produced and a piece would be added to the next newsletter asking those who wished to be contacted in the event of future consultations to contact the Licensing Team.

RESOLVED that the Committee:

- i. Notes the results of the consultation
- ii. Agrees the adoption and implementation of the Criminal Convictions Policy document at Annex A of the Chief Officer: Environment and Public Protection's report, from 9 October 2015.

25. **Review of Statement of Licensing Policy**

The Committee received a report setting out the results of recent consultation on the Council's revised Statement of Licensing Policy and seeking its agreement to its submission to Council for approval on 24 November 2015.

Section 5 of the Licensing Act 2003 required licensing authorities to prepare and publish a Statement of Licensing Policy every five years. The Policy outlines the general approach of the licensing authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.

In addition to consulting with statutory consultees, the draft Policy had been listed on the Council's Public Consultation Portal and a working group set up with members of the Licensing and Safety Committee to review the revised Statement. Two comments were received from the consultation, one from the Council's Head of Drug and Alcohol services and one from Thames Valley Police. These comments were reviewed and the Policy amended to reflect the feedback received.

RESOLVED that revised Statement of Licensing Policy, at Annex A of the Chief Officer: Environment and Public Protection's report, be approved for submission to Council on 25 November 2015.

26. **Review of Statement of Gambling Principles**

The Committee received a report seeking the Committee's approval to submit the revised Statement of Gambling Principles to Council for approval on 20 January 2016.

Section 349 of the Gambling Act 2005 required all licensing authorities to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. The statement must be reviewed and revised at least once every three years. The Council's present statement was published on 31 January 2013 and therefore must be reviewed and republished by 31 January 2016.

In addition the consultation with statutory consultees, the revised Statement was published on the Council's Public Consultation Portal from August to October 2015 and three responses were subsequently received. As a result of these responses the following amendments would be made to the Statement:

- Paragraph 2.1 would be amended to clarify whether or not the requested written operating schedule would be required in addition to a local risk assessment when submitting an application or if it formed part of the risk assessment
- The Gambling Commission's Machine Technical Standards would be double checked to ascertain whether they require fixed odds betting machines to clearly display the odds. If this proved to be the case then paragraph 2.9 would be amended accordingly
- The comments made in relation to Paragraphs 2.2 and 2.5 had been noted but the paragraphs would not be amended

RESOLVED that, subject to the amendments outlined above, the revised Statement of Gambling Principles, at Annex A of the Chief Officer: Environment and Public Protection's report, be approved for submission to Council on 20 January 2016.

27. **Licensing Panel Hearings**

The Committee received and noted the minutes of Licensing Panel Hearings held since their last meeting.

CHAIRMAN