

Minutes

Licensing Committee

Venue:	Committee Room
Date:	13 April 2015
Present:	Councillors K Ellis (Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, D Peart (for R Sayner), Mrs S Ryder, R Sweeting and J Thurlow.
Apologies for Absence:	R Sayner (sub D Peart)
Officers Present:	Caroline Fleming - Senior Solicitor, Michelle Dinsdale – Policy Officer, Esta Inness – Graduate Trainee, Policy and Palbinder Mann – Democratic Services Manager.

67. MINUTES

The Committee considered the minutes of the Licensing Committee held on 2 March 2015.

It was agreed to make the following amendments:

- Under section 65, it was agreed to insert a comma in the first paragraph after the words 'Scrap Metal Dealers Policy'.
- The fifth bullet point should read 'that the information regarding the dealer's vehicle should be recorded'.
- The sixth bullet point should read 'what would happen if the licence holder changed his/her vehicle'
- The last paragraph should read 'The Committee was reminded'
- Under section 66, the last paragraph should read 'The Committee was reminded'
- Councillor Mrs C Mackman was present at the meeting however this had not been recorded.

RESOLVED:

To APPROVE the minutes of the Licensing Committee meeting held on 2 March 2015 with the above amendments and they be signed by the Chair.

68. DISCLOSURES OF INTEREST

There were no declarations of interest.

69. PROCEDURE

The procedure was noted.

70. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

There was no address by the Chair.

The Chair decided to amend the agenda so that the items relating to taxi drivers were taken first.

71. PRIVATE SESSION

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

72. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Senior Enforcement Officer presented the report L/14/28 which outlined an application for a Hackney Carriage Driver's Licence. The applicant was in attendance with his prospective employer.

Councillors were given the opportunity to question the applicant in connection with the application. The Committee then discussed the matter and considered whether the application should be granted.

RESOLVED:

To GRANT the application for a Hackney Carriage Driver's Licence.

73. APPLICATION FOR A HACKNEY CARRIAGE LICENCE IN RESPECT OF A PARTICULAR VEHICLE

The Senior Enforcement Officer presented the report L/14/29 which outlined an application for a Hackney Carriage Licence in respect of a particular vehicle not fully accessible to the disabled. The applicant was in attendance.

Councillors were given the opportunity to question the applicant in connection with the application. The Committee then discussed the matter and considered its decision on whether the application should be granted.

RESOLVED:

To APPROVE the application for a Hackney Carriage Licence in respect of the particular vehicle not fully accessible to the disabled.

In response to issues raised during the discussion, the Committee requested that one representative from the Private Hire and Hackney Carriage trades should be invited to a future meeting with the Committee to discuss any issues the drivers may have. It was agreed a letter would be sent from Business Support once the representatives had been identified.

RESOLVED:

To request that Business Support send a letter to invite a representative from both the Private Hire and Hackney Carriage trade to a future meeting with the Committee.

74. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER

As the respective driver was not able to attend the meeting, the Committee decided to defer the item to the next meeting of the Committee. However the Committee requested that the driver be informed that the matter will be considered at the next meeting irrespective of whether the driver is able to attend or not.

RESOLVED:

To DEFER the item to a future meeting however the driver be informed that the matter will be considered by the Committee irrespective of whether the driver is able to attend or not.

The Committee moved back into public session.

75. SCRAP METAL DEALERS POLICY CONSULTATION OUTCOME

The Graduate Trainee, Policy presented the Report L/14/27 which set out the draft Scrap Metal Dealers Policy.

The Committee raised concern that someone applying to be a scrap metal dealer in the district would not have to undergo a Disclosure and Barring Service (DBS) check to identify any previous incidents in which he/she had been involved in. It was felt

there needed to be something included in the policy where the Council was allowed to check with neighbouring authorities on any past incidents involving the applicant. It was agreed that the policy would be supported with the above comment and the previous comments made by the Committee.

RESOLVED:

To note the policy with the following comments:

- **Concern was raised at the definition of high sided vehicles and it was felt this was unenforceable.**
- **It was queried why a scrap metal dealer could not have a collection and site licence in the district. It was explained that it was defined in legislation that a dealer is not permitted to hold a site licence and collector's license for the same authority.**
- **It was queried whether there was a register which recorded if a scrap metal dealer had convictions or had enforcement action taken against them. It was agreed this would be looked into.**
- **Queries were raised regarding enforcement and prosecution during the term of the licence.**
- **The Committee were of the opinion that the information regarding the vehicle of the dealer should be recorded.**
- **It was felt further information needed to be included to highlight what would happen if the licence holder changed their vehicle.**
- **There needed to be a process in which the Council could check the past history of applicants with neighbouring authorities or the formal process of a DBS check.**

76. TAXI LICENSING POLICY

The Committee considered the presentation of evidence to the Executive on the Taxi Licensing Policy following the decision by the Scrutiny Committee on the call in to refer the decision regarding the Policy back to the Executive.

In response to a query, the Committee were reminded that a re-consultation could not take place. It was also stated that there should not be any biased questioning of taxi drivers if evidence was being gathered.

The Committee were reminded that officers could assist in collating evidence provided by the Committee and that any evidence needed to be provided by 21 May 2015 if it was to be considered by the Executive.

The meeting closed at 11.31am.