

ITEM 4

Time Commenced: 12:30pm

Adjourned: 13:55pm

Reconvened: 14:02pm

Time Finished: 14:10pm

LICENSING COMMITTEE

19 October 2015

Present: Councillor Sandhu (Chair)
Councillors Barker, Hickson, A Holmes, Jackson, J Khan, S Khan, Keith,
Poulter, Skelton (left when meeting was adjourned), Turner, Winter

27/15 Apologies for Absence

Apologies for absence were received from Councillors Hezelgrave, Redfern and Whitby.

28/15 Late Items

There were no late items.

29/15 Declarations of Interest

There were no declarations of interest

30/15 Interim Proposal: Driver Licence Renewals

The Committee received a report from the Acting Strategic Director of Communities and Place detailing an interim proposal for driver licence renewals as part of the change from 1 yearly to 3 yearly renewals, due to the introduction on 1 October 2015 of de-regulation legislation. The proposals were proposed as an addition to the taxi licensing processes already previously agreed by the Committee. As a consequence of the practical implementation of the proposals, some drivers will be unable to work whilst they are waiting for their new Disclosure and Barring Service (DBS) certificate to be returned.

Following a request from a number of members and the Chair to officers, advice was sought from Counsel on whether an interim alternative means to overcome the issue of members of the trade being unable to trade pending a clear DBS certificate being issued to them.

Counsel's advice was that a temporary measure could be put in place and that it would be both reasonable and proportionate to do so due to the unusual circumstances, but that such measure must only be for as short a period as is necessary. He advised that a statutory declaration backed by a referral to a sub-committee, if it turned out to be based on falsehood, along with its criminal sanctions, offered an adequate safeguard to the Council. A draft statutory declaration had been drafted up for the committee's

consideration. This declaration was only to be completed by drivers who had already submitted a DBS application but were waiting the certificate due to the 12 week backlog with applications being processed by the police.

It was acknowledged that this temporary measure would only be in place for a limited time (4 months) until 31 January 2016, and would create a lot of additional work for the licensing team. Concerns were raised over the lawfulness of implementing this process, the trust that would be placed on the driver, the safeguarding of the public along with the concerns of the fairness of taxi drivers who had applied for their DBS certificate in plenty of time but were caught up in the delay and hence unable to work through no fault of their own.

Cllr Skelton gave apologies and left the meeting at 2.00pm during its adjournment.

The Committee discussed what would happen if the delay in issuing the DBS certificates continued beyond the current 12 weeks and taxi drivers were still facing the same issue after the proposed timescale for the use of the statutory declaration and whether this would be fair on these, as it was stated that there would not be an extension of this facility. Further debate was held over the welfare of the taxi drivers caught up in this and the absolute need to protect and ensure the safety of the public

Resolved by a majority vote to reject the recommendation.

Cllrs Hickson, Barker, Keith and A Holmes all asked that their votes rejecting the recommendation be recorded.

MINUTES END

Time Commenced: 6:03pm
Adjourned: 6:10pm
Reconvened: 6:30pm
Time Finished: 6:47pm

LICENSING COMMITTEE

12 November 2015

Present: Councillor Sandhu (Chair)
Councillors Barker, Hezelgrave, Hickson, A Holmes, Jackson, J Khan, S Khan, Keith, Poulter, Raju, Skelton, Whitby, Winter

31/15 Apologies for Absence

There were no apologies

32/15 Late Items

There were no late items, however the Chair welcomed Councillor Raju onto the Committee Panel and wished Cllr Barker a Happy Birthday

33/15 Declarations of Interest

There were no declarations of interest

34/15 Minutes of the Meeting held on 24 September

The minutes of the meeting held on 24 September were agreed as a correct record.

35/15 Review of Street Trading Reports

The Committee considered a report of the Acting Strategic Director of Communities and Place Directorate, which advised there needed to be a review of the City's Street Trading Rules.

The Committee were advised that since the responsibility of Street Trading had transferred to the Markets portfolio concerns had been raised over how the licensing policies had been applied across the city, particularly by hot food traders.

Resolved:

- 1. For a comprehensive review of current Street Trading Activities to be undertaken.**
- 2. A draft of a City-Wide Street Trading Policy be brought to a future**

Committee meeting for member consideration, prior to the required consultation process

The meeting was interrupted during consideration of this item by a public disturbance. The Chair called for an adjournment of the meeting under CP83 of Derby City Council's Constitutional Rules.

35/15 Derby City Council's Consideration of the Casey's Rotherham MBC Report.

The Committee considered a report of the Acting Strategic Director of Neighbourhoods which gave details of the Council's reaction to the report into child sexual exploitation (CSE) in Rotherham which was published earlier this year. Contained within this report, at appendix 2, was a glossary of frequently asked questions and specimen answers to assist members and staff in assessing the appropriateness, or not, of their contact with the Licensing Team, in light of the related changes to Derby City Council's Members' Code of Conduct.

It was highlighted that a recent Members Working Party had advised that Members of the Licensing Committee should receive additional training on CSE. It was felt this should be made mandatory and be incorporated into the annual Licensing training which members of the Committee are required to undertake.

Resolved to:

- 1. Note the FAQs at Appendix 2**
- 2. Officers to explore what further, bespoke training in regard to CSE and safeguarding may be useful to the Members of the Licensing Committee and how that may be delivered.**

36/15 Gambling Act Statement of Principles Consultation

The Committee considered a report of the Acting Strategic Director of Neighbourhoods advising that as Derby City Council is the designated Licensing Authority under the Gambling Act 2005 it is required to produce a Statement of Principles detailing how the authority functions under the Act. This Statement must be reviewed at least once every three years with the next revised Statement due to be published by the end of 2015.

The Committee considered a report in April 2015 which detailed the process for consultation and agreed to approve this process for a revised Statement of Principles to be published by the end of 2015.

The report gave full details of the consultation process, along with comments received and recommendations made.

Resolved to:

- 1. Note the information contained within the report**
- 2. To adoption of the revised Statement of Principles**

37/15 Review of Licensing Policy

The Committee considered a report of the Acting Strategic Director of Neighbourhoods, advising that as Derby City Council is the designated Licensing Authority under the Licensing Act 2003, it is required to revise and publish their Licensing Policy, which the authority applies, at least once every five years. Committee were advised that consultation had taken place between 1 June 2015 – 28 August 2015. A cross party working group had been established to consider responses to the consultation and had made recommendations, which were contained within the report the Committee were being asked to consider.

Resolved to:

- 1. Adopt the recommendations and comments of the cross party working group.**
- 2. To adopt the revised Licensing Policy**
- 3. Defer the decision on the Cumulative Impact Policy until the next Licensing Committee meeting on 21 January 2016 in order to allow for the police to provide more information to support its retention.**

MINUTES END