

Item 4

Time Commenced: 6:00pm
Time Finished: - 6.40pm

LICENSING COMMITTEE **21 March 2019**

Present: Councillor Barker (Chair)
Councillors Bettany, Cooper, Froggatt, A Holmes, Hussain, Keith, S Khan,
Peatfield, P Pegg, Potter, Skelton and Smale

In Attendance: Olu Idowu – Head of Legal Services
Mike Kay – Head of Environmental Health and Licensing
Sandra Mansell – Team Leader – Licensing

30/18 Apologies

Apologies for absence were received from Councillors Sandhu and Jackson

31/18 Late Items to be Introduced by the Chair

There were no late items.

32/18 Declarations of Interest

Cllr Peatfield and Cllr Smale both declared an interest in Item 6 – Suspension and Revocation of Personal Licence under Section 132A of the Licensing Act as both their husbands held Personal Licenses. Cllr Peatfield and Cllr Smale left the meeting whilst this item was discussed.

33/18 Minutes of the Meetings held on 17 January 2019

Cllr Peatfield raised an issue under item 28/18 – Proposed Taxi & Private Hire Vehicles Strategy 2020. Cllr Peatfield stated she thought it had been agreed paper copies of the consultation would be left at the Taxi Operator bases and this had not happened. Cllr Peatfield also reported that a taxi driver requesting a paper copy had been told to access this online.

It was confirmed that paper copies of the consultation response form could be collected from the Council House, requested paper copies would be provided and paper copies would be available from the roadshows, details of which were still being finalised. The Head of Environmental Health and Licensing confirmed that they had been approached

by D.A.T.A, and others, and had confirmed to them that paper copies would be made available to them, at private hire bases and hackney carriage ranks. It was also confirmed that a PDF version of the response form would be sent out to the main private hire operators and D.A.T.A to enable them to print further copies themselves if required.

The minutes of the meetings held on 17 January 2019 were confirmed as an accurate record.

34/18 General Licensing Fees and Charges 2019/20

The Committee considered a report from the Director of Public Protection and Streetpride providing information on the proposed general licensing fees and charges for 2019/20 commencing 1 April 2019. These were set out in Appendices 1 & 2 of the main report. The Committee was informed that the Public Protection Service annually reviews its fees and charges to ensure they reflect the cost of delivering services and any inflationary costs are taken into account. The Committee was also asked to note the fees and charges, in a separate appendix (appendix 3), which were set wholly by statute.

Resolved to:

- 1. approve the proposed fees and charges for 2019/20 as set out in appendices 1 & 2.**
- 2. note the statutory fees and charges made under the Licensing Act 2003 set out at Appendix 3.**

35/18 Suspension and Revocation of Personal Licences under Section 132A of the Licensing Act

Cllrs Peatfield and Smale both left the meeting whilst this item was discussed

The Committee considered a report from the Director of Public Protection and Streetpride setting out details of the amendments to the Licensing Act 2003 made by the Policing & Crime Act 2017. The amendments would allow the Licensing Authority to suspend or revoke Personal Licences, where previously only the Magistrates Court had such powers. Although the Committee welcomed this change to legislation, it raised concern that a licence holder may have had their Personal Licence suspended or revoked in one city, but may be able to operate in another as there was no means of knowledge sharing. Discussion was held around this issue and due regard was given to data protection matters.

It was confirmed that if a Personal Licence holder has their licence revoked, they were required to fill in a declaration, which stays in place for 5 years, when trying to gain a Personal Licence in another area. The Police have 14 days to check their records and raise an objection if they wish to do so.

The Committee also discussed which authority would be liable to decide whether to suspend or revoke a Personal Licence: would it be the local authority who issued the Personal Licence or would it be the authority where the licence holder was operating. The Committee felt the Magistrates Court should be at liberty to notify both the authority issuing the Personal Licence and the authority where the licence holder was operating. The Committee felt that concerns about the management of licensed premises that had been brought before sub-committees that resulted in a change of personal licence holder but which were not the subject of a criminal conviction should also be notified and recorded in addition to convictions. Committee felt it would be appropriate to write to the Home Office thanking them for this extra legislation but raising their concerns as discussed. It was also suggested that a letter be sent to the LGA to see if other authorities were of the same view and seek broader support to lobby for further changes to address the issues raised.

Resolved to:

- 1. note the amendments to the Licensing Act 2003 made by the Policing & Crime Act 2017 giving the Licensing Authority powers to suspend or revoke Personal Licenses, which they welcomed in the interim**
- 2. Recommend Council delegate approval to the General Licensing Sub-Committee to exercise powers in relation to the suspension or revocation of a Personal License.**
- 3. Write to the Home Office, expressing thanks for the change in legislation, but raising concerns as discussed and seeking further clarity on these matters.**
- 4. Write to the LGA to seek views and support from other Local Authorities as discussed.**

36/18 Taxi & Private Hire Vehicle Licensing: Protecting Users - Consultation

The Committee considered a report from the Director of Public Protection and Streetpride asking them to consider the proposed recommendations within the Department of Transport Consultation on Statutory Guidance for Licensing Authorities in order to ensure public safety. This document had been produced by The Department for Transport to address concerns identified in taxi and private hire licensing regimes in light of the lessons learnt from the Jay and Casey reports.

The Head of Legal Services advised that as the deadline for responding to the consultation fell within Purdah, it would not be appropriate for a decision on this item to be deferred. The Chair advised that he had responded to the consultation in his own individual right and urged all members of the Committee and all members of the public in the public gallery to do the same, advising that this was a Central Government

consultation and was the opportunity to get standardisation of licensing principles throughout the country. It was also agreed to ask Derby City Council's Communications team to raise public awareness of this consultation document. The Head of Environmental Health and Licensing agreed to send the electronic link to the consultation to the taxi trade and for the link to be placed on the teams licensing web-page.

Resolved to:

- 1. Consider the proposed recommendations within the Department of Transport Consultation on Statutory Guidance for Licensing Authorities**
- 2. Agree the proposed response from the Local Authority**
- 3. note the right to respond individually to the consultation**
- 4. Arrange for the Communications Team to promote this consultation through media and social media**
- 5. Send the link for the consultation documents to the taxi trade and also make it available on the Licensing Team web-page**

MINUTES END