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BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

Held on Wednesday, 27 March 2019 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Councillor M. Chapman-Allen (Chairman)	Mr K.S. Gilbert
Mr K. Martin (Vice-Chairman)	Mrs J. Hollis
Mr R. F. W. Brame	Mrs S.M. Matthews
Mr M. P. Brindle	Mrs L.H. Monument
Mr P. R. W. Darby	Mr W. R. J. Richmond
Mr R.W. Duffield	Mr F.J. Sharpe

Also Present

Mr R. R. Richmond

In Attendance

Donna Hall	- Licensing & Business Support Manager
Josie Hoven	- Licensing Officer
Lisa Turner	- Assistant Licensing Officer
Julie Britton	- Democratic Services Officer

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1/19 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 21 November 2018 were confirmed as a correct record and signed by the Chairman.

2/19 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Councillor Bowes.

Members conveyed their best wishes to Councillor Bowes following a recent operation.

3/19 URGENT BUSINESS (AGENDA ITEM 3)

None.

4/19 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

5/19 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor Robert Richmond was in attendance to observe the meeting.

**6/19 DEPARTMENT FOR TRANSPORT TAXI LICENSING CONSULTATION
(AGENDA ITEM 6)**

Donna Hall, the Licensing & Business Support Manager presented the report.

Breckland Council had a statutory duty to license taxis, private hire vehicles, their drivers and operators.

The Department for Transport had issued and were currently consulting on Statutory Guidance for Licensing Authorities. The Guidance addressed how licensing authorities should use their powers to protect children and vulnerable adults.

Members were asked to consider the draft Statutory Guidance and agree consultation responses to submit to the Department for Transport. The Committee's response would result in shaping the draft Statutory Guidance through the consultation process.

Appended to the report were the Taxi and Private Hire Licensing – Protecting Users: Statutory Guidance for Licensing Authorities (consultation version) and the consultation questions and response form.

The Licensing & Business Support Manager highlighted each question in turn whilst referring to specific sections of the Statutory Guidance throughout and Josie Hoven, the Licensing Officer also made reference to guidance issued by James Button, a solicitor and legal expert in the field of taxi licensing.

The recommendations for questions 3 to 9, 11 to 26 and 28 to 29 were agreed; however, for questions 10, 27, 30 and 31 the responses were as follows:

- Question 10 – the recommendation was irresolute as the Licensing Authority did not make referrals direct to the DBS
- Question 27 – no opinion was given
- Question 30 - Members felt that the list did not provide enough detail to aid consistency in the 'fit and proper' assessment for licences. It was agreed that more detail should be provided as shown in the 2018 Institute of Licensing (IOL) Guidance
- Question 31 – Members did not believe that they had the expertise to determine if there were any additional offences that should be added to the list in Annex A although it was suggested that further detail in respect of cautions should be clarified.

Under each question, a comment box had been provided to allow for further explanation. Under certain questions the following comments were added:

- Question 4 – Breckland Council, as the Licensing Authority, already operated such a procedure
- Question 5 – although Members had agreed the recommendation – that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29), it was felt that a pragmatic approach should be taken in terms of timescales and decisions
- Question 11 – although Members had agreed with this recommendation as the Licensing Team already had these checks in place, Councillor Gilbert felt that these checks should be strengthened

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- Question 13 – again it was felt that the guidance should be strengthened so all licensing authorities had no choice but to use the national register of taxi and PHV driver licence refusal and revocations (NR3) to improve information sharing
- Question 14 – the recommendation had been agreed; however, Members felt that applicants should be given the chance to explain why they had an application refused, or had a licence revoked or suspended elsewhere and have regard to the circumstances
- Question 16 – Members' agreed that the guidance for passengers on making complaints directly to the licensing authority should be displayed in licensed vehicles but the guidance should be of a minimum size and should be included on the website. It was felt that a little more detail, as to where in the taxi the guidance should be displayed, would be welcomed
- Question 24 – although Members' had agreed to this recommendation, it had been noted that Breckland Council, as per legislation, did not licence vehicles with more than 8 seats
- Question 25 – this recommendation in terms of record keeping had been agreed; however, Members asked that the date and time the appointment took place should be added to the information under paragraph 2.101
- Question 26 – it was felt that the cost and the reasoning for asking for CCTV to be installed in taxis and PHVs should be considered, and conditions and guidance would have to be issued if CCTV was in use

No further comments were put forward.

The Committee was also advised that specialist safeguarding training for taxi drivers was being arranged to take place in April/May and would cover current issues such as child sexual exploitation and county lines. The Committee would be advised of these dates when confirmed.

The Chairman was pleased that Breckland Council as a Licensing Authority was in this respect ahead of the game and paid credit to the Officers involved.

RESOLVED that the Licensing Committee's responses (as listed above) be submitted to the Department for Transport.

7/19 AOB

The Licensing & Business Support Manager provided Members with an update on Animal Welfare.

The Licensing Team had worked hard and done a great job in re-licensing every premise since the new regulations came into force. The next phase included the licensing of exhibition animals which was new to this authority.

Members were given a flavour of the places that the Licensing Officer had visited and the animals that she had seen.

The meeting closed at 11.45 am

CHAIRMAN