

## LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 22nd October, 2019  
Time of Commencement: 7.00 pm

**Present:** Councillor Mark Olszewski (Chair)

Councillors:	Hutton	J. Walklate	J Williams
	S. Dymond	J Waring	R. Wright
	A. Parker	G White	G. Heesom
	K. Robinson	G Williams	Miss J Cooper

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Nesta Barker	Head of Environmental Health Services
	Anne-Marie Pollard	Solicitor

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillors' John Cooper, Kearon and Sweeney.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

**Resolved:** That, subject to the recording of Councillor Hutton's apologies, the Minutes of the meeting held on 20 August, 2019 be agreed as a correct record.

4. **LOCAL GOVERNMENT ASSOCIATION HANDBOOK FOR COUNCILLORS - LICENSING ACT 2003 UPDATE**

Consideration was given to a report informing Members of the updated guidance document in respect of the Licensing Act, 2003.

A copy of the document was appended to the report.

Members' attention was drawn to paragraph 1.4 of the report which outlined the updated areas.

**Resolved:** That the updated document be noted.

5. **LOCAL GOVERNMENT ASSOCIATION HANDBOOK FOR COUNCILLORS - GAMBLING ACT 2005**

Consideration was given to a report informing Members of the guidance document in respect of the Gambling Act, 2005.

A copy of the document was appended to the report.

Members' attention was drawn to paragraph 1.3 of the report which outlined the areas covered by the document.

Councillor Hutton made reference to page 22 of the document (page 88 of the agenda) and asked officers to assure that the maximum possible fee was being charged. Gambling addiction was a serious problem and the council needed to act responsibly.

The Council's Licensing Administration Team Manager, Matt Burton assured that either the maximum or as close to the maximum was currently being charged and advised Members that a report would be going to the December meeting of this Committee outlining proposed fees and charges for the next financial year.

**Resolved:** That the contents of the document be noted.

6. **REVIEW AND UPDATE OF RESPONSIBILITIES AND TERMS OF REFERENCE OF THE LICENSING SUB-COMMITTEE**

Consideration was given to a report requesting that Members note its contents and that they recommend to the Constitution and Member Support Working Group and Council that the updated responsibilities and terms of reference of the Licensing Sub-Committee be approved.

The Council's Head of Environmental Health Services, Nesta Barker advised that a recent review of the Council's Constitution had revealed that the terms of reference for the Licensing Sub-Committee were not included.

Members' attention was drawn to Appendix 1 which showed the current document with tracked changes.

The Chair explained that the previous arrangements had been for Licensing & Public Protection to make any recommendations directly to Council, but confirmed that this now was also reviewed by the Constitution and Member Support Working Group prior to Council.

**Resolved:** (i) That the report be noted.  
(ii) That it be recommended to the Constitution and Member Support Working Group and Full Council that the contents be approved and included within the Council's Constitution.

7. **MINUTES OF LICENSING SUB COMMITTEE MEETINGS**

**Resolved:** That the Minutes of the meetings held on 14 August, 24 September and 2 October be received.

8. **DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

9. **THE AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES DATABASE) (ENGLAND AND WALES) REGULATIONS 2019**

Consideration was given to a report advising Members of a new statutory requirement for all Local Authorities to submit information to the Department for Environment, Food and Rural Affairs (DEFRA) in relation to all Hackney Carriage and Private Hire Vehicles licensed by them.

Members' attention was drawn to Paragraph 1.1 of the report.

The Chair queried the reference to 'a regular basis' (fourth line, paragraph 1.1) and asked what the frequency was.

Mrs Barker advised that this was weekly, however, DEFRA's preferred method would be by Application Programming Interface but this was unlikely to be ready by the end of 2019. This would allow systems to 'talk to each other'.

- Resolved:**
- (i) That the new statutory provisions of the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations, 2019 and associated Statutory Guidance, be noted.
  - (ii) That delegated authority is granted to the Head of Environmental Health Services to sign the memorandum of understanding.

10. **AMENDMENTS TO SCHEME OF DELEGATION FOR LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847**

Consideration was given to a report seeking amendment and approval of the scheme of delegation in respect of taxi and private hire licensing.

Members' attention was drawn to the table at paragraph 2.3 of the report. The main change was that of Executive Director – from Regeneration and Development to Operational Services.

In addition, a number of officer delegations had changed – extending the number of officers who could undertake functions. This change was proposed to allow any urgent actions to be undertaken immediately should the Head of Environmental Health Services be unavailable.

Concerns were raised about placing more power down the chain of command but Mrs Barker assured Members that herself and Mr Burton took advice on unsafe vehicles from the garage staff and therefore the Garage Manager did have expert knowledge to take a vehicle off the road if necessary.

Councillor Hutton asked the Council's Solicitor, Ann-Marie Pollard if a vehicle is let out of the garage and considered dangerous and was then involved in a fatal accident, could the Council be held liable?

Ms Pollard advised that there was a risk both ways in that if the driver went to court over the vehicle being taken off the road and won an appeal, the council could be liable for costs.

**Resolved:** That the Constitution and Member Support Working Group and Council be advised that this Committee supports and recommends the amendments to the scheme of delegation.

**11. VEHICLE DOOR SIGNAGE**

Consideration was given to a report seeking approval of the final signage that all Hackney Carriage and Private Hire Vehicles will have to display from 1 November, 2019.

Reference was made to Appendix L of the recently approved Policy document. The adhesive signs must be fixed permanently to the rear doors of the vehicle for the duration of its life as a taxi.

Members were asked to approve the size, wording and design of the signs.

Members debated and considered the different options and agreed upon the following:

- That the size of the signs be 29.5 cm long by 12.7 cm deep.
- That the wording in lower case on the sign be in bold font.
- That the wording of the Private Hire Vehicle sign be 'Must be pre-booked via an Operator'.
- That the wording of the Hackney Carriage Vehicle sign be 'Council set metered fares'.
- That the colours be green background with white lettering for Private Hire and white background with black lettering for Hackney Carriages. The Council's crest should be appropriately sized and positioned at the discretion of the officers.

**Resolved:** That the vehicle door signage for Private Hire and Hackney Carriage Vehicles be approved in accordance with the five bullet points above.

**12. DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

**13. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

**Resolved:** That the Minutes of the meetings held on 21 August, 28 August, 11 September and 2 October, 2019 be received.

14. **URGENT BUSINESS**

There was no urgent business.

**CCOUNCILLOR M OLSZEWSKI**  
**Chair**

Meeting concluded at 7.55 pm