

TORRIDGE DISTRICT COUNCIL

LICENSING MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 29 May 2019 - 10.00 am

PRESENT Councillor K James (Chair)
Councillors J McKenzie, C Bright, D Bushby, M Clarke,
P Hackett, P Hames and T Inch

ALSO PRESENT C Norman - Solicitor
S Dorey - Senior Solicitor
C Parkhouse - Lead Licensing Officer
M Richards - Democratic Services Officer
J Williams - Environmental Health & Community Safety
Manager
Councillor L Ford
Councillor S Harding
Councillor C Hawkins
Councillor N Laws
Councillor C Leather
Councillor D McGeough
Councillor G Rossi

The Chair welcomed everyone to the meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wiseman.

2. MINUTES

It was proposed by Councillor Hackett, seconded by Councillor James and –

Resolved:

That the minutes of the meeting held on 27 February be agreed and signed as a correct record.

No vote was taken.

Matters Arising

Minute 42 – Taxi Drivers Liaison Committee and Taxi Rank Working Group

The Chair asked for an update on the Taxi Rank Working Group. The Lead Licensing Officer advised that this will be brought to the next committee meeting.

Minute 46 – Business Report

A summary of the changes in animal licensing legislation was requested. The Lead Licensing Officer explained that there had been substantial changes brought about by DEFRA introducing new regulations effective 1 October 2018. A different inspection regime and star rating scheme had been introduced which had to be adopted by all authorities.

It was proposed by Councillor Hackett, seconded by Councillor James and –

Resolved:

That the minutes of the meeting held on 17 April be agreed and signed as a correct record.

No vote was taken.

3. DECLARATIONS OF INTERESTS

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

4. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

5. URGENT MATTERS OF INFORMATION TO BE BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR AND THE COMMITTEE

There were no urgent matters.

6. AN INTRODUCTION TO THE ROLE OF THE LICENSING COMMITTEE

The Environmental Health & Community Safety Manager explained to the Committee that Licensing fell within Environmental Health and Regulatory Services. The Lead Licensing Officer and the Senior Solicitor were very experienced in the legal procedural aspects of licensing and were there to support Committee Members in ensuring decisions made by the Committee were legal and could be supported within the legislative framework.

To emphasise the importance of the role of the Licensing Committee Member, the Environmental Health & Community Safety Manager referred to the independent inquiry carried out by Professor Alexis Jay into the Child Sexual Exploitation case in Rotherham and a further report by Louise Casey. Licensing services had been heavily criticised in the report. The executive summary had highlighted the failings of officers, management and Members.

The Environmental Health & Community Safety Manager went on to illustrate the robust measures Torridge had in place to safeguard and protect the public from harm.

The officer was asked whether a database was available to all councils which showed every taxi driver, regardless of where they operated, who had been classified as not fit and proper. The response was that a database had been brought in which is voluntary at the moment. However, the Government was reviewing it with the intention of making it mandatory. Torridge has signed up to the database but policies and procedures need to be reviewed. The review will be carried out next year. TDC's corporate enforcement policy had been updated last year, specifically around safeguarding.

Further information was requested about the amount of information which could be given to Members relating to investigations. Committee Members will be provided with all of the information which can be legally provided. Advice would need to be sought from the legal team and procedures within the licensing framework would have to be considered.

The Lead Licensing Officer delivered a presentation which focused on the 2 main activities of his role – taxi licensing and the Licensing Act 2003.

Taxi/Private Hire Vehicles outside of London are licensed by the local authority and are governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. However, new legislation is expected within the next few years. Although not a statutory requirement, Torridge District Council does have a taxi licensing policy. This is reviewed every 3 years and is due for review in 2020.

Details were given about:

- the difference between a taxi (hackney carriage) and a private hire vehicle and how these are designated within Torridge
- driver, vehicle and operators licences
- safeguarding – determining whether a driver is fit and proper
- qualifications and standards
- the hearing procedure – it is essential as much information as possible is provided to support complaints

The number of plates within Torridge is restricted to 49 plates. This figure had been in place a number of years and was determined by an independent demand analysis which is reviewed every 3 years. A number of aspects had been considered when reaching this figure including the size of the taxi rank; and the needs of the public being balanced against the needs of the trade.

Councillor Bushby declared an interest – hackney carriage testing is carried out at his garage.

The age of vehicles was discussed and the Lead Licensing Officer confirmed that this had been considered by the Licensing Committee at the last policy review. The result had been the introduction of additional vehicle inspections for older vehicles. Incentives were in place to encourage more environmentally friendly vehicles.

The Senior Solicitor spoke about licensing hearings, complaints and appeals. She informed the meeting of the structure of the Licensing Sub-committee and her role as overseer to ensure the hearing was conducted fairly. The prime considerations for the Sub-committee were the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

The Lead Licensing Officer introduced the Licensing Act 2003, adding that issues covered by this act also came to a licensing hearing. Members were informed that there was a statutory requirement to have a Licensing Act policy and to review this every 5 years. The last review took place in 2018.

The types of establishment, activities, licence categories and regulations were explained.

The Lead Licensing Officer provided answers to questions:

- Details were given about the type of convictions the licensing hearing committee might have to consider. However, it was noted that whenever a personal licence application is submitted, the police are always consulted and they carry out a check of the criminal record.
- Planning and licensing applications are 2 distinctly separate applications. The Licensing team encourages applicants to sort out any planning issues before applying for a licence under the Licensing Act 2003. Nonetheless, this cannot not be enforced. If a licence is granted within the framework of the Licensing Act 2003 and there is a breach of planning conditions, responsibility for enforcement lies with the Plans Department.
- Silent partners – Checks can only be carried out on the applicant.
- If there are objections to an application, the Licensing authority is permitted to negotiate between the applicant and any objectors prior to an application going to a hearing. Furthermore, applicants are invited to discuss the application with the Licensing team and receive guidance prior to submitting an application. Should Members receive complaints from residents, they should raise these with the Licensing team as soon as possible.

7. CONSIDERATION OF THE FORWARD PLAN

The Chair explained the format of the Forward Plan

Items for the next meeting:

- Hearing procedure
- Annual business report – what the licensing team has done over the past year
- Taxis - general discussion

Councillor McGeough asked that the taxi rank in Bridgeland Street be reviewed.

The Environmental Health and Community Safety Manager responded to a question on the licensing of caravan parks and swimming pools, advising that this was not area the Licensing Committee was responsible for. To be discussed further outside of the meeting with Councillor Hames.

Certain items have to be reviewed at specific times and the Lead Licensing Officer will programme these into the Forward Plan.

The Committee discussed public houses:

A review of the public houses in Bideford was requested, particularly with reference to drug dealing. The Lead Licensing Officer told the Committee that intel and police evidence were required for any enforcement to be implemented.

There was concern that there is only one part time enforcement officer – it was felt this should be reviewed.

Pub Watch – currently the scheme was not in operation, however, it is in the business plan and the intention is to set this up this year. Premises had been surveyed but the response had been poor, although Holsworthy and Westward Ho! had expressed an interest. Councillor Bushby suggested that, if the council feel this is good practice, it should be a condition of the licence. The Environmental Health and Community Safety Manager advised that the Pub Watch Scheme had to be run by the trade and the council would facilitate it. A launch event is planned where the benefits to the trade will be illustrated.

The Chair spoke about the sub-committees which are often required after meetings. Councillor Mckenzie will chair any sub-committees pertaining to taxi drivers and Councillor James will head up any sub-committees relating to licensing.

The meeting commenced at 10.00 am and closed at 11.47 am.

Chair:

Date: