

LICENSING COMMITTEE

Date: 18 April 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:- **Glenvil Greenwood-Smith (Chairman)**
Barbara Jenney (Vice-Chairman)

Tony Boto	Gill Mercer
Richard Gell	Steven North
Helen Howell	Geoff Shacklock
Dorothy Maxwell	Peter Wathen
Andy Mercer	Pam Whiting

484. WELCOME

The Chairman welcomed Samantha Edmunds, Health Protection Manager and Emma Matthews, Licensing Compliance Officer to their first meeting of the Committee.

485. APOLOGIES FOR ABSENCE

There were no apologies for absence.

486. MINUTES

The minutes of the meeting held on 25 October 2017 were approved and signed by the Chairman as a correct record.

487. DECLARATIONS OF INTEREST

There were no declarations of interest.

488. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions by Members under Council Procedure Rule 10.3.

489. ENTERPRISING EAST NORTHANTS – BUSINESS CHARTER

The Head of Economic and Commercial Development gave a brief presentation on the Enterprising East Northants Business Charter. The Business Charter was a key work stream for Enterprising East Northants and gave our commitment to:

- Promote and support local businesses
- Deliver the highest quality of service for businesses
- Provide value for money
- Seek the views of businesses to help plan services

- Deal with businesses honestly and with integrity

These commitments would be delivered through joint working arrangements which included a Business Support Group, made up of council officers from across all services, and an external Economic Group, made up of representatives from the Council and businesses.

490. LICENSING PROTOCOL AND REPORTING OF LICENSING PANEL DECISIONS

The Monitoring Officer presented a report on the draft Licensing Protocol which had been proposed by the Licensing Protocol Working Party.

The Working Party had met on three occasions and proposed to revise the format of the Protocol to align with the Planning Code. The main revisions related to:

- Consistency in wording throughout the document.
- Strengthening the requirements regarding Councillors being suitably trained and required to attend Hearing pre-meetings before being able to participate in licensing decisions.
- Ward Members to be notified of Hearings relating to premises within their Ward.
- A reserve member to be appointed to Licensing Panel Hearings and to serve on the Panel if required to do so.

A review of the practice for publishing the minutes of Panel Hearings had also been undertaken following recent complaints relating to a licensing review. Currently, minutes of Panel Hearings were submitted to the next available Council meeting for noting, but this could involve a delay of several weeks depending when the Hearing fell in the cycle of meetings. The content of the minutes may also need to exclude any information which fell under the provisions of Part 1 of Schedule 12A of the Local Government Act 1972, when the Hearing was held in the absence of the public and press.

As a result of the review of the process, the following process would now be adopted for reporting Panel decisions in future:

- i) As soon as possible after the Hearing is held, the decision notice which was produced and read out at the Hearing would be published on the Council's website, excluding any "exempt" information;
- ii) The minutes of the Hearing would be submitted to the next available Council meeting for noting as was done now. These minutes would consist of a brief summary of the proceedings and incorporate the decision notice, excluding any "exempt" information.
- iii) A comprehensive record of proceedings at the Hearing would be produced to provide a full account of the Panel's deliberations. This record would be used to defend any appeal or to address any other action arising from the Hearing, but would otherwise be considered confidential.

During discussion on the item, Members proposed a number of amendments to the draft protocol to aid with clarity of the document:

- i) Paragraph 1.7 – "Members of Licensing Panels are required to attend the pre-meeting held immediately prior to the commencement of the Hearing in order to ensure that they are aware of all **procedural** information relevant to the Hearing."

- ii) Paragraph 1.8 – “A reserve member will be appointed to licensing Hearing Panels and **will be required to attend pre-meetings** to serve on the Panel if required to do so.”
- iii) Paragraph 1.17 – “Failure to undertake the initial training offered or persistent failure to undertake any further training by councillors who are members of the Committee will result in disqualification from ~~the Committee~~ **servicing on Panels**.”

RESOLVED:

- (i) To endorse the draft Licensing Protocol for submission to the Governance and Audit Committee, subject to the amendments agreed by the Committee; and
- (ii) That the revised procedure for reporting decisions of Licensing Panel Hearings be noted.

(Reason: To ensure the continued relevance and appropriateness of the Council's policies and procedures.

491. TAXI LICENSING UPDATES

The Health Protection Manager presented a report which provided Members with updates on a number of taxi licensing matters.

Taxi Fare Increase

In January 2017, the taxi trade had requested a fare increase. The request was brought back to the Policy and Resources Committee in February 2018 to consider following public consultation, which had favoured a single staged fare increase. Following approval by the Committee, the fare increase would be implemented in April 2018, subject to the consideration of any objections following publication of the new fares in a local newspaper.

Taxi Policy Consultation – Removal of the “Grandfather Rights”

In September 2017, a report was taken to the Policy and Resources Committee in relation to proposed changes to the taxi policy which included removal of the ‘Grandfather Rights’ held by 36 Hackney Carriage vehicle plates. A consultation was approved by members and ended in December 2017. There were four individual responses to the consultation and a petition with 52 signatures, which all focussed on the removal of the ‘Grandfather Rights’. On the 12 March 2018, a report was taken to the Policy and Resources Committee which included a proposal to remove the ‘Grandfather Rights’. Four individuals, including the taxi trade and Hackney Carriage users, spoke during the meeting. The taxi trade had asked that the decision be deferred to allow them to form a Taxi Trade Association. The Hackney Carriage users raised concerns regarding those with mobility issues who were not wheelchair users being able to easily get into and out of wheelchair accessible vehicles.

The effect of removing the ‘Grandfather Rights’ would be that all Hackney Carriages would need to be wheelchair accessible vehicles. Currently our policy was not a level playing field as those with the current ‘Grandfather Rights’ plates did not need to be wheelchair accessible vehicles. However other Hackney Carriage vehicles, of which there were currently four, were wheelchair accessible vehicles. Under Section 163 of the Equalities Act 2010, there was a legal requirement for all Hackney Carriage vehicles to be wheelchair accessible vehicles, although this provision was yet to be enacted.

Members noted that in the case of R v Manchester City Council, ex parte Reid and McHugh 1989, the City Council had increased the size of its Hackney Carriage fleet by 100 vehicles and imposed a condition that all vehicles were required to be London-style cabs and wheelchair accessible vehicles. The condition was challenged and at Judicial review it was held that a policy that Hackney Carriage licences could only be granted to wheelchair accessible vehicles was lawful.

The decision of the Committee was to defer the removal of 'Grandfather Rights' and the matter would be brought back to the Policy and Resources Committee for consideration at its June meeting.

Development of New National Taxi Database

The Local Government Association had commissioned the development of a National database of Hackney Carriage and Private Hire Vehicle driver license refusals and revocations. The new database would allow councils to record details of where a driver's licence has been refused, revoked or suspended and allow local authorities to check new applicants. The database was being developed and hosted by the National Anti-Fraud Network (NAFN) and was a subscription based service providing a range of data and intelligence services. Annual corporate membership for 2018-19 would be £1,050 and the Revenues and Benefits department of the Council would also benefit from us joining NAFN for the recovery of Council Tax, Business Rates and Housing Benefit debts and also in supporting investigations of Council Tax fraud. All the other six Local Authorities in Northamptonshire had NAFN membership.

During discussion on the item, Members gave full support to the Council subscribing to NAFN as it would assist in our duty of protecting the public. However, it was suggested that consideration should be given to recovering the costs of the subscription through fees going forward. In response to a question about the status of the ECINS database, PC David Bryan advised that the database was still being used by the police, but more for collecting information. Councils could ask for access to the database but a lot of the information was sensitive personal information. It was confirmed that we did use ECINS for anti-social behaviour and safeguarding type work.

RESOLVED:

- (i) That the report be noted; and
- (ii) That the Committee support ENC joining the National Anti-Fraud Network.

(Reason: To seek members views on joining the NAFN.)

492. EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That the public and press be excluded from the meeting during consideration of the following items of business because exempt information, as defined under paragraphs 1 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 may be disclosed.

493. PRESENTATION BY THE IMMIGRATION SERVICE

The Chairman welcomed Andy Morfill from the Immigration Service to the meeting who gave an overview of the work of the Immigration Service, including their new powers as a responsible authority in licensing and how they could support the police and council in their licensing duties.

494. REVIEW OF LICENSING PANELS

Members reviewed a number of Licensing Panel meetings held in recent months, discussing learning points and seeking clarification and updates on a number of issues.

RESOLVED

That the report be noted.

495. CHAIRMAN'S THANKS

The Chairman advised the Committee that he would be standing down as Chairman for the next municipal year and he wished to thank all Members and Officers who had supported him during his time as Chairman. In response, the Vice Chairman thanked the Chairman for all of his work on behalf of the Committee and stated that he would be a hard act to follow.

Chairman