

LICENSING COMMITTEE

Date: 16 July 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

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

Sylvia Hobbs	Geoff Shacklock
Helen Howell	Peter Wathen
Andy Mercer	Pam Whiting
Gill Mercer	Colin Wright
Steven North	

89. WELCOME

The Chairman welcomed everybody to the first meeting of the new municipal year, particularly Councillors Sylvia Hobbs and Colin Wright, who were attending their first meeting of the Committee.

90. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Tony Boto, Richard Gell and Dorothy Maxwell. An apology for absence was also received from PC David Bryan.

91. MINUTES

The minutes of the meeting held on 18 April 2018 were approved and signed by the Chairman as a correct record.

92. DECLARATIONS OF INTEREST

There were no declarations of interest.

93. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

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

94. LICENSING ACTIVITY UPDATE

The Senior Environmental Health Officer presented a report which provided the Committee with an update on licensing matters.

Taxi Policy Consultation – Removal of the ‘Grandfather Rights’

In June 2018, the Policy and Resources Committee had considered a further report about the removal of the ‘Grandfather Rights’. Prior to the meeting, two written representations and a petition with 140 signatures had been received opposing the removal of the ‘Grandfather Rights’. The Policy and Resources Committee agreed to amend the wording of the taxi policy but the timescale for implementation was extended to 1 April 2020.

Update Training for Councillors

Licensing training for members of the Committee had been held on 19 June 2018 and further training was being sought for those members who had been unable to attend. Members were reminded that training was important so they were competent to sit on Licensing Panels, in line with the revised Licensing Protocol which was being considered by Council on 23 June.

During discussion the item, Members noted that there had been increase in membership of the Committee made at the Annual Meeting to assist with membership of licensing panels. There was concern that we may be over burdening members with the requirement for training and perhaps other, more flexible methods of training, such as online or in-house training could be considered. Another option could be to have initial training on all the licensing regimes and then that is followed up by update training as and when required.

RESOLVED:

That the contents of the report be noted.

95. FIT AND PROPER PERSON GUIDANCE

The Licensing Enforcement Officer gave an update on the Institute of Licensing’s new guidance on determining the suitability of applications and licensees in the hackney and private hire trades. This guidance gave an update on the fit and proper person test. Copies of the guidance were circulated.

The guidance confirmed that the overriding aim of any licensing authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

The relevant legislation provided that any person must satisfy the authority that they were a fit and proper person to hold a licence and it was the final part of the application process. It involved a detailed examination of the applicant’s entire character in order to make a judgment as to their fitness and propriety. If a licence holder fell short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.

The Licensing Enforcement Officer advised that ENC was now asking applicants for further information on any convictions detailed on their application and this was sent to the Police for them to confirm, if they were able, the information submitted. The main question Panel Members needed to ask themselves when considering applications was would you be happy for your partner, children or someone else close to you to get into a vehicle, on their own, with the applicant.

RESOLVED:

That the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades be noted.

96. SECTION 182 GUIDANCE

The Licensing Enforcement Officer advised that the revised Section 182 Guidance had been circulated to all Committee Members. If members had any questions on the Guidance, then please contact officers.

The Licensing Enforcement Officer clarified an issue which had been raised at the recent licensing training around the playing of live or recorded music and the timings on the licence and conditions.

97. 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.

98. UPDATE REPORT FROM NORTHAMPTONSHIRE POLICE

In the absence of PC David Bryan, the Licensing Enforcement Officer agreed to try and answer any questions that Members may have had.

During discussion on the item, members raised the issue of police officer numbers and how that affected the carrying out of licensing activities.

Chairman