

# LICENSING COMMITTEE

Date: 03 October 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

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

Tony Boto	Andy Mercer
Richard Gell	Gill Mercer
Sylvia Hobbs	Geoff Shacklock
Dorothy Maxwell	Pam Whiting

Also Present: PC David Bryan, Northamptonshire Police

## 197. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Steven North, Peter Wathen and Colin Wright.

## 198. MINUTES

The minutes of the meeting held on 16 July 2018 were approved and signed by the Chairman as a correct record.

## 199. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 200. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

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

## 201. LICENSING ACTIVITY UPDATE

The Health Protection Manager presented a report which provided the Committee with an update on a number of licensing matters.

### Taxi Policy Consultation – Removal of ‘Grandfather Rights’

Following the meeting of Policy and Resources Committee in June 2018, where it was agreed that amendments to the taxi policy would be submitted for further consultation, a meeting had now taken place with representatives of the taxi trade. During that meeting, the trade had expressed concerns that the wheelchair accessible vehicle specification which was set out in the policy was very restrictive, with the effect that it limited the type of vehicle that could be used to those which were generally more expensive. It was suggested that

each of the two main taxi operators could have a number or percentage of wheelchair accessible vehicles and both said they would be happy to consider this.

Research had been undertaken to compare our wheelchair accessible specification to others in the County and this had confirmed that our specification was very restrictive compared to others. A report would be taken to Policy and Resources Committee in November 2018 which would propose that we did not carry out the consultation or remove the Grandfather Rights at this time. The report would instead recommend that we changed our wheelchair accessible vehicle specification as this would make it easier for the trade to have wheelchair accessible vehicles and would ensure that we retained a mixed fleet to suit a wide range of needs. In light of plans for a unitary authority for the north of the county, there would eventually need to be a harmonised, single taxi policy and work on the Grandfather Rights issue would be considered as part of that harmonisation process.

In response to a question from Members, it was confirmed that with making the taxi policy less restrictive about wheelchair accessible vehicles it was hoped that it would enable the taxi companies to change their vehicles easier, leading to more wheelchair accessible vehicles. The taxi companies had been positive about the proposed change to the policy. Members stated that a mix of vehicles needed to be encouraged as some disabled people could only use saloon cars due to their disabilities. It was acknowledged that there was now a taxi body who we could liaise with and it was clarified that the taxi association was in the process of being established and that they would soon be holding an AGM to appoint officers to the association, but it was positive that we were now building bridges with the trade and looking to work together going forward.

#### National Taxi Database

The Council had now signed up to the National Taxi Database which allowed authorities to record where a driver's licence had been refused or revoked and allowed authorities to check new applicants against the register. This would help officers and Panels to ensure that they were using all available information in assessing whether an applicant was a fit and proper person. The taxi policy had been updated to reflect that we would be using the database and an appendix had been added which set out our policy in respect of the use of the database to ensure compliance with data protection requirements. The trade would be notified that the Council had signed up to the database and previous applicants who had had licences refused or revoked would be notified 28 days before their information would be added to the register. All Northamptonshire councils had signed up to the database.

#### New Animal Welfare Regulations

On 1 October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations came into force. The regulations replaced a number of pieces of existing legislation and provided a new single licensing regime for a number of animal licensing activities. Under the new regime, those undertaking the following activities would need to be licensed:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

In response to a question as to whether individuals who informally advertised puppies and kittens for sale would now be required to be licensed, it was confirmed that the new regulations centred on businesses and if anyone met the business requirement then they would need a licence.

**RESOLVED:**

That the report be noted.

**202. NATIONAL ANTI-FRAUD NETWORK REGISTER**

The Licensing Enforcement Officer gave a verbal update on the National Anti-Fraud Network Register.

One of the functions of the licensing authority was to satisfy themselves that a person was a fit and proper person to hold a driver's licence, both during the application process and during the life of the licence. To assist with this, the Council had joined the National Anti-Fraud Network Register. Known as NR3, the register would show those people who had been refused licences or who had had their licence revoked, but it would not show suspensions. It only covered driver's licences and not operators.

The aim of the register was to stop people who had a licence refused or revoked in one district, moving to another district to try and obtain a licence. Currently we did not know if a licence had been revoked. Details of the refusal would be recorded on the register but regardless of what information was detailed, each application still needed to be considered on its own merits. When searching the register, it would only identify where there was a match and we would be required to contact the relevant licensing authority to request further information. People would be on the register for 25 years.

Currently ENC had 12 people who would be put on to the register as they had had their applications refused or licences revoked.

In the future, if a Licensing Panel had refused or revoked a licence, the decision notice would be required to contain a notice that the applicant's details would be entered onto the register.

In response to a question around the unitary process and what would be the position if a driver had been refused or revoked a licence with one of the constituent authorities but had been granted a licence with another one, officers confirmed that this had been flagged up as an issue.

All Members supported the Council signing up to the register and believed that it was a very positive step. A Task and Finish Group, reporting to the Government, had recommended that all authorities should use the register.

**RESOLVED:**

That the verbal update be noted.

**203. 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.

**204. UPDATE REPORT FROM NORTHAMPTONSHIRE POLICE**

PC David Bryan of Northamptonshire provided an update on the policing of the Night Time Economy within the force's available resources.

**RESOLVED:**

That the verbal update be noted.

**205. REVIEW OF RECENT LICENSING PANELS**

The Committee noted the outcome of the Licensing Panels which had recently been held.

**RESOLVED:**

That the report be noted.

**206. TRAINING**

The Chairman advised that the Licensing Enforcement Officer would be undertaking a training session in November, particularly for new Members of the Committee. This would be the final opportunity for those Members who needed to have their update training.

**Chairman**