

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 26 MAY 2010 AT COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Richard Beattie, Cllr Trevor Carbin (Reserve), Cllr Peggy Dow, Cllr Rod Eaton, Cllr Jose Green, Cllr Mark Griffiths, Cllr George Jeans, Cllr Nina Phillips, Cllr Bill Roberts and Cllr Jonathon Seed

Also Present:

Mandy Bradley (Director of Public Protection), John Carter (Head of Environmental Protection and Licensing), Sam Colley (Licensing Team Manager East and South), Kate Golledge (Licensing Team Manager North and West), Roger Hodgkinson (Senior Solicitor) and Lisa Pullin (Democratic Services Officer)

1. Apologies

Apologies were received from Councillors Allen, Hubbard and Moss. Councillor Carbin was substituting for Councillor Hubbard.

2. Minutes

The minutes of the meeting held on 15 December 2009 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 15 December 2009 subject to the following amendment:-

The deletion of the final two bullet points under P44 on page 10 of the Minutes, namely

- Long trousers and covered in shoes
- Waterproof clothing, which should be provided if required.

3. Chairman's Announcements

In view of the fact that there were Members of the Public present at the meeting who were interested in Agenda Item 8 (Harmonisation of Hackney Carriage and

Private Hire Licensing) the Chairman proposed that this item be considered before Agenda Item 7. This was agreed by the Committee.

4. **Declarations of Interest**

Councillor Dow declared a prejudicial interest in Agenda Item 8 (Harmonisation of Hackney Carriage and Private Hire Licensing) as her husband is by occupation a Taxi Driver. She left the meeting for the consideration of the item.

5. **Public Participation**

Mr T Berridge was present at the meeting and indicated that he wished to make a statement in relation to Agenda Item 8 (Harmonisation of Hackney Carriage and Private Hire Licensing). The Chairman informed him that she would allow him to speak on this item when it was being considered by the Committee.

6. **Minutes of the Licensing Sub-Committees**

The Committee received the Minutes of the following Licensing Sub-Committees:

Northern Area

08.12.09

12.05.10

Eastern Area

03.12.09

Western Area

15.12.09

Resolved:

That the minutes be noted and received.

7. **Sexual Entertainment Venues**

The Licensing Team Manager (North and West) outlined her report and advised the Committee that the Policing and Crime Act 2009 had introduced provisions to reclassify lap dancing, pole dancing clubs etc. as Sex Establishments under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This came into force on April 6th 2010 and the Committee was asked to adopt the new provisions and make recommendations to full Council for approval.

Currently there was only one existing establishment in Salisbury which would be affected by the new legislation, but they would be able to continue to operate for 12 months before a new Sex Establishment Licence would be needed.

It was confirmed that the amended Licensing of Sex Establishments Policy would be put before Council for approval.

Resolved:

That the Licensing Committee recommend to Council:

To adopt the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduces a Licensing regime for “sexual entertainment venues” such as lap dancing.

8. Harmonisation of Hackney Carriage and Private Hire Licensing

The Licensing Team Manager (South and East) introduced the report and advised the Committee that they were being asked to consider the future provision of a harmonised hackney carriage and private hire licensing service.

The four former District Councils which now form Wiltshire Council currently operate four separate and different licensing regimes for the purposes of issuing the relevant licences.

All current licence holders in the taxi and private hire licensing trade in Wiltshire were sent a questionnaire and a set of the new proposed conditions. The consultation also included a cross section of 600 members of the public and a number of bodies representing disabled users. All licence holders were also invited to a trade meeting held at one of the four hub offices.

The Senior Solicitor outlined the legal advice to the Committee which was contained in Appendix 1 in relation to the attaching of conditions to a hackney carriage driver's licence.

The Licensing Team Manager (South and East) explained the results of the consultation to the Committee and they asked questions about the results.

Mr T Berridge (Member of the Public) was present at the meeting and made a statement to the Committee that he was a taxi provider in the Warminster area and it was his view that there was not a requirement from his customers for 1 in 5 taxis to be wheelchair accessible. He had a fleet of 40 cars and at present 1 in 8 of his vehicles was wheelchair accessible but he reported that this facility was not often required.

Members were advised that they could change the number of wheelchair accessible vehicles if they were unhappy with the proposed 1 in 5 vehicles. Members felt that they would be happier with a figure of 1 in 10 wheelchair accessible vehicles.

The Licensing Team Manager (South and East) advised that there was strong support from the trade to retain the four separate zones under which the drivers can trade. If one zone across Wiltshire was to be adopted there would potentially be limited rank space as drivers would be free to trade from any area in the County and they would probably flock to busy areas at busy times leaving other parts of the County with no hackney carriage provision.

It was proposed to retain four different tariffs (one for each zone) and the Licensing Officer (North and West) reported that currently the tariffs in the North and West areas were somewhat lower than the South and East and consultation would be carried out with a view to increasing these tariffs.

Resolved:

1. Enforcement Arrangements

The penalty points scheme for Hackney Carriage Driver's Licenses be extended to all drivers in the Wiltshire Council area from the date of implementation.

2. Conditions

Vehicles should be no older than five years old when first licensed as a hackney carriage or private hire vehicle from the date of implementation.

3. Conditions

In relation to wheelchair accessible vehicles:

- a) To introduce and extend the scheme for there to be 1 in 10 wheelchair accessible vehicles in the North, West and East hubs from the date of implementation.**
- b) To phase out the existing grandfather rights which prevail in the South hub with regard to the pre1989 saloon plated vehicles and phase in the scheme (1 in 10 wheelchair accessible vehicles) over a three year period starting from the date of implementation.**
- c) This will be achieved in accordance with the Council's proposed age restriction policy. Authority for the detail of the phasing in process is delegated to Officers in consultation with the Chair of the Licensing Committee and Portfolio Holder.**

4. Enforcement Arrangements

All licensed vehicles are subject to a six monthly MOT or a compliance check and a conditions check to be carried out by a Wiltshire Council Licensing Officer from the date of implementation.

5. Administrative Arrangements

To retain four zones in the Wiltshire Council area.

6. Administrative Arrangements

To retain the four different existing tariffs (fares) within the harmonised conditions, enforcement and administrative arrangements.

7. Administrative Arrangements

That the changes detailed above shall be implemented from 1 October 2010.

9. Urgent Items

No urgent items were considered.

(Duration of meeting: 10.30am to 12.30pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic & Members' Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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