

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 28 APRIL 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Sue Evans, Cllr Jose Green, Cllr Simon Jacobs, Cllr George Jeans, Cllr Bill Moss (Substitute), Cllr Leo Randall and Cllr Pip Ridout (Chairman)

Also Present:

Naji Darwish (Head of Service – Public Protection), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Paul Stratford (Fleet Compliance Team Leader), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

14 Apologies

Apologies were received from Councillor Hewitt. Councillor Moss was substituting for Councillor Hewitt.

15 Minutes

The minutes of the meeting held on 17 March 2014 were presented to the Committee.

Resolved:

That the minutes of the meeting of the Licensing Committee meeting held on 17 March 2014 be approved and signed as a correct record.

16 Chairman's Announcements

The Chairman made the following announcements:

1. **Timeline proposal for one tariff consultation for Hackney Carriage and Private Hire operators**

Environment Services will commence a consultation exercise during summer 2014 and report the findings to the Licensing Committee with the intention to roll out new tariff in January/February 2015.

This proposal is to complete another round of trade consultation based on three different proposed tariffs following feedback from previous consultation.

Feedback will be tabled at the September/October 2014 Licensing Committee. If approval for one preferred tariff is agreed consultation must go to area boards as well as paper advert to announce proposals.

If we receive objections, we will seek further committee approval, if no objections are received within the 14 day consultation period the new Tariff will come into force on the specified date.

Once completed this will enable Wiltshire Council to introduce one regulatory zone for the whole Council area, charging from a single maximum table of fares (tariff).

2. Workload of the Licensing Team

Licensing transactions from 1 January – 31 March 2014 are detailed below. Transactions are increasing month on month. Two of the existing Licensing Officer vacancies have been appointed to but these appointments were from existing staff so there is a bit more capacity but no extra staff. Another staff member is on sick leave.

	January	February	March
Temporary Events Notices	107	110	128
Late Temporary Events Notices	12	11	19
Licensing Applications New /variation/minor/ transfer variation/variation of DPS)	103	119	108
Personal Licences	29	16	17
Total	251	256	272

17 Declarations of Interest

There were no declarations of interest.

18 Public Participation

No questions had been submitted prior to the meeting and there were no members of the public present.

19 **Minutes of the Licensing Sub Committees**

The draft Minutes of all Licensing Sub Committees between 17 January and 20 March 2014 were presented for consideration.

Resolved:

To approve the minutes of the following Licensing Sub Committee meetings:

Northern Area

**14/03/14 Application for a Premises Licence - Abbey Food City, 4
Market Cross, Malmesbury**

Appeal Against Refusal of Street Trading Consent

**20/03/14 Appeal of Mr Balasooriya against a Street Trading Consent
decision**

The Committee noted that the Licensing Sub Committee that had heard the street trading appeal on 20 March 2014 had recommended that there be a review of the street trading policy. Councillor Allen requested that, in light of the issues raised in that appeal, Officers should conduct a review of the Council's Street Trading Policy and Procedure. In particular, the review should look at the relationship between Wiltshire Council's policy and the policies adopted by the town councils in respect of street trading and markets.

It was agreed that Officers would carry out a review and report back to a future meeting of the Licensing Committee.

20 **Statement of Licensing Policy - Update**

Linda Holland (Public Protection Team Leader) presented a report which provided background information concerning the new proposed Statement of Licensing Policy and requested that the Committee approve the draft Policy and instruct officers to carry out a full 12 week consultation process.

A Councillor raised a query about the possibility of CCTV provision in Salisbury being cut. Peter White (Enforcement Manager) agreed to respond directly to the Councillor outside of the meeting regarding this.

Committee members requested a number of minor amendments/corrections of typographical errors within the draft and Linda Holland agreed that these changes and the firming up of some of the statements in the policy would be made prior to the consultation commencing in early May 2014.

Members felt it was important to state in the Policy where the public could find further information about the latest initiatives and supporting documents and refer them to the Council's website for this information. It was agreed that this would be included within the introduction/forward of the Policy.

The final policy would then be brought back to the Committee at its 8 September meeting for approval and then would request that Council adopt the new Statement of Licensing Policy for 2014/18.

Councillor Hutton (Portfolio Holder) wished to express his thanks to all Officers for the work undertaken in preparing this draft Policy. He said that community engagement is a priority and encouragement is given to licensees to attend pub watch schemes and interact with their communities.

Naji Darwish (Head of Service – Public Protection) reminded the Committee that further comments on the Policy will be welcomed within the formal consultation and Members agreed to encourage Town/Parish Councils and Area Boards to take part in the consultation.

Resolved:

That Officers will make the minor amendments/additions to the Policy as requested at this meeting and then commence a 12 week consultation process on the proposed Statement of Licensing Policy 2014/2018.

21 **Policy changes to Hackney Carriage and Private Hire Licensing**

Andrew Saxton (Fleet Services Manager) presented a report which recommended a number of changes to the hackney carriage and private hire vehicle licensing policy conditions and enforcement penalty points scheme.

The proposed changes will help Council Officers and hackney and private hire operators to better understand the policy requirements and ensure that drivers and their vehicles are compliant with the conditions set out in the guidance. The changes had been well received by the trade.

He advised the Committee that item 26 on the offences list should be amended to read as follows:

	Offences	Driver	H/C Prop	P/H Vehicle	P/H Operator
26.	Using an un-licensed vehicle	9-12	9-12	9-12	9-12

Councillor Hutton (Portfolio Holder) wished to thank Officers for their work with this exercise and was happy with the engagement with the trade on the issues.

A Member asked if the public are aware of the penalty points scheme and how to “whistle blow” if they come across any problems with drivers/vehicles, etc.

Officers confirmed that there is a process that can be followed but agreed that it perhaps could be made more obvious and include details about it on the Council's website.

Members acknowledged the proposed introduction of a minimum tyre tread depth of 1.8mm and suggested that as current guidance recommends that a depth of 3mm vastly improves braking distances at 60mph we could also "recommend" this to our drivers/operators. Andrew Saxton agreed to include this.

A Member reported a problem of taxi drivers continually parking on double yellow lines whilst waiting to join the taxi rank particularly in Chippenham and Andrew agreed that something could be added to remind them that in doing this they are in breach of their licence and regular infringements may result in penalty points being issued.

It was noted that within the Penalty Points scheme no mention is made of the possibility of revocation of a licence if 12 points are reached within a 12 month period. It was agreed that this would be amended to include this.

Resolved:

That the Licensing Committee

1. **Agree the changes wording of vehicle conditions regarding fire extinguishers, tinted windows for hackney carriages, increase minimum tyre depth and remove requirements for an MOT on brand new vehicles as detailed in the report and as specified by the Committee at the meeting.**
2. **Agree the changes to the enforcement penalty points system as detailed in the report and as specified by the Committee at the meeting.**

22 **Dates of Future Committee Meetings**

Members noted the dates of future meetings of the Licensing Committee as detailed below, all to start at 10.30am:

- Monday 2 June 2014
- Monday 8 September 2014
- Monday 8 December 2014.

23 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am – 11.30am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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