

Licensing Committee

Wednesday, 08 March 2017

Attendees: Councillor Nick Cope, Councillor John Elliott, Councillor Mike Hogg, Councillor Darius Laws, Councillor Patricia Moore, Councillor Philip Oxford, Councillor Lee Scordis, Councillor Jessica Scott-Boutell

Substitutes: Councillor Pauline Hazell (for Councillor Roger Buston), Councillor Rosalind Scott (for Councillor Dave Harris)

Also Present:

Minutes

Councillor Hogg (in respect of the fact that he was the premises licence holder of the Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

18. Hackney Carriage/Private Hire Policy Draft Policy

The Committee considered a draft Hackney Carriage/Private Hire Policy given by the Head of Professional Services and invited the Committee to give views on the changes that had been made to date.

Mr Ruder, Licensing, Food and Safety Manager, Mrs Harrington, Planning, Licensing Service Manager and Mrs White, Licensing Officer introduced the draft policy Hackney Carriage/Private Hire Policy and welcomed any views from the Committee.

Mrs White, Licensing Officer, spoke to the Committee with regard to the Convictions Policy and explained to the Committee that colour coding had been added to the convictions charts to make it clear to new taxi applicants with convictions the likelihood of an application being granted for a Hackney Carriage/Private Hire License and also to help the Sub-Committee at appeal hearings. The convictions chart would work alongside the Council's penalty point scheme. Sarah also informed the Committee that the mobile phone penalty points would be reviewed to ensure that they matched the new Government ruling.

The Committee noted that the points scale stopped at 10 years and questioned what would happen after 10 years had elapsed. Mr Ruder confirmed that all convictions, regardless of time, have to be declared and were never officially spent. If an appeal was brought forward to the Sub-Committee, it would have to be decided by taking into

consideration the nature of the conviction. The charts were purely for guidance and regardless of any amount of time the applicant always had a right to appeal. The Committee also acknowledged that the applicant will always have to pass the 'Fit and Proper' test.

With regard to the new points system officers informed the Committee that Braintree, Chelmsford and Basildon had a similar policy in place.

Consideration was given to the dress code set out in the Policy. Initial discussions with representatives of the trade indicated there was support for a prescriptive dress code. The Committee were happy with the dress code but felt that the Council should not specify the length of skirt that was acceptable.

The Committee asked about the levels of air pollution with regard to taxis and how the commitment in the policy would be enforced. Mr Ruder explained to the Committee that this was not his expert area but that Belinda Silkstone Environmental Protection Manager would be able to address this at a future meeting and also any implications as a result of Brexit since the air quality measures were based on European standards.

Mr Ruder informed the Committee that at a recent meeting with representatives of the trade they appeared supportive of measures to introduce CTV in licensed vehicles and most had their own already. It not only was safer for the driver but also for the passenger and would help address trafficking and child protection issues which had come to the fore with recent high profile cases. All vehicles would have to comply and it would need to be regulated for both Private Hire and Hackney Carriages. The Committee were then informed that all taxis would probably have different arrangements for CCTV recordings and storage and none of the recordings would belong to the Council but a clause would be included in the policy stating that if information was required then they have to release it or penalty points would be given.

The Committee discussed the different options with regard to CCTV: voice activation, panic button for driver and passenger and recording of conversations. The Committee were slightly concerned with regard to the recording of private conversations and whose decision it would be to activate recording but they also understood the importance of recordings.

Mrs Harrington, Planning, Licensing Service Manager, informed the Committee that the Policy, when completed, would go out for public consultation and the results of this would be brought to a future Committee meeting.

RESOLVED the draft policy be noted and amended in line with the comments made by the committee in relation to the Convictions Policy, Dress Code and CCTV.

19. Urgent Item - Review of the Statement of Licensing Policy

Mr Ruder, Licensing, Food and Safety Manager submitted a report a copy of which had been circulated to each Committee Member.

Councillor Cope, Chairman of Licensing Committee, indicated that he had agreed that the Licensing Committee should consider the Review of the Statement of Licensing Policy as an urgent item to clarify the evidence base for the policy for the benefit of all future applicants.

The Policy was approved by full Council in December 2016 and implemented with effect from 1 January 2017. The Council has had recent feedback on the Policy in relation to the evidence that underpinned it and in the light of this feedback it was suggested that the Policy should be changed to make it clear that there was evidence that underpinned the Policy, in particular in relation to the creation of a Special Policy for the Old Town Zone. It was also considered beneficial to make it clear that the Special Policy did not reverse the presumption of grant.

In discussion, Mrs Harrington, Planning, Licensing Service Manager informed the Committee that the amendments resulted from a recent meeting with the Home Office at which the Council's Policy had been commended but at which it was suggested that greater explanation was needed in relation to the evidence base for the Police and for the Special Policy for the Old Town Zone. The Committee welcomed the visit of the Home Office and recommendations.

RESOLVED that the proposed amendments to the Statement of Licensing Policy be made.

20 Minutes of 11 January 2017

RESOLVED that the minutes of the meetings held on 11 January 2017 and 3 February 2017 be approved as a correct record.