

GENERAL LICENSING COMMITTEE

TUESDAY, 12TH JUNE, 2018, 6.00 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

AGENDA

1 Apologies for Absence

2 Minutes of meeting Tuesday, 10 April 2018 of General Licensing Committee

(Pages 3 - 6)

3 Declarations of Any Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

4 Minutes of the General Licensing Sub-Committee Panels

4a Minutes of meeting Wednesday, 31 January 2018 General Licensing Sub-Committee Panel

(Pages 7 - 8)

4b Minutes of the meeting Tuesday, 20 February 2018 General Licensing Sub-Committee Panel

(Pages 9 - 10)

5 Delegation Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976

(Pages 11 - 14)

Report of the Head of Licensing attached.

6 Licensing Activity Report - May 2018

(Pages 15 - 20)

Report of the Head of Licensing attached.

7 Exclusion of the Press and Public

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

8 Licensing Service Action Plans 2017/18 - 2018/19

(Pages 21 - 36)

Report of the Head of Licensing attached.

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Committee Councillors David Suthers (Chair), Jacqui Mort (Vice-Chair), Jane Bell, Harry Hancock, Jon Hesketh, Ken Jones, Barbara Nathan, Alan Ogilvie, David Watts, Paul Wharton and David Wooldridge

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Tuesday, 24 July 2018 - Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

MINUTES OF GENERAL LICENSING COMMITTEE

MEETING DATE Tuesday, 10 April 2018

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Jane Bell, Mary Green, Harry Hancock, Ken Jones, Barbara Nathan, David Watts and David Wooldridge

CABINET MEMBER: None.

OFFICERS: Tasneem Safdar (Senior Solicitor), Dianne Scambler (Democratic and Member Services Officer), Andy Glover (Interim Licensing Manager) and Mark Marshall (Licensing Manager)

OTHER MEMBERS AND OFFICERS: Chris Ward (Licensing Officer) (Licensing Officer)

PUBLIC: 0

77 Apologies for Absence

Apologies were received from Councillors Mike Nelson (Vice Chair), Claire Hamilton and Jim Marsh

78 Welcome

The Committee welcomed Mark Marshall who had been appointed as the new Licensing Manager. Mark was currently employed at Blackpool Council in the Enforcement Team and was looking forward to joining South Ribble Council at the end of the month.

79 Thank you and goodbye

The Chair on behalf of the Committee thanked Andy Glover for all his help and support as Interim Licensing Manager and wished him all the best in his future endeavours.

Councillor Rainsbury also informed the Committee that he was attending his last meeting as Chair and the Committee wished him all the best for his forthcoming Mayoral year

80 Minutes of the General Licensing Committee

RESOLVED (Unanimously):

That the minutes of the General Licensing Committee held on 20 February 2018 be confirmed as a correct record for signing by the Chair.

81 Minutes of the General Licensing Sub Committee Panel

RESOLVED (Unanimously):

That the minutes of the General Licensing Sub Committee Panel held on 20 February 2018 be confirmed as a correct record for signing by the Chair.

82 Declarations of Any Interests

There were no declarations of any interests.

83 Draft Policy / Testing Requirements to Ensure the Safety of Licensed Vehicles which have been Subject to Modification

The Committee received a report of the Interim Deputy Chief Executive (Resources and Transformation) that updated Members on the latest position on the proposed adoption of a draft policy to ensure the safety of licensed vehicles which were subject to modification.

Members had received several reports on this policy over the past twelve months and this report advised Members on the outcome of a second consultation exercise that had recently been undertaken. Members were also asked to note an updated version of the Equalities Impact assessment appended to the report.

Following no responses being received for the second consultation exercise Members were asked to consider whether to forward the final version of the draft testing specification for modified vehicles to a meeting of full Council for approval.

RESOLVED (Unanimously):

1. To recommend full Council to formally adopt the final version of the draft testing specification for modified vehicles (to take effect on 1 July 2018) at its meeting on 17 May 2018.
2. To recommend full Council approve that any tests to ensure the safety of modified vehicles against a specification be carried out solely by the Lancashire County Council facility at Bamber Bridge at its meeting on 17 May 2018.

84 Draft Annual Report 2017/18

The Committee received a report of the Interim Deputy Chief Executive (Resources and Transformation) that presented a draft copy of the Licensing Annual Report for 2017/18 that set out the team's performance and achievements over the past 12 months.

The draft report identified and documented the good work that had been undertaken by the General Licensing Committee and covered the traditional areas of:

- Hackney Carriage/Private Hire/Licensed Operators
- Licensing Act 2003 (liquor)
- Gambling; and
- Scrap Metal

This year's report also covered the work that had been undertaken on the relatively untouched area of work for the Committee on residential mobile homes and emphasised the considerable steps that had been taken by the Committee to modernise its governance processes and procedures.

The Committee thanked the Licensing Team for all their hard work over the year and were pleased with performance to date. The Committee also extended best wishes to Stephanie Fairbrother, Licensing Officer who was going on Maternity Leave shortly.

RESOLVED (Unanimously):

Approval to submit the General Licensing Committee/Licensing Act 2003 Committee Annual Report for 2017/18 to a future meeting of full Council.

85 Report of the Working Group on Differential Age Limits for Licensed Vehicles

The Committee received a report of the Interim Deputy Chief Executive (Resources and Transformation) that updated Members on the outcome of a work group that had considered differential age limits on licensed vehicles.

The review had been undertaken following a Taxi Trade Forum at which trade representatives had expressed a view that it was undesirable to have a policy of differential age limits for saloon and wheelchair accessible vehicles.

The Task Group, Chaired by Councillor Wooldridge had met in February 2018 to consider the policy and a copy of their report was appended to the report which recommended the adoption of an amendment to the current Licensing Policy which, if endorsed by full Council, would result in the introduction of a standardised age limit for all vehicles, whether saloon or wheelchair accessible) of up to 6 years on first registration and a maximum age limit of 12 years. Councillor Wooldridge thanked the work of the Task Group that had been a mixture of Councillors, officers and external representatives, the review had been a good piece of work that had helped to foster better working relations with the trade.

RESOLVED (Unanimously):

1. That the General Licensing Committee endorses the draft report and its recommendation for a revision to the Licensing Policy in line with the recommendations made by the Task Group that will be consulted upon for a period of 28 days as per the methodology set out in the report.
2. That the General Licensing Committee will receive an update report following the outcome of the consultation exercise at a future meeting.
3. That a letter of thanks be sent to the representatives from the licensed trade and disability group that contributed to the process.

86 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By virtue of Paragraph 1: Information relating to any individual.

87 Update on a Recent Decision Taken by a Sub-committee / Panel of Members regarding an Application for a Private Hire Driver's Licence

The Interim Licensing Manager reported on the recent decision to refuse a licensing application. The decision to refuse the application had been taken on 20 February 2018 by the General Licensing Sub-Committee Panel.

RESOLVED (Unanimously):

That the decision be noted.

Chair

Date



MINUTES OF **GENERAL LICENSING SUB-COMMITTEE PANEL**

MEETING DATE **Wednesday, 31 January 2018**

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Mary Green, Harry Hancock, Ken Jones and Jim Marsh

OFFICERS: Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager) and Andy Houlker (Senior Democratic Services Officer)

OTHER MEMBERS AND OFFICERS: Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) and Chris Ward (Licensing Officer)

PUBLIC: 0

9 Apologies for absence

None all members were present.

10 Declarations of Any Interest

There were no declarations of interest.

11 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded from the meeting during the consideration of the following item of business as it involved the discussion of information defined as exempt from publication under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, 'information relating to any individual' and in which the public interest in maintaining the exemption outweighed the public interest in disclosing it.

12 Allegation made against a licensed driver

The Panel received a report on an allegation against a licensed driver.

The Chair referred those present to the circulated established procedure for hearings and the process that would be followed.

The licensed driver was present and addressed the Panel.

The Panel also received representations from the Council's Interim Licensing Manager.

RESOLVED (Unanimously):

That the licensed driver was not felt to be a fit and proper person to hold a licence and that the driver's licence be revoked with immediate effect.

.

Chair

Date

MINUTES OF	GENERAL LICENSING SUB-COMMITTEE PANEL
MEETING DATE	Tuesday, 20 February 2018
MEMBERS PRESENT:	Councillors Mike Nelson (Chair), Mary Green, Ken Jones, Jim Marsh and David Watts
OFFICERS:	Andy Glover (Interim Licensing Manager) and Andy Houlker (Senior Democratic Services Officer)
OTHER MEMBERS AND OFFICERS:	Stephanie Fairbrother (Licensing Officer) and Peter Haywood (Revenues Manager)
PUBLIC:	0

13 Apologies for absence

None, all members were present.

14 Declarations of Any Interest

There were no declarations of interest.

15 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded from the meeting during the consideration of the following item of business as it involved the discussion of information defined as exempt from publication under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, 'information relating to any individual' and in which the public interest in maintaining the exemption outweighed the public interest in disclosing it.

16 Application for a Private Hire Driver's Licence

The Panel received a report on an application for a Private Hire Driver's Licence.

The Chair referred those present to the circulated established procedure for hearings and the process that would be followed.

The licensed driver was present and addressed the Panel. During the proceedings a character referee on behalf of the applicant addressed the Panel.

The Panel also received representations from the Council's Interim Licensing Manager.

RESOLVED (For: 4, Against: 1):

That the applicant was not felt to be a fit and proper person to hold a licence and that a Private Hire Driver's Licence not be granted.

Chair

Date

REPORT TO	ON
General Licensing Committee	12 June 2018



TITLE	REPORT OF
Delegation Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976	Head of Licensing

Is this report confidential?	No
------------------------------	-----------

1. PURPOSE OF THE REPORT

This report is designed to bring about clarity around the use and exercise of powers under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act). This Section relates to the powers to suspend and revoke a driver's licence

2. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

3. RECOMMENDATIONS

That the Licensing Manager be authorised to suspend driver licences (whether hackney carriage or private hire) in the circumstances set out in this report

4. BACKGROUND TO THE REPORT

4.1 Members will be aware that under the provisions of section 61 of the Act the council has the power – in certain circumstances – to suspend or revoke drivers' (hackney carriage and private hire) licences.

4.2 The relevant parts of sub section 1 of section 61 state:

“(1)... a district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a)that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(b) any other reasonable cause.”

4.3 When a council suspends or revokes or refuses to renew a licence then they have to give the driver notice of the reason for the decision. Ordinarily a suspension or revocation takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If there are public safety concerns then a council may choose to suspend or revoke with immediate effect. Any driver aggrieved by a decision of a district council may appeal to a magistrates’ court.

4.4 The usual scenario where the section 61 power would be used is when dealing with matters that call into question the fitness and propriety of a driver and the facts have been examined by a committee who take steps to suspend or revoke the licence. It is clearly entirely appropriate that members should make these decisions. There is no proposed change to these procedures. In urgent situations between committee meetings decisions may be made via by the council’s Standing Order 35 procedure.

4.5 However there are administrative issues that arise from time to time that could impact on the safety of the travelling public especially if the council is deficient of documentary proof to show the driver is” Fit and Proper”. Examples include:

- *DBS (Disclosure and Barring Service) checks* - On occasions a DBS may be due for renewal but the Licence may have a period of time to run before it expires i.e. Licence expires 1st July 2018 but the DBS expires 1st May 2018. In such circumstances the driver would be lawfully entitled to drive until the expiry of his licence. In such circumstances the council would want to suspend the licence until an up to date DBS check was produced. Advance notification is given by the department to drivers to produce the documentation, so a suspension in this case will only follow a formal request that has possibly been ignored or not acted on.
- *Medicals*- Similar circumstance may arise where a medical expires but the licence is still valid, the department would seek to make advance requests for the document but again suspensions where medicals have expired may on occasions be necessary.

4.6 The Officers have been working to a model laid out above for some time. In the circumstances explained above (para 4.5) officers have indeed been suspending licences. However, it is considered desirable to provide greater clarity to existing practices by expressly granting the power to suspend in these circumstances to the Licensing Manager. The suspensions if carried out would need to be done in writing setting out the reasons for the suspension and for the action to have any meaningful impact the suspension would need to take immediate effect - again an explanation of the reasons for the immediacy of the action would be required.

4.7 The examples above are not exhaustive but Members are asked to consider the proposal of formally devolving powers to the Licensing Manager to suspend a driver’s licence when administrative requirements have not been fulfilled. This power will not extend to matters which relate to general conduct or behaviour and will be confined to administrative matters only.

5. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

N/A

6. FINANCIAL IMPLICATIONS

There are none.

7. LEGAL IMPLICATIONS

The lack of a formal resolution means that Officers are carrying out the function under the General Scheme of Delegation which is very broad and lacks clarity in relation to this specific matter. Confirmation of the position avoids criticism that Officers are acting out of scope.

8. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial implications arising as a result of the recommendations in this report.

9. COMMENTS OF THE MONITORING OFFICER

The purpose of this report is to set out clearly the circumstances in which the Licensing Manager may suspend driver licences.

10. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None
▶ Property & Asset Management	None
▶ Risk	There is a clear need to act promptly to protect the public. What is proposed here is essentially a confirmation of existing practices albeit with greater clarity being brought to the scope of delegated powers.
▶ Equality & Diversity	None

11. BACKGROUND DOCUMENTS

None

12. APPENDICES

None

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	12 th June 2018

This page is intentionally left blank

REPORT TO	ON
General Licensing Committee	12 June 2018



TITLE	REPORT OF
Licensing Activity Report	Head of Licensing

Is this report confidential?	No
------------------------------	----

1. PURPOSE OF THE REPORT

This report provides information to members on Licensing Activity, including applications received, enforcement checks and referrals to partner agencies

2. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
--------	--

3. RECOMMENDATIONS

3.1 That Members note the progress made by the Licensing Service for the month of May 2018

4. BACKGROUND TO THE REPORT

4.1 Monthly updates on service delivery have been a regular item on the General Licensing Committee Agenda and include in table format the activity carried out by the Licensing Service

5. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

N/A

6. FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications arising from this report.

7. LEGAL IMPLICATIONS

7.1 There are no direct legal implications arising from this report.

8. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial implications identified.

9. COMMENTS OF THE MONITORING OFFICER

There are no legal implications identified.

10. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None
▶ Property & Asset Management	None
▶ Risk	We must continue to improve further the quality of the service. We must do everything possible to protect the general public. A failure to continue to achieve high standards in our Licensing service could result in reputational damage.
▶ Equality & Diversity	None

11. APPENDICES

Appendix A – Licensing Application Figure 1 – 31 May 2018

Appendix B - Enforcement log 1 – 31 May 2018

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	12 June 2018

Appendix A

Application Figure for the month 1st May to 31st May 2018

Taxi Licensing and LA03 Applications	
GLC 12th June 2018	
Data between 1st May to 31st May	
Private Hire Driver (149)	Number
No. of New Drivers	4
No. of Badge Renewals	2
No. of Operator Changes	1
Hackney Carriage Driver (132)	Number
No. of New Drivers	2
No. of Badge Renewals	5
No. of Operator Changes	0
Private Hire Vehicle (148)	Number
No. of New Plates issued	3
No. of Vehicle Renewals	29
No. of Operator Changes	0
No. of Cancelled/Surrendered	1
No. of Transfers	0
No. of Vehcles suspended	1
No. of Vehicle Changes	0
Hackney Carriage Vehicles (110)	Number
No. of New Plates issued	1
No. of Vehicle Renewals	28
No. of Operator Changes	0
No. of Cancelled/Surrendered	0
No. of Transfers	0
No. of Vehicle Changes	1
Operators - Current Number (17)	Number
Activity (if any)	0
Licensing Act Applications	
New Premises	5
Minor variations	3
Full Variations	0
Change of Premises Supervisor	3
Transfer of licence	1
Temporary Event Notices	23
LATE Temporary Event Noitce	2

This page is intentionally left blank

Appendix B

Enforcement Action for the month May 1st to May 31st 2018

Vehicles inspected

Vehicle Checks						
Officers	Date	Time	Sanction	Completed by	Completed?	Officers notes
MM/CW/JA	09/05/2018	11:30	Non	MM/CW/JA	yes	non
MM/CW/JA	09/05/2018	11:40	Non	MM/CW/JA	yes	Non
MM/CW/JA	09/05/2018	11:55	Needs a hoover new car mat	MM/CW/JA	Yes	advised to give a hoover no need to see again
MM/JA	10/05/2018	11:10	7 days to represent	mm/JA	yes	Need a first aid kit - presented on 11/05/2018
MM/JA	10/05/2018	11:15	non	MM/CW/JA	yes	non
MM/CW	25/05/2018	12:30	rear hackney plate in rear window	MM/CW	Yes	provided vehicle within set date with plate attached to rear of vehicle

Premises Inspected

Officers	Premises details	Revisit needed?	Outcome of inspection
MM/CW/JA	Off Licence	no	no proof of age training, sent in post in post with letter
MM/CW/JA	Off Licence	no	no proof of age training, sent in post in post with letter
MM/CW/JA	Take Away	no	Low level obstruction re access to CCTV
MM/CW/JA	Take Away	referral	Possible Immigration issues
MM/CW/JA	Public House	referral	Referred to Fire Safety
MM/CW	Public House	referral	Referred to Fire Safety
MM/CW/JA	Off Licence	referral	Referral to Health and Safety Food/ warning letter served
MM/CW/JA	Off Licence	yes/ referral	Referral to Health and Safety Food/ warning letter served
MM/CW/JA	Off Licence	yes	No refusal log and no ability to operate the CCTV, did not know the whereabouts of the DPS
MM/CW/JA	Off Licence	no	Staff member described recent robbery, extensive CCTV
MM/CW/JA	Off Licence	Yes transfer of licence needed	Licence requires Transferring into new licence holders name.
MM/CW/JA	Off Licence	No	Excellent premises throughout, small defect to air con
MM/CW/JA	Off Licence	yes	Fires Safety issues and electrical concerns, email to Environmental Health and waring letter sent
MM/JA	Restaurant	yes	Suspension for non payment of annual fee served on Friday 25th May 2018
MM/CW/JA	Public House	yes.	unable to see training docs or CCTV
MM/CW/JA	Public House	No	No POA training Docs email sent with examples
MM/CW/JA	Public House	No	No POA Training Docs and No CCTV ? No condition but strongly recommend CCTV is required.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank