

Licensing Committee

Tuesday, 25th June, 2013

PRESENT: Councillor R Charlwood in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, B Gettings, T Hanley, G Hussain,
G Hyde, A Khan, P Latty, C Townsley and
G Wilkinson

11 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with the provisions of the Access to Information Procedure Rules, the public be excluded from the meeting during consideration of that part of the meeting now designated as exempt on the grounds that it is likely, in view of the nature of the business to be discussed or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information in accordance with paragraph 10.4(5) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the Committee will discuss information in respect of which a claim to legal professional privilege could be maintained in any future legal proceedings. Consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It was therefore considered that those elements of the meeting should be treated as exempt under Access to Information Procedure Rule 10.4 (5) and the public be excluded at that point (minute 18 refers)

12 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest

13 Apologies for Absence

Apologies for absence were received from Councillor Selby

14 Minutes

The Committee agreed an amendment requested by Councillor Buckley in order to clarify a comment he made at the previous meeting.

Minute 7 Annual Governance arrangements – the 4th paragraph to be amended to read:

“The Committee also commented on the role of Members as council employees or office holders, the implications of the minimum wage legislation on the Members’ Allowance Scheme and recent discussions in respect of Councillors pension schemes. *In response to discussions supporting an increase to the general Members’ Allowance, Councillor Buckley expressed his concern over the suggestion that the standard Councillors’ allowance should be generally increased beyond any government approved inflation award*”

RESOLVED – That, subject to the amendment above, the minutes of the previous meeting held 4th June 2013 be agreed as a correct record

15 Law Commission interim report "Reforming the law of Taxi and Private Hire Service"

The Committee considered the report of the Head of Licensing and Registration which set out the Interim Statement issued by the Law Commission (LC) in respect of the ongoing review of the Law of Private Hire and Hackney Carriage trades. The report highlighted the key issues arising from the interim statement for Members discussion and outlined officers' concerns

The Committee discussed the following comments made by Members:

- Welcomed that some of the concerns raised by the trade in respect of de-regulation and appearance of the Hackney Carriage fleet had been taken on board by the LC and that some regulation would remain in the control of Members
- Noted the LC comments in respect of trade representation on formal decision making bodies
- Expressed concern over the proposals for national vehicle standards and the implications for the ability for licensing authorities to impose local conditions.
- The concerns expressed in respect of the de-regulation proposals for the Private Hire trade
- The definition of the term "plying for hire" as referred to in the Statement and the need for a proper review of the definition
- The impact of the proposals for cross border working on local authority enforcement work
- The proposals concerning the simplification of the appeals system

In addition Members commented on the following matters arising from the discussions:

- The suggestion that both the HC and PH should embark on partnership working to assist the night time economy in respect of the dispersal of people from the city centre
- The need for wider publicising of the existing conditions in respect of the trades, so that the travelling public had greater awareness of what to expect from the trade in terms of passenger safety and fares
- The need to investigate charges levied to customers paying for fares by credit or debit card

Members noted that the LC had not invited responses to the Interim Statement, however Members were keen to advise the LC of their continuing concerns and requested the Chair write to the LC to appraise them of today's discussions.

Members also supported officer's comments urging the representatives of the trade in attendance, to write to the LC directly expressing their views in acknowledgement that the HC and PH trades had very different concerns and issues to raise with the LC.

Officers were also requested to keep Members apprised of any further comments or statements issued by the LC prior to the final being report being released

RESOLVED-

- a) That the contents of the report and the comments and observations made by Members be noted
- b) That the Chair, in conjunction with the relevant officers, write to the Law Commission advising of the observations and concerns raised by the Committee. It was agreed that a copy of the letter would be circulated to all Members of the Committee prior to despatch to the Law Commission

(Councillor Khan withdrew from the meeting for a short while at this point)

16 Executive Private Hire Vehicles Policy and Licence Condition in relating to price at point of first licensing

The Head of Licensing and Registration submitted a report on the outcome of the review of the Executive Hire vehicles policy and licence conditions undertaken by a working group (WG) of the Committee, specifically in relation to the price of the vehicle at the point of first licensing. The report outlined the consultation undertaken with the EH trade by the working group and presented the recommendations of the WG for the Committee to consider. The report included a copy of the responses received at Appendix 1.

Councillor G Hyde, Chair of the WG commented on the process and considerations undertaken. Members commented on the impact of the current economic climate on the value of vehicles, the style of vehicles which could be regarded as “executive class” and the possible impact of the final Law Commission report on the trade. Members also heard that officers were authorised to make exceptions to the Policy in exceptional circumstances.

Having regard to the findings of the WG, the Committee felt that although 5 years was the usual length of time before instigating a review of a policy, a shorter period would be more appropriate given the current economic climate and imminent publication of the Law Commission review.

RESOLVED –

- a) That approval be given to the recommendation of the Working Group that the following pre-condition should be attached to the grant of an Executive Hire saloon vehicle:

To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £39,000 at the point of first registration. That retail figure will be determined by reference to the industry’s standard retail guides, ‘CAP – Black Book’ or ‘Glasses Guide’.

and

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive saloon vehicle will only be accepted for licensing if the date of first registration is less than 1 year old on the date of first application. The vehicle must be licensed for use within one month from the date of application.

- b) That the approved pre-conditions attached to the grant of an Executive Private Hire saloon vehicle and the conditions upon such a licence shall apply with immediate effect to Executive Private Hire saloon vehicle licensing applications after the date of approval by the Licensing Committee.
- c) That those Executive Private Hire saloon vehicles licensed under the existing policy will not be adversely affected by the introduction of this policy and will continue to be licensed under the terms of the previous policy.
- d) That the approved Executive Private Hire vehicle saloon pre-conditions attached to the grant of an Executive Private Hire saloon vehicle licence and the conditions upon such a licence next be reviewed in June 2015 and every two years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date

17 Media Request

Prior to consideration of the next agenda item, the Committee received a request from the press to film the discussions and deliberations. Members received advice in respect of recent guidance issued by the Department of Communities and Local Government and in respect of the consideration of legal matters in public. Members agreed to the request, however having already been in receipt of the papers noted that there were a number of legal queries the Committee wished to discuss. The Committee therefore

RESOLVED – To enter into closed session to discuss legal matters pertaining to the proposed revised Statement of Licensing Policy for the licensing of SEVs

18 Sex Establishment Licensing Policy - Closed Session

The Committee considered the responses provided by the legal adviser in relation to the revisions to the proposed statement of licensing policy.

RESOLVED - To note the information and to move into open session

19 Sex Establishment Licensing Policy

Having discussed relevant legal matters, the Committee considered the report of the Head of Licensing and Registration on the outcome of a review of the existing Sex Establishment Statement of Licensing Policy undertaken by a Working Group (WG) of the Committee. The report outlined the consultation undertaken by the WG and presented the recommendations of the WG for the Committee to consider. The report included a copy of the draft policy at Appendix 1 and a copy of the responses to the public consultation at Appendix 2.

(Councillor Wilkinson joined the meeting at this point)

Councillor K Bruce, Chair of the WG commented on the process undertaken and the considerations of the WG. The Committee discussed the following matters:

- How the findings of the review of the existing policy and experience of the operation of sexual entertainment venues (SEVs) in the City had shaped the drafting of the revised Policy

- Welcomed the number of responses received to the consultation from both the Citizen's Panel and the general public
- Noted the demographic of the Citizens Panel
- That, should the Policy be approved by Executive Board, the Policy would come into effect from 1st September 2013 and guide future sub committee consideration of renewal applications from the relevant premises in October 2013.
- The potential impact of the Policy on the current seven licence holders if numbers reduced to four.
- Whether limiting numbers was proportionate and justified in the public interest.

(Councillor Gettings left the meeting at this point)

In response to comments made regarding the proposed limit to the number of SEVs, Members were advised that each application would be considered on its own merits in line with the Policy. In exceptional circumstances there could be a departure from the Policy

Having regard to the discussions outlined above, the overall findings of the outcome of the consultation and the recommendations of the WG the Committee

RESOLVED –

- a) To note the responses to the public consultation and the recommendation from the Working Group.
- b) To refer the draft Sex Establishment Statement of Licensing Policy to Executive Board for approval, noting that if approved the Policy will come into effect on 1st September 2013.

20 Licensing Committee Work Programme for the 2013/14 Municipal Year
RESOLVED – To note the contents of the Work Programme

21 Date and Time of next Meeting
RESOLVED – To note the date and time of the next meeting as Tuesday 23 July 2013 at 10:00 am