

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room, Council Offices, Coalville on THURSDAY, 29 MAY 2003.

Present: Councillor P A Hyde (Chairman) (In the Chair)

Councillors R Blunt, J Collins, J G Coxon, R A Evans, P Holland, D Howe, G Tacey and D H Wintle.

Officers: Messrs S Barker, R Eaton, J R Kirkham (urgent item only) and J E Peters.

An apology for absence was received from Councillor J B Webster.

There were no declarations of interest.

The Chairman informed members of the Committee that he had agreed to receive an urgent item in respect of an application for the renewal of a private hire vehicle driver's licence. The matter was considered urgent by virtue of the date by which a decision had to be taken. The driver's licence expired on Saturday, 31 May 2003.

In respect of the urgent item officers apologised that notification had not been sent to other members of the Committee for information.

#### **49. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That in pursuance of Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Schedule 12A to the Act.

#### **50.\*\* APPLICATION FOR RENEWAL OF PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

Before the consideration of the application Mr Kirkham circulated a note for members of the Licensing Committee informing them of its nature, features and procedure. The Licensing Committee was a quasi judicial body and the effect of this meant that the rules of natural justice had to be observed and that any applicant must be treated fairly and be seen to be treated fairly. He requested members to restrict themselves to questions and to reserve their opinions until the process of deliberation.

The Head of Administration explained the reasons for referring the licence application to the Licensing Committee for determination and he circulated papers in support of his submission. The papers included a copy of the application form for renewal, a copy of the applicant's Criminal Records Bureau Enhanced Disclosure document, Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and guidelines to the Council's policy relating to the relevance of convictions to applications for hackney carriage or private hire vehicle drivers' licences.

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The Head of Administration referred to the papers circulated to the committee and explained that members were being asked to consider whether the applicant was fit and proper to be granted a private hire driver's licence in view of a caution that he had received in December 2002 for an offence under the Criminal Justice Act 1988.

The licensee and the manager of the private hire company for which the licensee worked then gave details of the applicant's case including details in respect of his caution. In his submission the licensee gave details of the background leading to the caution by Nottinghamshire Police. He seriously regretted the incident, which was out of character and he asked the committee to consider his record as a licensee and the fact that he had no criminal convictions. The licensee's manager spoke in support of the licensee's record as a driver for the company.

The Head of Administration had no questions for the licensee so the chairman invited questions from members of the committee. In response to questions, the licensee stated that he had completed his renewal form incorrectly due to a failure to read the question properly. Moreover he had not fully understood that he had been formally cautioned by the police for an offence. He stressed that he had not intended to mislead officers on this matter. Finally, in respect of the incident, he confirmed that no person was injured and that his own behaviour in his opinion had been a direct result of provocation.

In his closing address to the committee, the licensee asked members to consider his situation favourably. He regretted the incident, which was truly out of character and he realised that it was a mistake which could cost him his job and livelihood.

At 6.56pm the licensee, his manager, his friend, Mr Barker and the Head of Administration left the room whilst the committee deliberated. The parties were invited to return to the room at 7.05pm.

RESOLVED:

That the application to renew a private hire vehicle driver's licence be granted with a strict warning as to the licensee's standard of behaviour and conduct.

After consideration of the application to renew the private hire driver's licence the meeting returned to public session.

## **51. THE LICENSING ACT 2003**

Members received a presentation by Roy Eaton, the Council's Head of Administration on the Licensing Act 2003.

... A copy of the data projection information used during the presentation is retained with the official copy of the minutes.

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Mr Eaton addressed members on the key issues for the Council in planning and implementing the Government's strategy for licensing as laid out in the new Licensing Bill and its guidelines. The assumption was that there would not be any major change to the Bill but there was now a small delay in the expected Royal Assent of the Bill.

The Act would place a duty on all licensing authorities to carry out their functions under the legislation with a view to promoting the following 4 licensing objectives which all had equal importance:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Mr Eaton explained the concept of the Licensing Act 2003 and the key issues for the administration of the system by local authorities. The Bill provided for every licensing authority to delegate its functions to a licensing committee. The committee was expected to consider policy issues including the local licensing statement and to consider representations in respect of applications. It was expected that all routine approvals and renewals would be delegated to an officer.

Mr Eaton invited questions from members during the presentation and he answered questions on the categorisation of licences, the application of operating plans to large outdoor public entertainment events and a uniform licensing statement for Leicestershire.

Mr Eaton informed members of the committee that a system of personal licences would be administered by local licensing authorities. Each personal licence would be valid for up to 10 years and the applicants would have to seek appropriate checks by the Criminal Records Bureau and to obtain a specific qualification. He reported that a proposed amendment to the Act establishing a central agency for issuing personal licences had not been supported.

A brief discussion took place on the portability of personal licences and possible difficulties with the transmission of relevant data between local authorities and from other agencies to local authorities. Members were concerned that, once granted, the licensing authority which issued the licence remained the relevant licensing authority for it even though the individual may move out of the area or take employment elsewhere. The group noted the process of consultation on applications for personal licences and that there was a presumption that the licence must be granted if the applicant satisfied 4 basic conditions.

Mr Eaton addressed the group on the issue of premises licences authorising the use of any premises. He referred to the application process, the operating schedule and the importance of ensuring that applicants had a good idea of the expectations of the licensing authority in order to ensure that the Council's licensing objectives were promoted collectively.

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Mr Eaton spoke on the exercise and delegation of functions by a licensing committee and officers. It was noted that regulations may be made by the Secretary of State to provide for committee proceedings, public access to meetings and production of agenda and records. In response to questions, Mr Eaton accepted that site visits could also become a regular feature of the processing of applications for premises' licences

On the subject of consultation, members expressed their concern at the current consultation arrangements on public entertainment licences between the Council and Leicestershire Fire and Rescue Service. Councillor Howe believed that any concerns on this matter could be raised with the Fire and Rescue Service at meetings of the Partnership in Safer Communities. Mr Eaton confirmed that officers had held meetings with the Fire and Rescue Service on this subject and additional pressure from the partnership would be welcomed.

Members noted the duties that the proposed legislation would place on the local authority and stressed their wish to be heavily involved in its implementation. Mr Eaton reported that estimates for staffing, accommodation, systems, training (members and officers) and policy development had been considered in the Council's draft budget for the next year. However, this was funding for start up costs of the new responsibilities and ongoing revenue costs would need to be considered in due course when the full impact of the legislation was known. In respect of application fees, it was noted that the Government may decide to set them to a national level.

Finally, Mr Eaton advised members that recommendations had been received from the Local Government Association that all authorities establish local licensing forums to meet on a regular basis to discuss common licensing issues.

Mr Eaton finished his presentation at approximately 8.00pm.

## **52. STATEMENT OF LICENSING POLICY**

... Consideration was given to a draft statement of licensing policy (copy previously circulated and retained with the official copy of the minutes).

The draft statement was a collaborative document which had been produced by officers from 3 local authorities and had been based on the draft guidance.

Mr Eaton reported that the document needed further consideration and he asked members whether there were any local issues that could be appended to the policy. He drew particular attention to the "saturation" policy.

Mr Eaton invited feedback on the draft before the end of June and undertook to present a further progress report on the development of the statement of licensing policy at the next Licensing Committee meeting on Wednesday, 9 July 2003.

RESOLVED:

That the first draft of the statement of licensing policy be received.

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### **53. ADMINISTRATIVE ARRANGEMENTS**

Mr Eaton gave a verbal report on the administrative arrangements for the new licensing regime. He advised members of the committee of discussions between local licensing authorities in Leicestershire for administrative arrangements for the handling and issuing of licences to be provided on a countywide basis.

Mr Eaton had attended one meeting where this proposal was discussed and he reported that it had been envisaged that a centralised office could deal with the consultation on unopposed applications and contentious applications could be referred back to local authorities for determination.

Although the proposed scheme had possible merits in terms of economies of scale, local authority collaboration and a "one stop" service, Mr Eaton had concerns that applications would not be dealt with locally and there would be a loss in the element of control. The proposed arrangements would also require staff to be employed locally and centrally and he was not happy to support such a scheme unless there was good evidence of added value to the local authority.

Members acknowledged that the disadvantages of the proposed scheme seemed to outweigh its advantages.

Mr Eaton undertook to keep members informed of any further developments and a further report (with costings) would be presented to a future meeting.

John Kirkham left the meeting at 7.10pm on the conclusion of the application to renew the private hire driver's licence.

Councillor R Blunt left the meeting at 8.00pm on the conclusion of Mr Eaton's presentation on the Licensing Act 2003.

The meeting terminated at 8.19pm.

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