

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 26 NOVEMBER 2014

Present: Councillor N Smith (Chairman)

Councillors R Adams, G A Allman, J Cotterill, J G Coxon, D Everitt, J Geary, P Hyde, G Jones, L Massey, T Neilson, V Richichi, J Ruff and M B Wyatt

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mr D O'Nyons

**15. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Bridges, C Large, M Specht and A V Smith.

**16. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**17. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 26 February 2014.

It was moved by Councillor R Adams, seconded by Councillor P Hyde and.

RESOLVED THAT:

The minutes of the meeting held on 26 February 2014 be approved and signed by the Chairman as a correct record.

**18. LICENSING - SERVICE UPDATE**

The Licensing Team Leader presented the report to Members.

He provided the Licensing Committee with an update on each of the following initiatives conducted by the Licensing Team during 2014/15.

EMA Multi Agency Taxi Enforcement

The Licensing Team leader informed Members that a bi-annual event was organised by NWLDC with the assistance of Leicestershire Police and East Midlands Airport to stop and check Taxis entering the Airport for defects. At the last event in September 2014, 106 vehicles from 33 councils were checked and a creditable 80 vehicles were found to be mechanically sound. The main defects identified were worn tyres and blown bulbs.

Councillor J G Coxon asked whether conducting the on the spot vehicle checks at the same time each year could cause predictability. The Licensing Team Leader informed Members that May and September were the best months to conduct these spot checks as many people were going away on holiday at this time. He informed Members that they were welcome to attend these programmes alongside officers.

Programme of on the Spot Taxi Vehicle Checks

The Licensing Team leader informed Members that 42 licensed vehicles had been subject to on the spot checks. Creditably 38 out of the 42 (90%) had passed the check. The four that had failed did so due to defective tyres and bulbs.

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Councillor J Geary enquired whether or not Taxis drivers whose vehicles had failed for defect tyres had been prosecuted. He felt that the Council had a duty of care for people using Taxis in the district and stated that defunct tyres were a major contributor to road accidents.

In response to Councillor J Geary's question the Licensing Team Leader informed Members that when the Police were involved they did prosecute individuals for tyre defects. In addition, he explained that the powers to reject vehicles were in many respects as good as prosecution, as drivers had the expense of buying a new vehicle.

#### Visual Check of Older Taxi Vehicles

The Licensing Team Leader stated that to ensure a high quality of vehicles on the roads, a programme of inspections of older vehicles had been undertaken with 63 vehicles receiving a visual check.

#### Mechanical Examination of Licensed Vehicles

It was stated that every licensed vehicle within the district underwent a mechanical examination. Between April and October 2014, 174 vehicles received an examination with 112 of the 174 (64%) vehicles passing the test first time. The Licensing Team Leader expressed his disappointment that this figure was not as high as he had hoped, and explained that around 70% was the initial target.

#### ACPO week Initiative with the Police

The Licensing Team Leader informed Members that although meetings and visits of licensed premises with the police to contribute to the Association of Chief Police Officers Licensing Initiative had been scaled back compared to the previous year, the Council was still intent on contributing to the initiative.

#### Installation of IDOX public access software

The Licensing Team Leader informed Members that new software had been installed on the Council's website that would enable any person to view and check on real-time licensing applications and decisions that had been approved. As a result the Licensing Team would no longer be producing a weekly email for Members updating them on applications that had been received.

The Licensing Team Leader assured Members that help and assistance would be available for Members in using this service.

Councillor T Neilson reiterated comments he had made in June, expressing his desire for the weekly email bulletin to be continued. He stated that he liked the regular updates provided and mentioned that a request had been made to the Planning Department to introduce a weekly bulletin of their own.

Councillor J Geary also expressed his concern with doing away with the weekly email provided to Members, citing his own experiences where he had struggled to log on to the Council's website to view the information that he required. He stated that the weekly email provided a useful source of information that was reliable.

Councillor J Geary stated that the new software would mean that he would only receive information relating to specific postcodes. This would consequently cause embarrassment for him as the public may perceive that he was not interested. Living outside the ward that he represents, he would have no knowledge of other applications.

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Furthermore, Councillor J Geary stated that it was essential all Members received up to date information. He feared that members of the public were becoming disillusioned with Local and Central Government and that it was imperative that Members had the information necessary to provide answers to questions when asked.

In addition, Councillor J Geary stated that less and less information and communication was being sent through to Councillors to enable them to do their jobs and provide an effective public service. He cited an example recently where he had tried to contact an officer from the Council, only to find that they no longer worked there.

The Licensing Team Leader informed Members that thousands of pounds had been invested into getting the IDOX software operational and that within time Members would become familiar with the software. He added that the current weekly email circulated to Members did not meet the Councils proactive and service driven standards. He asked that if Members could make the transition to the new software it would be greatly appreciated.

The Environmental Health Team Manager added that this was an improved service, and adopting the new software was a step forward and not a step backwards. He reassured Members that sufficient help would be offered to support them in setting up their profile to ensure they received the information they were interested in.

#### Music Events

The Licensing Team Leader stated that the District was becoming a hub for music events and large scale events, citing established music festivals such as Download and Strawberry Fields as examples. Members were also informed that the Licensing team had already started to receive enquires for other festivals and one off events for 2015.

Councillor N Smith stated that when Strawberry Fields first started it had generated numerous complaints, however things had changed. He informed Members that Heather and Ravenstone did not send any representatives to the debriefing as they were so pleased with the progress of the festival. Furthermore, Packington had asked him to place on record their thanks to all the Officers involved for their hard work.

#### Joint Working with Leicestershire Police

Members were informed that the relationship between the Police and the Licensing team was continuing to flourish. Visits to high risk premises to ensure compliance with the Licensing Act were continuing.

#### Attendance and Support of Pubwatch

The Licensing Team Leader informed Members that Officers regularly attended Pubwatch, and that the local Ashby de la Zouch and Coalville branches of Pubwatch had merged which was a good bonus for the district.

#### Leicestershire Licensing Forum

A county wide forum made up of Licensing team leaders, licensing solicitors and police officers. This was providing a broad front for the whole county on all Licensing matters.

#### Depot MOT Checks

The Licensing Team Leader informed Members that the number of Taxi drivers that have opted for the Councils depot to undertake their MOT test had risen. He also reminded

Members that all Council Staff and Councillors were entitled to use the depot to MOT their own Vehicles.

#### Licensing Sub-Committee Hearing

The Licensing Team Leader stated that three sub committees had been held since the last meeting of the Licensing Committee.

#### Significant Policy Changes 2011-2014

The Licensing Team Leader informed Members that the Committee had considered and approved several policies since 2011 and placed on record his thanks to Members for their support over the past few years to produce the policy changes.

Councillor J Geary enquired who undertook the Disability training for all licensed drivers and asked about the format of the training. The Licensing Team Leader informed Members that a Consultancy firm from Loughborough who have a wide range of experience perform the training, twice a year in the NWLDC Council Chamber with each course lasting the duration of two hours.

#### RESOLVED THAT:

The Licensing Committee notes the contents of the report.

### **19. REVIEW OF STREET TRADING POLICY**

The Environmental Health Team Manager presented the report to Members. He advised them that the purpose of the report was to consult Members on the draft Street Trading Policy. He reminded Members that the last Policy review was quite significant, however now there were further considerations to consider. He informed Members that he would take them through the changes and welcomed any comments from Members.

#### Proposed Changes to Current Policy

#### Assessing the Suitability of a Proposed New Trading Location

The Environmental Health Team Manager informed members that this proposal has come about as a result of the changes made in April this year to make the whole district a consent area. Subsequently, there has been an increased likelihood of people applying for licences in new areas that were previously unused. The proposal was to add Leicestershire County Council Highway Authority to the list of consultees.

Councillor M B Wyatt enquired whether or not the Coalville Special Expenses Working Party (CSEWP) should be included in the list of consultees as well. In response to this question the Legal Advisor informed Members that the CSEWP had no decision making powers, therefore they could not be considered as a consultee. He added that Ward Members could be notified however.

Councillor L Massey asked whether a street trader on Ashby Road near the island for the motorway junction between Ashby de la Zouch and Coalville had been through the determination process. She stated that his location was dire and was distracting and dangerous to road users.

Councillor J Ruff agreed with Councillor L Massey, adding that her own concern was that it would be difficult for individuals to pull over into the lay by given its close proximity to the roundabout.

In response to these concerns, the Environmental Health Team Manager assured Members that this particular application has been approved. However, he could not confirm whether or not Highways had been consulted on the application, citing this example as another reason why the addition of Leicestershire County Council Highways Authority to the list of consultees had been proposed.

Councillor J Geary expressed his thanks to Councillor M B Wyatt for raising the issue and to the Legal Advisor for his comments.

#### List of Consultees

The Environmental Health Team Manager informed Members that there was a proposal to add the local Town or Parish Council to the list of consultees.

Councillor T Neilson proposed that all district Councillors be consulted in respect of applications as opposed to just Coalville Ward Members. This proposal was seconded by Councillor J Geary and agreed by affirmation of the meeting.

#### Determination Process, in the event of relevant Objection Received

The Environmental Health Team Manager informed Members that for reasons of transparency and fairness the Council was proposing to amend the determination process by referring all applications where a relevant objection was made to a hearing before a sub-committee. He explained to Members that this proposal should be considered by the additional cost that would be incurred against the increased transparency of the determination process.

Councillor N Smith expressed his opinion to Members that this proposal was unnecessary as the Council had received no objections or complaints about the current determination process, and that the proposal would only increase the workload of Officers.

Councillors P Hyde and G A Allman concurred with the Chairman's thoughts and expressed their support for the proposal to be scrapped.

Councillor P Hyde commented that the Council employed officers who were capable and paid to make these decisions.

In response to a concern expressed by Councillor J Geary, the Legal Advisor explained that under the current determination process there was no mechanism or method to appeal a refusal of an application. He asked Members whether they wished to introduce this proposal, and reminded them that they were not legally obliged to do so.

It was moved by Councillor N Smith, seconded by Councillor P Hyde and agreed by affirmation of the meeting not to include this proposal.

#### Reasons for Objecting to or refusing an Application

The Environmental Health Team Manager informed Members that to assist consultees and for reasons of transparency it was proposed to introduce a list of reasons for objecting to or refusing an application. He stated that the list was not exhaustive; and any objection would be deemed relevant if it was linked to one of the policy objectives.

#### Amending Consent Conditions

The Environmental Health Team Manager referred Members to the recommendation that delegated authority be given to the Head of Legal and Support Services in Consultation with the Portfolio Holder to review and amend the list of mandatory conditions. He

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reminded Members that as things stood any amendments to consent conditions had to be brought before the Licensing Committee.

This recommendation was agreed by affirmation of the meeting.

The Environmental Health Team Manager informed Members that the draft policy would be taken to Council on 24 February 2015 for consideration and adoption. Once the Council approves the policy a public notice will be placed in a local newspaper advertising the Council's decision to implement the resolution noting the date for implementation.

RESOLVED THAT:

- a) The Licensing Committee considers and comments on the draft street trading policy prior to consideration and adoption by Council on 24 February 2015.
- b) That Licensing Committee supports the proposal for delegation to the Head of Legal and Support Services in consultation with the portfolio holder to amend/add to the mandatory conditions.
- c) Ward Members be added to the list of consultees.

The meeting commenced at 6:30pm

The Chairman closed the meeting at 7.10pm

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Chairman's signature