

- (h) 9 February 2016;
- (i) 1 March 2016;
- (j) 8 March 2016;
- (k) 12 April 2016;
- (l) 3 May 2016;
- (m) 25 May 2016;
- (n) 7 June 2016;
- (o) 7 July 2016; and
- (p) 2 August 2016.

4. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005

The Licensing Manager reported that in respect of Premises Licence Applications or Variations, there had been 6 new applications, 256 renewals, 83 Change of Designated Premises Supervisor or variation applications received. Of these, 6 applications had been considered by the Sub-Committee and granted subject to conditions. A total of 45 (EU Directive) Temporary Event Notices, 193 Temporary Event Notices and 42 late Temporary Event Notices had also been granted. 167 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period.

In respect of the Gambling Act 2005, the Licensing Manager stated that there had been no Betting Office applications, and 1 Club gaming permit granted, and 9 notifications had been received for two gaming machines.

Resolved:

- (1) That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005 be noted.

5. PUBLIC HIRE APPLICATIONS - DECISION SHEET

The Assistant Director of Neighbourhoods (Neighbourhood Services) presented a revised Decision Sheet for use when determining Public Hire Driver applications.

Cllr Sartin felt that the draft Decision Sheet was trying to cover every eventuality and consequently was rather confusing. The draft format did not work very well for either Members or Officers. The Assistant Director stated that the format had originated from a Legal Officers Group; Officers would be willing to split the draft format into two separate sheets and recirculate to the Members of the Committee for approval.

Resolved:

- (1) That the draft Decision Sheet be split into two separate Decision Sheets for revocation/refusal and suspension of a Private Hire Driver's Licence; and

(2) That the revised draft Decision Sheets be recirculated to Members of the Committee for consideration and approval.

6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CONDITIONS AND GUIDANCE

The Assistant Director of Neighbourhoods (Neighbourhood Services) presented a report on Hackney Carriage and Private Hire Licensing Conditions and Guidance.

The Assistant Director reminded the Committee that, in April 2015, it had reviewed the current state of the Council's public hire licensing conditions and guidance, and had decided to undertake an in-depth revision. A Member/Officer Sub-Group was subsequently set up, which considered a number of issues including:

- (a) the licensing of Multi-Purpose Vehicles (MPVs);
- (b) the licensing of vehicles for less than four passengers;
- (c) advertising on vehicles;
- (d) guidance on how to deal with infringements of the conditions; and
- (e) any other updating measures thought necessary, paying particular attention to safeguarding.

The Assistant Director stated that the conditions and guidance had been subsequently amended, prior to the undertaking of a full public consultation with the trade and other interested parties. The Committee was requested to consider the revised conditions and guidance, propose any final amendments, and recommend them to the Council for adoption.

Cllr Dorrell highlighted a recent application whereby the Driver had been prosecuted for drink driving, and the Sub-Committee refused it as only 2 years had elapsed since the offence. The previous policy had stipulated that a period of five years should elapse from the date of the offence and Cllr Dorrell felt that a Private Hire or Hackney Carriage licence should not be granted immediately after the restoration of the DVLA licence. The Assistant Director explained that the Guidance had come from London Transport and was tried and tested within London. The Sub-Group had considered the Guidance reasonable, and the Assistant Director reiterated that the 'Decision' column was guidance only but it could be amended if the Committee so desired. The Chairman felt that it would be prudent to have a further minimum period after the restoration of the DVLA licence. Cllr Dorrell proposed that the Guidance for drink driving offences be amended such that a minimum period of twelve months should elapse following the restoration of the DVLA licence, and that the guidance for an isolated conviction which involved the use of a Public Hire vehicle should also be amended such that the application would be refused until a minimum period of 2 years had elapsed after the restoration of the DVLA licence. This proposal was seconded by Cllr Keska and agreed by the Committee.

The Licensing Manager reminded the Committee that it was a legal requirement for a DVLA licence to be held for a minimum of twelve months before an individual could apply for a Hackney Carriage or Public Hire Driver's Licence. However, it was the policy of the Council that an applicant had to have held a DVLA licence for a minimum of 3 years before making an application.

The Licensing Manager reported that potential Hackney Carriage or Private Hire Drivers were given a medical and a Taxi Knowledge test, which included safeguarding and disability awareness issues. There was no physical road or driving test undertaken by applicants. The Assistant Director added that the Council had never insisted upon a driving test; if an applicant had a DVLA licence then they could drive, and the Council's policy was that an applicant had to have held a DVLA licence for 3 years before they could apply. The Knowledge test included route knowledge within the District, although it was also noted that the Council could prohibit the use of satellite navigation devices, and a language test had been included in the new regulations before the Committee.

The Chairman noted that the new regulations made mention of Diabetes but did not differentiate between Type 1 and Type 2. It was highlighted that the DVLA's licensing policy was different for Type 1 and Type 2 Diabetes, and the Council's Hackney Carriage/Private Hire Driver regulations could reflect this. The Chairman felt that some clarification was needed to ensure that applicants and drivers were not misled about the need to report their condition and it was suggested that this terminology could be revised when the Policy and Guidance was reviewed.

Resolved:

(1) That the guidance for an isolated conviction of drink driving or driving under the influence of drugs be amended for the following scenarios:

(a) for an isolated conviction and the DVLA licence now restored, the guidance be amended to read "*Refuse application until 12 months after the restoration of the DVLA licence*"; and

(b) for an isolated conviction which involved the use of a Public Hire vehicle and the DVLA licence now restored, the guidance be amended to read "*Refuse application until 2 years after the restoration of the DVLA licence*"; and

Recommended:

(2) That, as amended above, the new Hackney Carriage and Public Hire Licensing Conditions and Guidance be recommended to the Council for adoption.

7. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee reviewed the proceedings of the Licensing Sub-Committees held in the twelve month period since the last meeting to identify any issues of policy, procedure and organisation that had adversely affected the running of the meetings.

The Assistant Director of Neighbourhoods (Neighbourhood Services) informed the Committee that a meeting of all the Sub-Committee Chairmen had been introduced; it would meet twice a year to review the decisions taken at Sub-Committees to ensure consistency.

The Assistant Director also stated that a constitutional point had also arisen. It transpired that there should be separate Sub-Committee meetings to consider applications for Liquor Licences, and applications for all other Licences. To simplify the organisation, it was intended to run separate Sub-Committee meetings with separate agenda on the same day, one after another, with the same membership.

8. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Committee considered whether any further training was necessary for the Members tasked with discharging the Council's Licensing function.

The Assistant Director of Neighbourhoods (Neighbourhood Services) felt that the training given by James Button & Co Solicitors was satisfactory. The Committee added that it was a very good session with the prime focus being on public safety, and that the materials provided were excellent for future reference.

In respect of future training needs, the Assistant Director was not aware of any imminent major changes to the Licensing legislation.

9. MATTERS ARISING

The Assistant Director of Neighbourhoods (Neighbourhood Services) stated that the Council did actively encourage the chipping of dogs. Officers would attend local dog shows to chip dogs as this would reduce the work in dealing with stray dogs, which was now undertaken on behalf of the Council by the London Borough of Waltham Forest.

Cllr Jennings felt that the Council needed to be very concerned about Fixed Odds Terminals in betting shops, which appeared to adversely affect young people and the elderly in particular. Was the Council aware of any high risk areas within the District? The Assistant Director acknowledged that such Terminals could be a problem, but there were currently none within the District as such Terminals tended to be in cities. The Assistant Director suggested that any applications for such a Terminal could be automatically referred to a Sub-Committee for determination, and this was agreed by the Committee.

In respect of road closures for Remembrance Sunday, the Assistant Director informed the Committee that guidance had been agreed with the Police and Essex Highways, which had been published in June. This guidance had been sent to Local Councils and the Royal British Legion, and Officers had also had meetings with Local Councils and the Royal British Legion. The Assistant Director assured the Committee that the Council had no desire to interfere with long established Remembrance parades.

The Chairman felt that the inclusion of Safeguarding posters within Hackney Carriages and Private Hire vehicles was a very good move, but the Safeguarding information and material for Hackney Carriage and Private Hire Drivers needed to include an awareness of the 'Prevent' agenda. The Chairman highlighted that many areas had adopted innovative training or awareness initiatives for Drivers, and requested that Licensing Officers should consult with Community Safety and Legal Officers to explore the best way to ensure maximum awareness of safeguarding responsibilities for Drivers and Operators, and report back to the Committee at the next meeting.

Resolved:

(1) That any applications for the installation of a Fixed Odds Terminal received by the Council be automatically referred to a Licensing Sub-Committee meeting for determination; and

(2) That Officers report back to the next meeting of the Committee on the measures taken to increase the visibility of the Safeguarding and 'Prevent' requirements for Hackney Carriage and Private Hire Drivers in the District.

10. ANY OTHER BUSINESS

The Committee noted that there was no other urgent business for consideration.

11. DATE OF NEXT MEETING

The Committee noted that the next meeting was scheduled for 19 April 2017 at 2.30pm in the Council Chamber.

CHAIRMAN