

LICENSING AND REGULATION COMMITTEE**11 October 2012****Attendance:**

Councillors:

Mather (Chairman) (P)

Bodtger
Green (P)
Izard (P)
Johnston (P)
Laming (P)
Mason (P)Pearce (P)
Phillips (P)
Power (P)
Prowse (P)
Southgate (P)
Wright (P)

1. MINUTES

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 14 June 2012, be approved and adopted subject to, in the second line of the third paragraph of Minute 111, after the words 'The Committee also discussed the proposed Early Morning Alcohol Restriction Orders (EMAROs)...' add the words '...and the Late Night Levy.'

2. PUBLIC PARTICIPATION

Mr J Fairey (Private Hire Driver and Owner) addressed the Committee regarding the review of licensing private hire vehicles and the condition relating to tinted windows. His comments are set out under the relevant items below.

3. COMMUNITY GOVERNANCE REVIEWS - PROPOSALS

(Report LR398 refers)

RESOLVED:

1. That, having regard to the factors set out in the Report and representations received:-

a) the size of Bramdean & Hinton Ampner Parish Council be increased from six to seven Councillors.

b) the size of Wonston Parish Council be increased from seven to eight Councillors.

2. That, further to 1 above, the final decision to make the necessary Statutory Orders and undertake such other administrative arrangements as may be necessary be delegated to the Corporate Director (Governance), provided no new material representations against the recommendations were received when the conclusions of the review were published.

3. That the current administrative arrangements for the liaison between Denmead and Southwick & Widley Parish Councils, regarding future parish boundaries and other issues related to the West of Waterlooville residential development, be noted.

4. That, with regard to the possible transfer of Abbots Worthy from Kings Worthy Parish to Itchen Valley Parish, no further action be taken and all interested parties be informed accordingly.

4. **REVIEW OF POLICY FOR LICENSING PRIVATE HIRE VEHICLES**
(Report LR396 refers)

The Licensing Manager explained that the Report set out options to change the Statement of Licensing Policy for Hackney and Private Hire Vehicles, Drivers and Private Hire Operators, following a representation from Mr John Fairey, which was initially considered at the previous meeting.

At the invitation of the Chairman, Mr Fairey addressed the meeting and reiterated the key points in his recent e mail to the Council (attached as Appendix 2 to the above report).

Following a detailed discussion, Members agreed that the current requirement for a vehicle to be less than three years old when first presented for licensing as a private hire vehicle was too onerous, having regard to the greater longevity of modern vehicles and the other regular checks already in place to ensure safety and overall good condition. Therefore, the Committee agreed that the period be amended from three years to five years.

The possibility of adding a mileage limit was also discussed, but again Members considered that the ability of modern, well serviced vehicles to safely absorb far greater mileages than in the past, plus the current inspection regime (which required more stringent testing of a vehicle being used for private hire than that carried out for a standard annual MOT) made this additional control unnecessary. It was noted that the Licensing Manager could require a private hire vehicle to undergo a test at any time, if particular safety or other concerns arose between one routine test and the next.

Member also agreed that the exception clause for classic or specialist vehicles, as set out in para 3.1 (d) of the report, should remain.

RESOLVED:

1. That the age limit of a vehicle when first presented for licensing as a Private Hire Vehicle be amended from not more than three years old, to not more than five years old.

2. That no further changes be made to the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators.

3 That the Head of Legal Services be given delegated authority to implement the agreed policy, as now amended, within a reasonable time.

5. **REVIEW OF CONDITION FOR WINDOW TINTING IN LICENSED VEHICLES**
(Report LR397 refers)

The Licensing Manager circulated at the meeting an additional consideration which should have been included as paragraph 7.1(e) in the above report and which stated as follows:-

‘e) Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants/licence holders may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required and must be professionally applied.’

At the invitation of the Chairman, Mr Fairey addressed the meeting and pointed out that many higher quality vehicles often had tinted windows fitted as standard. Therefore, any change in the Council’s policy may restrict the range of vehicles which operators could purchase, because replacing factory fitted tinted glass was clearly uneconomic.

Members noted that, in recent tests, it had proved very difficult to visually determine which vehicle windows had unacceptable levels of tinting, without the necessary testing equipment (which the Council did not have).

At the conclusion of debate, the Committee could see no safety or other reason why the Council should seek to impose greater controls than that already provided by national legislation on tinted windows. Tinting to the front windscreen and front side windows (whether factory applied or after-market) had to comply with the law and there was no legal limit to the tinting which could be applied to the rear passenger windows and rear screen. Therefore, the wording as circulated at the meeting as paragraph 7.1(e) set out the most appropriate way forward and should be adopted accordingly.

RESOLVED:

1. That the Hackney Carriage and Private Hire Vehicles Conditions be amended by deleting paragraph 4(d) and replacing with the following wording:

'Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants/licence holders may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required and must be professionally applied.'

2. That authority be delegated to the Head of Legal Services to implement the amended Condition in 1 above within a reasonable time.

6. **GAMBLING ACT STATEMENT OF PRINCIPLES – DRAFT**
(Report LR389 refers)

The Committee noted that Hampshire Constabulary had no comments to make on the draft.

It was also noted that incorrect dates had been shown in paragraphs 3.3 and 3.4 of Part A of the draft Statement and it should read as follows:-

3.3 *The Council's draft Statement will be published for consultation on 2 July 2012 and will allow until 12 August 2012 for comments.*

3.4 *The Statement will be presented at a meeting of the Full Council on 7 November 2012 for approval.*

RECOMMENDED:

THAT, SUBJECT TO THE AMENDMENT OF PARAGRAPHS 3.3 AND 3.4 IN PART A OF THE STATEMENT TO SHOW THE CORRECT DATES AS SET OUT ABOVE, THE DRAFT GAMBLING ACT STATEMENT OF PRINCIPLES, ATTACHED AS APPENDIX 2 TO THE ABOVE REPORT, BE APPROVED.

7. **CHANGES TO THE LICENSING ACT 2003**
(Report LR390 refers)

RESOLVED:

1. That the contents of the Late Night Levy (Application and Administration) Regulations 2012 and the Early Morning Alcohol Restriction Order legislation be noted.

2. That the Head of Legal Services be instructed to bring a Report back to the Committee if a request to implement the legislation is made by the Police.

8. **LICENSING SUB-COMMITTEE MINUTES – 7 SEPTEMBER 2012 (LESS EXEMPT MINUTE)**

(Reports LR395 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee meeting held 7 September 2012 (less exempt appendix) be approved and adopted.

9. **EXEMPT BUSINESS**

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
		) Information relating to any
		) individual. (Para 1 Schedule
		) 12A refers)
)
		) Information which is likely to
		) reveal the identity of an
		) individual (Para 2 Schedule
		) 12A refers)
##	Exempt minute of the Licensing Sub-Committee held 7 September 2012)
		) Information relating to the
		) financial or business affairs
		) of any particular person
		) (including the authority
		) holding that information)
		) Para 3 Schedule 12A refers)

10. **EXEMPT MINUTE OF LICENSING SUB-COMMITTEE HELD 7 SEPTEMBER 2012**
(Reports LR395 refers)

RESOLVED:

That the exempt minute of the Licensing Sub-Committee held 7 September 2012 be approved and adopted.

The meeting commenced at 6.30pm and concluded at 7.30pm

Chairman