

**LICENSING AND REGULATION COMMITTEE****13 June 2013****Attendance:****Councillors:**

Mather (Chairman) (P)

Bodtger (P)  
Green (P)  
Lipscomb (P)  
Phillips (P)  
Southgate (P)  
Wright (P)

Johnston (P)  
Laming (P)  
Mason (P)  
Newman-McKie  
Prowse (P)  
Izard (P)

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**1. APOLOGIES**

Apologies for absence were given for Councillor Newman-McKie.

**2. APPOINTMENT OF VICE CHAIRMAN FOR THE 2013/14 MUNICIPAL YEAR**

RESOLVED;

That Cllr Southgate be appointed as Vice Chairman of the Committee for the 2013/14 Municipal Year.

**3. DISCLOSURES OF INTERESTS**

Councillor Mather declared a disclosable pecuniary interest in respect of the agenda items due to her role as a County Councillor. However, as there was no material conflict of interest, she remained in the room, spoke and voted under the dispensation granted on behalf of the Standards Committee to participate and vote in all matters which might have a County Council involvement.

**4. MINUTES**

RESOLVED:

It was agreed that the minutes of the previous meeting of the Committee, held on 10 December 2012, be approved and adopted.

**5. PUBLIC PARTICIPATION**

Mr Parvez (who represented Mr Akeel Khan, who could not attend committee) spoke regarding the amount of times taxi and private hire driver applicants are required to take the knowledge test. Another e-mail was asked to be considered by Committee, regarding whether the Driving Standards Test should be taken by those who only drive under contract for schools. It was decided that these issues were to be discussed as part of the consideration of Report LR 411.

6. **REVIEW OF LICENSING POLICY 2014**  
(Report LR410 refers)

The Head of Licensing clarified that under the Licensing Act 2003, the Council was previously required to review and publish its Licensing Policy every three years which had now changed to every five years. It was felt, however, that due to the amount of recent changes in the Licensing Act, the policy should be reviewed this year and the consultation period would run from 27 June to 31 August 2013. Subject to the Committee's consideration at its meeting in October of any comments received, it would then be referred to full Council for adoption.

During discussion, the Committee commented on aspects of the grammar within the Policy, in particular with regard to the use of the phrase: "any other person". It was agreed that the Head of Licensing amend this where appropriate to read correctly. In addition, it was also noted that on Page 15, point 3.8, in accordance with the minutes of the previous Committee meeting, that the name of the Criminal Records Bureau (CRB) be changed to the Disclosure and Barring Service (DBS). With regard to the availability of still wine in a glass: 125 ml on Page 19, point 10.a.(iii) of the Policy, which is a Mandatory Condition under the Licensing Act, the point was raised about enforcement. The Head of Licensing informed the Committee that currently this is being enforced by Hampshire Constabulary and Trading Standards.

At conclusion of debate, subject to the above amendments, the draft Licensing Policy as attached at Appendix 1 to the Report is approved for publication as a consultation draft.

**RECOMMENDED:**

**THAT IN THE EVENT OF NO MATERIAL REPRESENTATIONS BEING RECEIVED BY 31 AUGUST 2013, THE DRAFT LICENSING POLICY BE ADOPTED AS THE COUNCIL'S AGREED LICENSING POLICY UNDER THE LICENSING ACT 2003, FROM 7 JANUARY 2014**

**RESOLVED:**

- 1 That the draft Licensing Policy attached at Appendix 1 be approved for publication as a consultation draft.

- 2 That the consultation process for the draft Licensing Policy set out in Section 3 of this report be agreed.

7. **REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS**

(Report LR411 refers)

It was explained by the Head of Licensing that amendments had been made to the Criminal Convictions Policy, which would clarify to applicants and current licence holders the seriousness of convictions, and that each case will be decided upon its own merits. It was mentioned that the consultation period with the trade would run from 24 June to 31 July 2013. Due to the timescale with the next Licensing and Regulation Committee, it was asked that any comments be forwarded to the Chairman, who would decide in consultation with the Head of Licensing whether it was necessary to hold a special meeting of the Committee to consider those comments. If no material comments were received, then it was asked that the amended Policy be adopted and for the Head of Licensing to implement within a reasonable time.

Under Public Participation, Mr Parvez informed the Committee that other Local Authorities, such as Southampton, allowed applicants to take the Knowledge test six times before having to wait six months until being able to take it again and that their knowledge tests were considerably easier.

The Head of Licensing confirmed that Winchester City Council currently maintained the Policy that if an applicant failed the test three times, they would have to wait a further six months before being able to take the test again. It was explained that the Licensing team had discussed this Policy and considered that three tests should be adequate to pass and if not, then the six months period would allow an appropriate time for further study by applicants.

After further discussion, it was decided that three tests was sufficient and the Policy should not be altered.

Regarding the second e-mail received under Public Participation, the Head of Licensing explained that the Driving Standards Test was necessary and that, if anything, more checks should be in place for those wishing to drive children to school. After discussion, it was decided that in the interest of public safety, the Policy will stay the same and all applicants would still be required to take and pass the driving assessment test.

In answer to Member's questions, the Head of Licensing explained that there were two areas of the Policy where each case was examined and decided on individual basis alone.

Firstly, regarding the engine capacity of a vehicle being no less than 1600cc. The Policy at points 5.10 and 6.3 had been amended for the Head of Licensing to depart from the Policy, to allow vehicles which were less than 1600cc to be

licensed, provided the applicant submitted evidence that they had a similar power to weight ratio to a 1600cc vehicle. Secondly, any convictions which applicants had would be looked at on a case by case basis.

It was clarified that the Head of Licensing may contact Hampshire Constabulary to request further information surrounding the circumstances of each conviction or caution, to assist the Licensing Officers in making their decision about an application. Point 9.9 was added to the Policy to reflect this.

During discussion, various grammatical errors were mentioned and the Head of Licensing agreed that these would be amended to read correctly.

**RESOLVED:**

- 1 That the amended version of the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators be approved for consultation with the taxi and private hire trade.
- 2 That if changes are made, and no material comments are received following consultation, Members delegate to the Head of Licensing power to implement the amended Policy within a reasonable time.
- 3 That in addition to the review of the Policy, Members approve a minor amendment to the scheme of delegation with regard to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operator licences.

8. **FINAL REPORT OF THE TRANSPORT INFORMAL SCRUTINY GROUP – RECOMMENDATIONS**  
(Report LR409 refers)

Members noted that it was claimed that local taxi fares were amongst the most expensive in the country and this had an adverse impact on residents, especially those who lived in rural areas and relied on taxi transport.

The Head of Licensing explained that Winchester currently had the 64<sup>th</sup> highest fares compared with 362 other Authorities and that the fares had not increased since July 2011.

At the conclusion of discussion, it was agreed that the Head of Licensing consult with the trade and report back to Committee, even though the general feeling from the trade was to not increase or reduce the fares.

**RESOLVED**

That, having regard to the above, the taxi fare structure and charges operated by the City Council be reviewed.

9. **ACTIVITIES OF THE LICENSING TEAM 2013**  
(Report LR412 refers)

In response to Member's questions, the Head of Licensing explained that the main Freedom of Information requests were about Public Health Burials and from HM Revenues and Customs requesting Taxi driver information. It was noted that Public Health Burials cost Winchester City Council £1,300-£3,500 each.

RESOLVED:

That the report be noted.

10. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 4 DECEMBER 2012 (LESS EXEMPT MINUTE)**  
(Report L413 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 4 December 2012 (less exempt appendix A) be approved and adopted.

11. **MINUTES OF THE LICENSING SUB COMMITTEE HELD 22 JANUARY 2013 (LESS EXEMPT MINUTE)**  
(Report LR414 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 22 January 2013 (less exempt appendix B) be approved and adopted.

12. **MINUTES OF THE LICENSING SUB COMMITTEE HELD 21 MARCH 2013**  
(Report LR415 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 21 March 2013 be approved and adopted.

13. **MINUTES OF THE LICENSING SUB COMMITTEE HELD 11 APRIL 2013**  
(Report LR416 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee held 11 April 2013 be approved and adopted.

14. **EXEMPT MINUTES**

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- Committees held 4 December 2012 & 22 January 2013	) Information relating to the
		) financial or business affairs
		) of any particular person
		) (including the authority
		) holding that information)
		) Para 3 Schedule 12A refers)

15. **EXEMPT MINUTES OF THE LICENSING SUB COMMITTEE HELD 4  
DECEMBER 2012**

(Report LR413 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee held 4 December 2012 be approved and adopted.

16. **EXEMPT MINUTES OF THE LICENSING SUB COMMITTEE HELD 22  
JANUARY 2013**

(Report LR414 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee held 22 January 2013 be approved and adopted.

The meeting commenced at 6.30pm and concluded at 8.10pm

Chairman