

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing and Regulatory Committee held in the Council Chamber at the Guildhall, Gainsborough on Monday 5 December 2011 commencing at 7.00 pm.

Present: Councillor Jessie Milne (In the Chair)

Councillor Owen Bierley
Councillor David Cotton
Councillor Chris Darcel
Councillor Richard Doran
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Mel Starkey
Councillor Geoff Wiseman

In Attendance: Public Protection Services Manager
Senior Licensing Officer
Senior Democratic Officer

Apologies : Councillor Irmgard Parrott (Vice-Chairman)
Councillor Anne Welburn

12 PUBLIC PARTICIPATION PERIOD

There was no public participation.

13 MINUTES

(a) Licensing and Regulatory Committee – 6 June 2011

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 6 June 2011 be confirmed and signed as a correct record.

(b) Licensing Sub-Committee – 14 June 2011

RESOLVED that the minutes of the Meeting of the Licensing Sub-Committee held on 14 June 2011 be received and noted.

14 MEMBERS' DECLARATIONS OF INTEREST

Councillor David Cotton declared a personal interest in reports LR.08 11/12 (Annual Licensing of Taxi Drivers) and LR.09 11/12 (Pending Changes to the Police Reform and Social Responsibility Act 2011) as a serving Magistrate.

Councillor Richard Doran declared a personal interest in report LR.08 11/12 (Annual Licensing of Taxi Drivers) as one of his close friends was a taxi driver.

15 MATTERS ARISING SCHEDULE SETTING OUT CURRENT POSITION OF PREVIOUSLY AGREED ACTIONS AS AT 25 NOVEMBER 2011 (LR.07 11/12)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 25 November 2011.

It was noted that all actions had been completed on target. Members made reference to their previous training session which they considered had been of great value and it was noted that in light of its success and the positive feedback received, this training format may be replicated across the other regulatory committees.

RESOLVED that progress on the Matters Arising Schedule as set out in report LR.07 11/12 be noted.

16 ANNUAL LICENSING OF TAXI DRIVERS (LR.08 11/12)

Members were asked to give consideration to approving a scheme whereby Taxi / Private Hire Drivers would be licensed on an annual basis instead of the current 3 year basis. Members were further asked, if agreeable to the introduction of an annual licensing regime, to give consideration to the fee that should be applied for such, with a view to making formal recommendations to the Prosperous Communities Committee, in advance of the budget setting process for 2012/13.

Officers outlined in detail the rationale for the proposals, and in doing so stressed that the protection of the public was the primary driver for change. Reference was made to paragraph 2.2 of the report and Officers further elaborated on previous experiences when dealing with these matters and the associated potential risks.

Debate ensued during which Members indicated unanimous support for the proposed revisions. The approach was considered to be both sensible and would afford greater safeguards in the future by mitigating those identified risks.

In light of the support shown for the revised licensing regime, consideration was then given to the level at which the fee for the simplified process (self

declaration) should be set. All were in agreement that it was important that any fee should remain comparative with those set by other neighbouring local authorities, so as to not adversely affect the viability of the Trade.

Arising from the discussion and the comments and views expressed therein, two proposals were moved and seconded, namely: -

- (i) that the fee to be charged for the self declaration process be set at a rate equal to 33% of the full fee payable at Year 1 (excluding any Fee charged by DVLA (currently £5.50); and
- (ii) that the fee to be charged for the self declaration process be set at a rate equal to 50% of the full fee payable at Year 1 (excluding any Fee charged by DVLA (currently £5.50)

On being put to the vote, the latter was declared carried, and on that basis it was **RESOLVED** that:

- (a) the revised process to licence taxi/private hire drivers on an annual basis, as set out in section 3 of report LR.08 11/12, be approved for implementation with effect from 1 April 2012; and
- (b) having given consideration to the level at which the fee for the simplified process (self declaration) (resolution (a) above relates) should be set, the view of the Licensing and Regulatory Committee was that the fee to be charged for the self declaration process be set at a rate equal to 50% of the full fee payable at Year 1 (excluding any Fee charged by DVLA (currently £5.50) and thus the Prosperous Communities Committee be formally requested to give consideration to the views expressed by the Committee, in connection with this matter, as part of the fees, charges and budget setting process for 2012/13.

17 PENDING CHANGES TO THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 (LR.09 11/12)

Members gave consideration to a report which provided the Committee with a summary of the basic implications of the new Police Reform and Social Responsibility Act 2011 (the 2011 Act).

Discussion ensued during which Members and Officers shared their initial thoughts on a number of the proposals.

Members commented on some of the potential ramifications they envisaged would arise as a result of the changes, highlighting a number of areas where further consideration and development would be required in the interim period, including the process by which representations and 'rights of review' would be made by the licensing authority (the Council) in its own right, as well as the

ability for authorities to introduce late night levies and exemption zones. Members also highlighted a number of areas where they considered the changes were likely to have little or no effect, including the granting of powers to Environmental Health Officer's in respect of making objections to TENS applications; and the Primary Care Trust being granted 'responsible authority' status. Whilst understanding the rationale for these changes, Members were of the view that these rights would rarely be exercised due to the current workloads and other demands on these services. Furthermore, Members were of the opinion that the abolition of a definition for 'an interested party' was ill conceived and was likely to lead to greater confusion rather than afford greater clarity.

Following lengthy discussion it was:

RESOLVED that the information contained within the report LR.09 11/12 be received and noted.

Note: Councillor Geoff Wiseman declared a personal interest in the above item of business as the Council's representative on the West Lincolnshire Community Safety Partnership.

The meeting concluded at 8.10 pm

Chairman