

Minutes

Licensing Committee

16th August 2017



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Pell	Yes
P Barlow	Yes	B Rose	Yes
J Baugh (Vice-Chairman)	Yes	R van Dulken	Apologies
J Elliott	Apologies	Mrs L Walters	Yes
J Goodman	Yes	Mrs S Wilson	No
A Hensman	Yes		

7 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

8 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 10th May 2017 be approved as a correct record and signed by the Chairman.

9 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made during Question Time.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

10 **EQUALITY ACT 2010 – DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES**

INFORMATION: Consideration was given to a report on a proposal to establish a list of designated, licensed Hackney Carriage and Private Hire vehicles which were accessible for use by passengers in wheelchairs. The introduction of a list would assist disabled people to easily access an appropriate vehicle in the District and provide them with reassurance that they would receive assistance and be able to travel safely.

It was reported that Section 167 of the Equality Act 2010 enabled a Council to maintain a list of designated, licensed vehicles which were wheelchair accessible. A vehicle could be included on the list if it conformed with the Council's accessibility requirements and the user of a defined 'reference wheelchair' could enter, leave and travel in the passenger compartment of the vehicle in safety and reasonable comfort whilst seated in their wheelchair.

It was proposed that the Council's list of designated vehicles should contain information about each vehicle's make and model; the vehicle type (ie. Hackney Carriage, or Private Hire); the name of the vehicle's proprietor, or operator; the size and weight of a wheelchair that could be accommodated in a particular vehicle; whether wheelchairs larger than a defined 'reference wheelchair' could be accommodated in a particular vehicle; and whether a disabled user could transfer from their wheelchair into a seat within the vehicle if they wished to do so. The owners and drivers of vehicles included on the list would be made aware of the designation. If an owner of a vehicle disagreed with the Council's decision to include a vehicle on the list he/she had a right of appeal under Section 172 of the Act.

Section 165 of the Act placed duties on the driver of a designated Hackney Carriage or Private Hire vehicle which made it an offence for the driver not to offer reasonable assistance to a wheelchair user; to charge extra for providing any assistance; or to refuse a fare from a disabled passenger. Section 166 of the Act enabled a Council to exempt drivers from these duties where it was appropriate to do so; on medical grounds; or if the driver's physical condition made it impossible, or difficult for them to comply.

It was proposed that a further report on the list of designated vehicles and the proposed policy and procedure for exemptions should be submitted to the Licensing Committee on 13th September 2017 for consideration. If supported, the proposed policy and procedure would be subject to consultation with key stakeholders before being submitted to the Licensing Committee for final approval and recommendation to full Council.

DECISION: That a list of designated wheelchair accessible Hackney Carriage or Private Hire vehicles in the Braintree District in accordance with Section 167 of the Equality Act 2010 and a policy and procedure governing applications by drivers for exemption from the requirements of Section 165 of the Act be prepared for further consideration by the Licensing Committee.

REASON FOR DECISION: To seek approval for the implementation of provisions contained in the Equality Act 2010.

11 **HACKNEY CARRIAGE AND PRIVATE HIRE CRIMINAL CONVICTIONS POLICY – PRE-CONSULTATION DRAFT**

INFORMATION: Consideration was given to a report on a proposed policy regarding criminal convictions of Hackney Carriage and Private Hire

drivers/operators. The policy would provide guidance on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licence holder, was a 'fit and proper' person to hold a Hackney Carriage and/or a Private Hire driver's, or Private Hire operator's licence. The overriding aim of the proposed policy was to protect the safety of the public. A copy of the draft policy was attached to the Agenda report.

Under Sections 51, 55, and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Council was required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire driver's licence and/or Private Hire operator's licence was a 'fit and proper' person to hold such a licence. Sections 61 and 62 of the Act enabled the Council to suspend, revoke, or refuse to renew a licence if the applicant/licence holder had been convicted of an offence, or for any other reasonable cause. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 enabled the Council to take account of all convictions recorded against an applicant/licence holder whether spent or not.

It was proposed that, if supported by the Licensing Committee, the draft Hackney Carriage and Private Hire Criminal Convictions Policy should be subject to a six week period of public consultation. Responses to the consultation would be collated and a report submitted to a future meeting of the Licensing Committee.

DECISION: That the draft Hackney Carriage and Private Hire Criminal Convictions Policy be approved for the purpose of public consultation, subject to the Principal Licensing Officer being authorised to make typographical amendments to the document prior to publication.

REASON FOR DECISION: To provide guidance, to ensure that the Council's standards are in line with 'good practice' guidance, and to enable a more robust 'fit and proper' person test to be applied.

12 **LICENSING COMMITTEE UPDATE**

INFORMATION: Members of the Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee since 14th September 2016.

It was reported that 14 matters had been presented to and considered by the Drivers' Panel.

It was reported that following the submission of applications by Essex Police, the Licensing Sub-Committee had met on 20th March 2017 to review the Premises Licences for Cross Road Stores, 39 Cross Road, Witham and Cost Cutter, 9 – 11 High Street, Halstead. The Licensing Sub-Committee had decided to revoke both Licences. However, the Premises Licence Holder had subsequently submitted appeals against the decisions. In an update to the report, it was stated that the Magistrates' Court had issued a consent order remitting these matters back to the

Licensing Authority. Arrangements would therefore be made for the Licensing Sub-Committee to consider the applications again.

On 22nd May 2017 the Licensing Sub-Committee had met to consider an application by Essex Police for the review of the Premises Licence for Halstead Snooker Centre, 5 Second Avenue, Bluebridge Industrial Estate, Halstead. The Licensing Sub-Committee had decided to take no action in respect of the Premises Licence, but had issued a formal warning to the Premises Licence Holders with directions for the promotion of the licensing objectives.

The Licensing Sub-Committee had met on 17th July 2017 to consider an application for a new Premises Licence for The Drapers Hotel, 53 High Street, Earls Colne. The Sub-Committee had decided to grant a Premises Licence.

DECISION: That the Licensing Committee Update be noted.

REASON FOR DECISION: To update Councillors on applications determined by the Drivers' Panel and the Licensing Sub-Committee.

The meeting closed at 7.47pm.

Councillor M Banthorpe
(Chairman)