

## Minutes of Licensing Committee

Meeting Date: 19 June 2012, starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

P Ainsworth	J Holgate
I Brown	S Knox
S Brunskill	C Ross
P Dowson	G Scott
R Hargreaves	M Thomas
K Hind	

In attendance: Solicitor and Chief Executive.

### 111 APOLOGIES

An apology for absence from the meeting was submitted on behalf of Councillor C Conner.

### 112 MINUTES

The minutes of the meeting held on 20 March 2012 were approved as a correct record and signed by the Chairman.

### 113 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 114 PUBLIC PARTICIPATION

There was no public participation.

### 115 REFERENCES FROM OVERVIEW AND SCRUTINY COMMITTEE

There were no references from Overview and Scrutiny Committee.

### 116 GROUP 2 MEDICALS

A report was submitted seeking Committee's view on whether the Council should retain the requirement that Group 2 Medical Standards should apply to all taxi and private hire drivers. In February 1995 there had been a recommendation from the House of Commons Transport Select Committee that all private hire vehicle and taxi driver applicants should pass a medical examination before a licence could be granted. Current best practice advice contained in the booklet "Fitness to Drive: A Guide for Health Professionals" published in 2006 by the Royal Society of Medicine Press Ltd on behalf of the Department of Transport recommended that Group 2 Medical Standards applied by the DVLA in relation to bus and lorry drivers should also be applied by Local Authorities to taxi drivers.

The Solicitor also highlighted neighbouring authorities that applied the Group 2 Medical Standard.

However, the Council had recently received applications from individuals who whilst fit to drive a car, did not pass the Group 2 Medical Standard and so had not been granted licences. On both occasions this related to the sight element. As such Committee were now asked to consider whether it wished to continue to maintain the Group 2 Standard applying to all applicants.

RESOLVED: That Committee approve compliance to the Group 2 Medical Standard continuing to be applied to all applicants for private hire or taxi drivers' licences.

The Committee was briefly interrupted by the fire alarm.

#### 117 PRIVATE HIRE DRIVERS' KNOWLEDGE TEST

A report was submitted seeking Committee's views on whether an individual should be permitted to sit additional knowledge tests having failed the maximum of 4 which is currently permitted within the 6 month temporary licence period. The Council had for many years required each applicant for a driver's licence to pass a knowledge test. Applicants were issued with a temporary licence for 6 months and given 4 opportunities to pass the knowledge test by the end of that period either on paper or in person in their licensed vehicle. The knowledge test was used as part of the Council's procedure to determine if an applicant was a fit and proper person to be given a driver's licence.

An issue had recently arisen where an individual had failed all 4 tests and had requested that he be able to sit further tests despite their temporary licence having expired.

Committee discussed this request and felt that our standard requirement for the knowledge test should not be lowered and that 4 opportunities were adequate for a prospective driver to be able to pass the test.

RESOLVED: That Committee continue with the current practice of allowing drivers to take a maximum of 4 knowledge tests within the 6 month temporary licence period.

#### 118 MARSHALLING ARRANGEMENTS

A report was submitted asking Committee's advice on the proposed "marshalling" arrangements and to seek their view on the circumstances in which an operator's licence would be required. The Solicitor gave some background to instances where "marshalling" was taking place where establishments have entered into contracts with a private hire firm and where an individual was present on a car park taking bookings for a private hire firm. The arrangements varied from a free phone being provided to the staff of the establishment to allow them to contact a specific firm to a member of staff from the firm being present in the establishment and making the telephone calls directly.

The Solicitor outlined the term “operate” as defined in the Local Government (Miscellaneous Provisions) Act 1976 and Committee discussed these issues.

It was felt that further information was required with regard to the extent of the problem and the potential issues that might arise.

RESOLVED: That Committee defer consideration of the “marshalling arrangements” and that a further report be brought back to Committee with more information.

119 CONSULTATION ON REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

A report was submitted informing Committee of a consultation which had been launched by the Law Commission on the reform of the law on taxi and private hire services. It was suggested that as a response to this consultation was required by the 10 August 2012, a sub-group be formed to look at the proposals in some detail and make a response within that time frame. The consultation document states that the Law Commission’s aim is to clarify and simplify the existing law on taxis and private hire vehicles and to promote more consistency in bottom line safety standards across England and Wales including better provision for disabled passengers.

Another key aim was to deregulate aspects not linked to passenger safety in order to encourage more competitive services.

RESOLVED: That Committee approve the appointment of a sub-group consisting of Councillors Alcock, Holgate, Dowson and Brunskill to review the proposals contained in the consultation document and that a response on behalf of the Council be delegated to the Head of Legal and Democratic Services after consulting with the group.

120 LIVE MUSIC ACT 2012

A report was submitted for Committee’s information informing them of the provisions of the Live Music Act 2012 and the changes which it will make to the Licensing Act 2003. It was highlighted that once the Act comes into force on 1 October 2012, it would remove the licensing requirements for:

- amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- amplified live music between 8am and 11pm before audiences of no more than 200 people in work places not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
- unamplified live music between 8am and 11pm in all venues.

The Act also removes the licensing requirements relating to entertainment facilities and widens the licence and exemption for live music integral to a

performance of Morris dancing or dancing of a similar type so that the exemption applies to live or recorded music instead of unamplified live music.

RESOLVED: That the report be noted.

121 AMENDMENT TO LICENSING ACT 2003 (25 APRIL 2012)

A report was submitted for Committee's information informing them of the amendments to the Licensing Act 2003 which came into force on the 25 April 2012 and the effects that that would have upon the Council's licensing service. A table gave a brief outline of the amendments and the effects this would have. The various amendments are intended to rebalance the 2003 Act in favour of local communities giving the Police and Licensing Authorities more powers to deal with irresponsibly managed premises and sales of alcohol to children.

The Head of Legal and Democratic Services, together with the Council's Solicitor, would provide training to Committee on these issues in the future.

RESOLVED: That the report be noted.

122 PROGRESS REPORT – LICENCE CONDITIONS AND INFRINGEMENT SCHEME

A report was submitted for Committee's information informing them of the progress in implementing decisions made by the Licensing Committee on 20 March 2012. Since that Committee the Council had received notification from NALEO (National Association of Licence and Enforcement Officers) that a recent Court decision had ruled an infringement scheme was unlawful. The full judgement was not yet available and it was therefore not possible to assess the effect of the decision and as such confirming the decisions previously made by Committee would need to be deferred until this decision was received.

RESOLVED: That the report be noted.

The meeting closed at 7.02pm.

If you have any queries on these minutes please contact Diane Rice (414418).