

Minutes of a Meeting of the General Licensing Committee held in Committee Room One, Tedder Hall, Manby Park, Louth on Monday, 21st October, 2019 at 2.00 pm.

PRESENT

Councillor Sandra Campbell-Wardman (Vice-Chairman)

Councillors Stan Avison, David Andrews, Graham Cullen, Sarah Devereux, Andrew Leonard, Mel Turton-Leivers and Tony Howard.

OFFICERS IN ATTENDANCE:

Jon Challen	- Service Manager - Public Protection
Adrian Twiddy	- Principal Licensing Officer
Kim Robertson	- Legal Advisor
Joanne Paterson	- Democratic Services Officer

11. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillors Horton and Newman.

In line with council procedure rule regarding notice of substitutions (part 4.1 Paragraph 32, of the Council Constitution), it was confirmed that Members were in agreement that Councillor Howard substitute for Councillor Newman as notice had not been given.

12. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the Meeting, Members were invited to declare any relevant interests.

Councillor G. Cullen requested it be noted that he was a personal licence holder.

13. MINUTES:

The Open and Exempt Minutes of the General Licensing meeting held on 16 September 2019 were confirmed and signed as correct records.

14. REVIEW OF LICENSING DELEGATED POWERS:

A Report was presented by the Service Manager, Public Protection that enabled Members to consider amending the Council's Scheme of Delegation in relation to hackney carriage and private hire vehicle driver enforcement powers.

The Principal Licensing Officer introduced the report and explained that the report was not specifically asking Committee to make a decision today, it was asking Members to make any recommendations to Audit and Governance prior to this being taken to full Council for a final decision.

The Principal Licensing Officer advised Members that they were looking to bring in a procedure for the urgent suspension or revocation of hackney carriage/private hire driver licences where information was received of serious nature that may affect public safety.

The Principal Licensing Officer referred Members to the proposed procedure detailed at Appendix A (page 7 of the report refers) which set out the instances where this might happen. The Principal Licensing Officer outlined the procedure and referred Members to section 1 of the procedure which stated that the Chairman and Vice Chairman of the General Licensing Committee would be informed of any serious issues and accordingly this would be reported back to the General Licensing Committee.

The Principal Licensing Officer further advised that the report was recommending that the Committee advise the Audit and Governance Committee to support the amendment of the Council's Scheme of Delegation in order to delegate authority to the Public Protection Service Manager to immediately suspend or revoke a hackney carriage or private hire vehicle driver's licence where it was considered necessary and appropriate in the interest of public safety.

The Principal Licensing Officer advised that such instances would require a Licensing Hearing to take place within 24 hours and that the Service Manager Public protection be given the delegated authority to revoke, suspend or take no action in relation to the matter.

It was further noted that the Local Government Association (LGA) Taxi and Private Hire Vehicle Licensing Councillor's handbook advised that if allegations of a serious nature are received then it was best practice for the Council to have a procedure in place which would allow for a rapid response.

A Member asked whether he needed to declare an interest as he was a Member on the Audit and Governance Committee.

In response to a Member query, the Legal Advisor stated that Members who sat on Audit and Governance Committee would need to declare an interest as a Licensing Committee Member where this was likely to be discussed.

A Member considered that it was important for the Committee to move forward with this as these were often serious alleged offences that required swift action.

Members supported the recommendation detailed within the report.

RESOLVED

That support of the amendment of the Council's Scheme of Delegation in order to delegate authority to the Public Protection Service Manager to immediately suspend or revoke a hackney carriage of private hire vehicle driver's licence where it is considered necessary and appropriate in the interest of public safety be recommended to the Audit and Governance Committee.

15. REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCE 253:

A Report was presented by the Service Manager, Public Protection that enabled Members to review a Hackney Carriage Vehicle Licence and to decide an appropriate course of action in relation to the status of hackney carriage vehicle licence 253.

The Principal Licensing Officer introduced the report and confirmed that the report was asking Members to decide on an appropriate course of action in relation to the status of a hackney carriage vehicle licence. The Principal Licensing Officer advised that the driver which the vehicle was assigned to was not present at the time of the meeting nor had the driver made any contact with the Principal Licensing Officer.

The Legal Advisor considered that the driver had been given plenty of opportunity to co-operate with the licensing team, and this had not been forthcoming. Therefore, it was considered reasonable for the Committee to carry on and determine the matter if they considered it appropriate.

The Chairman concurred with the view of the Legal Advisor and considered that the driver had been given ample opportunity to come forward.

A Member noted that the vehicle had been subject of a SORN declaration.

The Chairman reiterated to Members the options available to the Committee.

The Principal Licensing Officer gave Members some background to the hackney carriage vehicle licence and explained that the vehicle had been used by a Mr and Mrs Williams who also owned a Guesthouse in Mablethorpe. However, the business had now been sold to a family and consequently the family had taken over the guesthouse and the alcohol licence surrendered

The Principal Licensing Officer confirmed that nobody had come forward to confirm they were responsible for the vehicle. It was also confirmed that there had been no response from Ocean Court Guesthouse in relation to the vehicle.

Accordingly members voted in favour of the licence being revoked.

RESOLVED

That the Hackney Carriage Vehicle Licence 253 be revoked.

16. EXCLUSION OF PUBLIC AND PRESS:

RESOLVED

That under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item on the grounds that, if they were present, there could be disclosed exempt information as defined at paragraphs 1, 2 & 7 of Part 1 of the Schedule 12A of the Act (as amended).

17. APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES:

An exempt report was presented by the Service Manager, Public Protection, which enabled Members to consider an application for a hackney carriage and private hire vehicle driver's licence.

It was noted that the applicant was unable to attend the Committee and had prepared a statement to be read out at Committee. The Principal Licensing Officer read out the statement from the applicant.

RESOLVED

That the recommendation detailed within the exempt Minute be approved.

18. APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES:

A report was presented by the Service Manager, Public Protection, which enabled Members to consider an application for a hackney carriage and private hire vehicle driver's licence. The Applicant was in attendance for this item.

The Principal Licensing Officer outlined to Members the options available to the Committee as detailed within the report.

RESOLVED

That the recommendation detailed within the Exempt Minute be approved.

The Meeting closed at 4.03 pm.