

Cherwell District Council

Licensing Committee

Minutes of a meeting of the Licensing Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 15 December 2009 at 6.30 pm

Present: Councillor Eric Heath (Chairman)
Councillor Tony Ilott (Vice-Chairman)

Councillor Fred Blackwell
Councillor Margaret Cullip
Councillor P A O'Sullivan
Councillor George Parish
Councillor Rose Stratford
Councillor Douglas Webb

Substitute Members: Councillor Alastair Milne Home (In place of Councillor Michael Gibbard)

Apologies for absence: Councillor Mrs Diana Edwards □ Councillor Michael Gibbard □ Councillor G A Reynolds □ Councillor John Wyse

Officers: Chris Rothwell, Head of Urban & Rural Services
Natasha Barnes, Licensing & Vehicle Parks Manager
Alexa Coates, Senior Democratic and Scrutiny Officer

18 Declarations of Interest

There were no declarations of interest.

19 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

20 Urgent Business

There was no urgent business.

21 Minutes

The minutes of the meeting held on 7 October 2009 were approved as a correct record and signed by the Chairman.

22 **Minutes of meeting Thursday 29 October 2009 of Licensing Sub Committee**

The minutes of meeting of the Licensing Sub Committee held on 29 October 2009 were noted.

23 **Gambling Act 2005 - Revised Statement of Licensing Policy**

The committee considered a report of the Head of Urban and Rural Services which sought approval for a revised Statement of Licensing Principles. The development and adoption of the Statement of Licensing Principles (the "Statement") is a statutory requirement under the Gambling Act 2005. Once published the Licensing Authority must review the Statement before each successive period of three years and publish any revision before giving it effect.

The committee considered the proposed amendments to the Statement and requested that any reference Family Entertainment Centre be amended to FEC.

Resolved

That the amended Statement of Licensing Principles as set out in Appendix 1 in the minute book is approved for adoption subject to the following amendment:

- a) That any reference to Family Entertainment in paragraph 2.2 is amendment to FEC

24 **Hackney Carriage Vehicle Associations**

The committee considered a report of the Head of Urban and Rural Services briefing the committee on the position of associations representing the taxi trade. The report sought approval to establish a minimum set of requirements for taxi trade associations in order for the Council to consider them to be representatives of the trade. It was suggested that as a minimum requirement associations should: have a constitution, hold an Annual General Meeting to elect Officers of the association, minute meetings and provide an annual list of members.

The minimum requirements were suggested to ensure that the associations the Council consults with on matters concerning the taxi trade are representative of the trade. Officers were concerned that the Council could not be certain that the associations the Council traditionally consulted with were representative and this could put the Council at risk.

Resolved

- 1) That the position with the trade associations across the District is noted.

- 2) That the minimum requirement for trade associations: being properly constituted, hold AGMs to elect Association Officer, to minute meetings, and to provide an annual list of members is approved.
- 3) That Officers be authorised to consult formally only with the trade associations that meet the minimum requirements.

25

Taxi License Applications and Appeals Process

The committee considered a report of the Head of Urban and Rural Services which sought approval of amendments to the Scheme of Delegation and Licensing Committee Terms of Reference which would need to be recommended to Council. The report also sought approval for changes to the Hackney Carriage and Private Hire Vehicle license application process, specifically changes to the Knowledge Test and disability awareness training and approval for the inclusion of additional conditions to the Hackney Carriage and Private Hire Vehicles drivers license.

The committee considered the amendments to the constitution and were satisfied with the amendments to the scheme of delegation and committee terms of reference. The committee commented that it was not ideal to take the right of appeal to the committee out of the terms of reference but appreciated that this additional step was not a legal requirement and could delay a final appeal decision at the magistrate's court.

The committee commented that limiting the number of time applicants could sit the knowledge test to 5 attempts was appropriate as was reducing the frequency of disability training to 3 times a year.

The committee discussed introducing an additional condition to the hackney carriage and private hire vehicles drivers licenses relating to sexual activity in a licensed vehicle. Officers advised that the condition was requested by Thames Valley Police as part of their strategy to reduce serious sexual crime. There were no specific issues with sexual crime in licensed vehicles in Cherwell but Thames Valley Police had evidence that indicated sexual favours had been exchanged as payment for taxi fares in the Thames Valley area. The police felt a condition which prohibited sexual activity in a licensed vehicle would have significant impact in reducing incidents of rape and assault.

Resolved

- 1) That the amendment to the Scheme of Delegation to clarify delegation to the Head of Urban and Rural Services of enforcement powers and associated action relating to the Licensing Act 2003 and Gambling Act 2005 is recommended to Council.
- 2) That the amendment to the Licensing Committee Terms of Reference, removing the Licensing Committee's function of providing a forum for applicants who wish to appeal against decisions of the Head of Urban and Rural Services in respect of licensing of hackney carriage and private hire vehicles, is recommended to Council.

- 3) That changes to the Knowledge Test and Disability Awareness Training for licensing of hackney carriage and private hire vehicles license applicants/holders, as set out above is approved.
- 4) That the inclusion of the additional condition: 'Licensed drivers must not engage in any sexual activity in a licensed vehicle, whether consensual or otherwise, with a fare' to the hackney carriage and private hire vehicles license is approved.

The meeting ended at 7.40 pm

Chairman:

Date: