

## Notice of Meeting

# Licensing Committee

**Date:** Thursday, 12 March 2015

**Time:** 17:30

**Venue:** Crosfield Hall (Romsey), Broadwater Road, Romsey, Hampshire,  
SO51 8GL

**For further information or enquiries please contact:**

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**Legal and Democratic Service**

Test Valley Borough Council,  
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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

**PUBLIC PARTICIPATION SCHEME**

*If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.*

## Membership of Licensing Committee

### MEMBER

Councillor A Hope  
Councillor J Anderdon  
Councillor I Andersen  
Councillor A Beesley  
Councillor A Brook  
Councillor J Budzynski  
Councillor M Cooper  
Councillor B Few Brown  
Councillor A Finlay  
Councillor A Johnston  
Councillor P Lashbrook  
Councillor N Long  
Councillor I Richards  
Councillor A Tupper  
Councillor J Whiteley

Chairman  
Vice Chairman

### WARD

Over Wallop  
Chilworth, Nursling &  
Rownhams  
St.Mary's  
Valley Park  
Alamein  
Winton  
Tadburn  
Amport  
Chilworth, Nursling &  
Rownhams  
Romsey Extra  
Penton Bellinger  
St.Mary's  
Abbey  
North Baddesley  
Alamein

# Licensing Committee

Thursday, 12 March 2015

## AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 20 November 2014
- 6 Minutes of the Licensing Sub-Committee held on 30 January 2015
- 7 Powers and Duties of the Licensing Committee 4 - 8  
A report recommending a revision to the powers and duties of the Licensing Committee.
- 8 Revocation of a Private Hire Driver's Licence 9 - 11  
To note that the Head of Legal and Democratic has used his delegated powers to revoke a Private Hire Vehicle Driver's Licence.

## **ITEM 7            Powers and Duties of the Licensing Committee**

Report of the Head of Legal and Democratic (Portfolio: Corporate)

### **Recommended to Council:**

**That the powers and duties of the Licensing Committee to discharge any of the functions exercised by it be as set out in Annex 2 to this report.**

#### **SUMMARY:**

- The existing powers and duties of the Licensing Committee do not reflect the current areas of responsibility of the Committee.
- It is recommended that the existing powers and duties be amended to reflect the actual areas of work for which the Committee is responsible.

### **1            Introduction**

- 1.1    The powers and duties of the Licensing Committee are approved each year in accordance with the Constitution by Annual Council. The current powers and duties appear as Annex 1 to this report.

### **2            Background**

- 2.1    Officers have reviewed the existing powers and duties and discovered that they do not accurately reflect the actual areas of work undertaken by the Committee. In particular the existing powers and duties refer to matters which are no longer the responsibility of the Committee, largely as a result of changes in legislation. Examples of this include registration of door supervisors and licensing of pools promoters. In order to ensure that the powers and duties reflect the actual areas of responsibility of the Committee it is recommended that they be revised as set out in Annex 2 to this report.

### **3            Resource Implications**

- 3.1    None.

### **4            Legal Implications**

- 4.1    There have been occasions when licensing decisions have been appealed and part of the appeal has focused on ensuring the authority's constitution and delegations are correct. Accordingly officers consider it appropriate that the powers and duties are accurate and current.

**5 Equality Issues**

5.1 None.

**6 Other Issues**

6.1 Community Safety – none.

6.2 Environmental Health/Sustainability Issues – none.

6.3 Property Issues – none.

6.4 Wards/Communities Affected – none specifically.

**7 Conclusion**

7.1 The current powers and duties of the Licensing Committee do not reflect the Committee’s actual areas of work and so it is recommended that they be revised accordingly.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	Two		
Author:	Michael White	Ext:	8013
File Ref:			
Report to:	Licensing Committee	Date:	12 March 2015

## **ANNEX 1**

### **LICENSING COMMITTEE**

#### Powers and Duties:

Subject to the Council's Constitution, the discharge of its functions as set out below:

1. Licensing functions set out in the Licensing Act 2003 and any amendments thereto
2. Licensing functions set out in the Gambling Act 2005 and any amendments thereto.
3. Hackney Carriages and Private Hire Vehicles, Drivers and Operators, Licensing and Registration.
4. Caravan site, moveable dwelling and campsite licensing.
5. Licensing of Pools Promoters, Track and Inter Track Betting, premises with amusement machines (with or without prizes) and lotteries.
6. Public Entertainment Licenses, licensing of cinemas, cinema clubs, theatres, sex shops, sex cinemas, performances of hypnotism, other entertainments and registration of door staff.
7. Health & Safety at Work Enforcement:
8. Animal control and welfare licensing including killing, selling and dealing in Game.
9. Slaughterhouses, rag flock filling premises, scrap yards, meat products, dairy and egg production premises, food preparation premises, poultry packing stations and knacker's yards registration and licensing.
10. House-to-house and street collections licensing.
11. To hear representations from
  - (i) applicants, in cases where the application for a Street Trading Consent has been refused by the Head of Housing, Health and Communities
  - (ii) the holder of a Street Trading Consent which has been revoked by the Head of Housing, Health and Communities
12. To hear representations from

- (i) applicants, in cases where the application for a Licence to place tables and chairs on the highway has been refused by the Head of Administration or has been issued with conditions
  - (ii) the holder of a licence to place tables and chairs on the highway which has been suspended by the Head of Administration
13. To authorise Officers identified in the Council's Scheme of Delegation to enter land or premises and to carry out any act included in the legislation pertaining to the above Powers and Duties.

## ANNEX 2

### LICENSING COMMITTEE

For membership see the Council's website under Councillors

#### Powers and Duties:

Subject to the Council's Constitution, the discharge of its functions as set out below:

1. Licensing functions set out in the Licensing Act 2003 and any amendments thereto
2. Licensing functions set out in the Gambling Act 2005 and any amendments thereto.
3. Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators.
4. Licensing of sex shops, sex cinemas, sexual entertainment venues and performances of hypnotism.
5. Health & Safety at Work Enforcement:
6. House-to-house and street collections licensing.
7. To hear representations from
  - (i) applicants, in cases where the application for a Street Trading Consent has been refused by the Head of Housing and Environmental Health
  - (ii) the holder of a Street Trading Consent which has been revoked by the Head of Housing and Environmental Health
8. To hear representations from
  - (i) applicants, in cases where the application for a Licence to place tables and chairs on the highway has been refused by the Head of Legal and Democratic or has been issued with conditions
  - (ii) the holder of a licence to place tables and chairs on the highway which has been suspended by the Head of Legal and Democratic
9. To authorise Officers identified in the Council's Scheme of Delegation to enter land or premises and to carry out any act included in the legislation pertaining to the above Powers and Duties.



## **ITEM 8                    Revocation of a Private Hire Driver’s Licence**

Report of the Head of Legal and Democratic (Portfolio: Corporate)

### **Recommended:**

**That it be noted that the Head of Legal and Democratic has suspended a Private Hire Vehicle Driver’s Licence.**

#### **SUMMARY:**

- The Head of Legal and Democratic has used his delegated powers to suspend a Driver’s Licence as a result of the driver failing to submit an application for a criminal records disclosure.
- Members of the Licensing Committee have previously requested that they be informed of any occasions when refusals, suspensions and revocations occur.

### **1            Introduction**

1.1    The Head of Legal and Democratic has delegated powers to refuse applications for Hackney Carriage and Private Hire Vehicle Driver’s Licences and also to suspend or revoke such Licences once issued. In this case the suspension of the Licence issued to Mr S Stone was based on the Council’s licensing policy which requires drivers to undergo an enhanced criminal records check every three years. Members of this Committee have requested that they be informed of Licence refusals, suspensions and revocations.

### **2            Background**

2.1    For a number of years the Borough Council, in common with all other Hampshire authorities, has required Hackney Carriage and Private Hire Vehicle Drivers to undergo an enhanced criminal records disclosure, firstly upon initial application and then every three years thereafter. The purpose of the criminal records check is identify if the driver has been convicted of any criminal offence which would make them unsuitable to be licensed as a driver. It is over three years since the driver in question last underwent a disclosure. Despite being sent reminders and being given some months to remedy the situation, he has failed to do so. It is understood that he may no longer be driving but as a precaution Mr Stone has now had his licence suspended.

2.2    The legislation regarding the licensing of drivers allows the Borough Council to seek additional information. The policy of Test Valley Borough Council, along with virtually every other licensing authority in England and Wales, is that drivers undergo an enhanced level criminal records disclosure undertaken by the Disclosure and Barring Service.

Without a satisfactory disclosure report, the Borough Council cannot meet the requirement laid down in the legislation of being “satisfied that the applicant is a fit and proper person to hold a driver’s licence”.

### **3 Corporate Objectives and Priorities**

- 3.1 None; the licensing of Hackney Carriage and Private Hire Vehicle Drivers is a statutory function of the Borough Council. In deciding whether to grant a licence, the overriding consideration will be the protection of the public. As Hackney Carriage and Private Hire Vehicle Drivers are employed in a position of trust and may often carry unaccompanied passengers, the Council’s policy is that applicants meet a number of requirements including provision of a satisfactory criminal records disclosure at an enhanced level.

### **4 Consultations/Communications**

- 4.1 None, other than communications with the driver concerned.

### **5 Options**

- 5.1 There are no alternative options as the Council’s licensing policy states that drivers are required to undergo an enhanced criminal records disclosure.

### **6 Resource Implications**

- 6.1 There are no resource implications as a result of this report.

### **7 Legal Implications**

- 7.1 In accordance with the legislation, the driver had the right of appeal against the Head of Legal and Democratic’s decision which should have been lodged with the Magistrates Court within 21 days of the driver being informed by the Council. No appeal was lodged

### **8 Equality Issues**

- 8.1 An Equalities Impact Assessment was undertaken when the policy mentioned in paragraph 2.1 above was first adopted in 2007.

### **9 Other Issues**

- 9.1 Community Safety – see 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – none.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – none specific although potentially the whole Borough.

## 10 Conclusion

- 10.1 The matter is reported to the Committee for information only so that members can be made aware that the Head of Legal and Democratic has used his delegated powers.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Reports to Licensing Committee 24 September 2007 and 11 October 2011 Test Valley Borough Council Hackney Carriage and Private Hire Vehicle Licensing Guidelines.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	Nil		
Author:	Michael White	Ext:	8013
File Ref:	MW/PR.12/18(2)		
Report to:	Licensing Committee	Date:	12 March 2015