

Minutes of the **Licensing**
of the **Test Valley Borough Council**
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey
on Thursday 22 November 2018 at 5.30 pm

Attendance:

Councillor A Johnston (Chairman) **Councillor D Denny (Vice-Chairman)**

Councillor N Anderdon
Councillor A Beesley
Councillor J Budzynski

Councillor C Collier
Councillor S Hawke
Councillor P Hurst

That the apologies of Councillors I Andersen, Z Brooks, A Hope and A Tupper be noted.

206

Minutes

Resolved:

That the minutes of the meeting held on 13 February 2018 be confirmed and signed as a correct record.

207 National Register of Taxi Licence Refusals and Revocations

Consideration was given to a report of the Head of Legal and Democratic Services which recommended that the Council participate in using the new national register to check if applicants for new taxi driver licenses had been refused, revoked or suspended elsewhere thus ensuring only fit and proper persons are licensed.

The Licensing Manager explained that previously there has been no national database of licensed taxi drivers and so no way for Councils to check (other than by disclosure by an applicant as required on the application form) whether they have had a licence refused, revoked or suspended by a Council in another area.

In the absence of a statutory national register the LGA had proposed a voluntary national database and has commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN was a shared service, hosted by Tameside Council, which supported public authorities to tackle fraud and share intelligence. NAFN had been working with the LGA to develop the register and it was now set to go live.

Under the scheme licensing authorities would be responsible for adding basic details of drivers who had had applications for a licence refused, or their licence suspended or revoked. The intention was that when a licensing authority received an application for a licence, the applicant's details would be run through the register to confirm that there was no record of them having been refused or revoked elsewhere. Details contained

on the register would be limited to information that would help identify an individual to a certain degree of accuracy, but would not give a reason why actions were taken. It would be up to individual authorities to follow up any searches which came back with a match.

Resolved:

That approval be given for participation in the national database of taxi driver licence refusals, suspensions and revocations.

208 **Taxi and Private Hire Licensing - Convictions Policy**

Consideration was given to a report of the Head of Legal and Democratic Services. The Council's current policy regarding applicants for taxi licences with convictions was outdated and in need of revision. The report recommended that the Council consult on adopting a new policy based upon two sets of guidance published by the Institute of Licensing and Local Government Association.

The Licensing Manager explained that in considering applications for taxi driver and operator licences the Council must not issue a licence unless it was satisfied that the applicant was 'fit and proper'. In this regard the consideration of an applicant's criminal convictions and other relevant character or behaviour information was a key part of the 'fit and proper' assessment. Test Valley Borough Council, in common with many other licensing authorities, had for many years used a policy based upon Home Office guidance dating from the 1990s. This policy was now outdated and needed a complete revision to reflect the current issues impacting upon the taxi trade nationally.

Many licensing authorities nationally were seeking to standardise the information taken into account when determining if someone is 'fit and proper' by adopting the same convictions policy. Whilst there are significant similarities in many convictions policies, there were some differences and these could result in applicants being revoked or refused in one authority and then being granted a licence in another authority area with different standards. Guidance on an appropriate convictions policy had been produced by the Institute of Licensing following extensive research and consultation nationally. This guidance, along with a similar document produced by the Local Government Association, has been used as the basis for a new policy to be consulted upon attached as Annex 1 to the report.

There was no statutory requirement to have a taxi and private hire licensing criminal convictions policy; however, it was good practice to do so. A policy assists with consistent decision-making and sends a clear message to potential applicants (and those already licensed) as to the standards the Council expects persons to meet. However, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

Resolved:

- 1. That the draft policy statement attached as an Annex to this report be subject to consultation with the public and taxi trade.**

2. **That the result of the consultation be reported back to this Committee at a future meeting.**

209 **Taxi Licensing Current Enforcement Activity**

The Licensing Manager gave a verbal update on current taxi licensing enforcement activity. A number of licensees were not complying with Licensing Requirements and formal action had been taken against them. The Licensing Manager would prefer to engage with those who chose not to comply however on some occasions there was no choice but to take formal action. This would send out the message that the Council takes non compliance seriously.

In response to a question the Licensing Manager reported that the majority of the public were aware that Taxi licensing was the responsibility of the Borough Council and information on taxi licensing was available on the website. The Licensing Manager would consult with the Communications Team on other ways of disseminating this information.

210 **Licensing Sub-Committee Membership**

At its January 2005 meeting (Minute 466 of 27 January refers) the Committee agreed to establish Licensing Sub-Committees comprising three members. As the Licensing Act was silent on a quorum all three members needed to be present. As a result it was also agreed;

- (a) That a Sub-Committee be established comprising three members, and that the membership be drawn from a pool of members consisting of the membership of the Licensing Committee, subject to:
- (i) as an alternative arrangement those members being selected on the basis of one Liberal Democrat and two other members, and;
 - (ii) those members be selected from the Licensing Committee membership list in strict alphabetical order save when it transpires that a member has an interest as defined in the Code of Conduct or the member is a member for or lives within the ward within which an application premises is situated then the next member on the list shall be selected, subject to their availability.
- (b) That the Chairman of the Sub-Committee be rotated amongst all members of the Licensing Committee.

At its September 2013 meeting (Minute 126 of 19 September refers) the Committee considered Licensing Sub-Committee arrangements. Where previously it was agreed that proportionality would apply to Licensing Sub-Committees, it was noted that on occasions this had been difficult to achieve. It was agreed that where possible members would be selected for a Licensing Sub-Committee on the basis of one Liberal Democrat and two other members.

Resolved:

That the membership of the Licensing Sub-Committee be comprised of three members drawn from the Licensing Committee, subject to members having undergone appropriate training. Those members would be selected in strict alphabetical order, save when it transpires that a member has an interest in the Members' Code of Conduct or the member was a member for or lives within the ward within which an application premises is situated. In the event of a member selected becoming unavailable to attend a hearing, then the Head of Legal and Democratic Services would select a replacement in accordance with the above arrangements. Where possible, those members would be selected on a basis of one Liberal Democrat and two other Members.

211

Scheme of Delegations to Officers

Resolved:

That the Scheme of Delegations to Officers annexed to the report to Annual Council in so far as it applies to the powers and duties of the Licensing Committee be approved.

(The meeting terminated at 6.15 pm)