

Licensing Committee

Minutes

Monday, 22 October 2018 at 18:30

Present :

Councillor G Carpenter (in the Chair); Councillors Bensly, Borg, Drewitt, Galer, A Grey, Jeal, Robinson-Payne, Wainwright and Walker.

Also in attendance :

Mrs D Wilby (Licensing and Elections Manager), Mrs J Cooke (Head of Organisational Development), Mr D Lowens (Solicitor, nplaw) and Mrs S Wintle (Member Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Annison.

2 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

3 MINUTES

The minutes of the meeting held on the 10 September 2018 were confirmed.

4 FIRST CLASS HACKNEY CARRIAGE FARES

The Committee received and considered the Licensing and Elections Manager's report which asked Members to consider a proposed First Class Hackney Carriage fare increase.

The Licensing and Elections Manager reported that Local Authorities have a power to set / vary fares for Hackney Carriages under Section 65 of the Local Government (Miscellaneous provisions) Act 1976. This would usually happen upon request from the taxi trade as it is felt that they are best placed to know whether their business can withstand any increase. Members were advised a request had been received for a fare increase from a local taxi firm.

It was reported that as a result of the letter received the proposal was sent to all current plate holders and drivers to enable them to have the opportunity to comment, make any observation or objection to the proposal. The Licensing and Elections Manager reported that one objection letter had been received from a driver who had felt that the price increase was unnecessary at this time.

The Licensing and Elections Manager reported that if the Committee were minded to approve the fare increase in principle, the new fares would have to be formally advertised in the local press to see if there were any objections to the proposals. If objections were received within the objection period, the Council may consider these and have the discretion to make any modifications as they see fit. If no objections were received, the fares would come into effect after the expiry of the objection period.

The Licensing and Elections Manager read an email that had been received from the proposer of the fare increase to the Committee which detailed why in their opinion the fare increase should be considered.

Members entered into a general debate in respect of the proposed increase, a Member asked that it be noted that the request for the fare increase had not been proposed by the Council following an article that had been published in the local newspaper.

RESOLVED :

That the proposed fare increase be not approved.

5 TAXI POLICY

The Committee received and considered the Licensing and Elections report which advised Members that a review of the current taxi licensing policy had been undertaken and the proposed revised policy had been subject to a consultation over a six week period during June and August 2018. Several comments had been received as part of the consultation and had been considered within the revised policy.

The Licensing and Elections Manager reported that as part of the consultation responses, a comment had been made in relation to tinted windows in the rear of a vehicle, it was advised that the current policy did not allow for tinted windows in the rear of a vehicle. The Licensing and Elections Manager reported that law only specified rules for the front and front side window, and that there were no rules for tinting the rear windscreen or rear passenger windows. Members discussed the issues relating to tinted windows and were minded to remain with current policy on tinted windows.

RESOLVED :

(1) That approval be given to the draft policy to be the new Taxi Licensing Policy with effect from 1 January 2019.

(2) That the policy remains unchanged with regard to tinted windows in the rear of a vehicle.

6 GAMBLING POLICY

The Committee received and considered the Licensing and Elections Manager's report which presented a draft Gambling Policy.

The Licensing and Elections Manager reported that Section 349 of the Gambling Act, 2005 requires licensing authorities to publish a 'Statement of the Principles' that they propose to apply in exercising their functions under the Act, applicable to a 3 year period. Great Yarmouth's existing Statement of Principles (Gambling Policy) expires on 30 January 2019 and a new policy must be published by 3 January 2019.

Members were advised that a draft policy had been subject to consultation over a 9 week period during July and September 2018. Two letters with comments were received during this consultation and had been considered within the policy.

The Licensing and Elections Manager reported that if Members were minded to approve the amended policy it would be recommended that Full Council at its meeting on the 1 November adopt the amended Policy for publishing on the 3 January 2019.

RESOLVED :

That full Council be recommended to approve the amended policy for adoption and that the Gambling Statement of Principles then be published on 3 January 2019 to come into effect on 31 January 2019.

7 ANY OTHER BUSINESS

The Licensing and Elections Manager reported that a previous application for

a First Class Hackney Carriage Drivers Licence that had been considered and refused by the licensing Committee, an appeal had been submitted against the decision made to the magistrates court and that following this appeal the Committees decision had been upheld.

A Member asked in relation to a report which was due to be considered by the Constitution Working Party in respect of the establishment of a Licensing Sub Committee and sought clarity as to the meaning of the report. The Licensing and Elections Manger reported that the report proposed that a sub-committee be created for Hackney Carriage/Private Hire licence and application reviews which would consist of the Chair, Vice Chair and 3 other Members of Licensing Committee on a rotational basis. It was hoped that by establishing such a Committee that review hearing could be arranged as and when required and within a 10 day notification period and it was felt that this process would be less intimidating for the applicants.

Members raised concern in relation to this matter and agreed that it be put on the record that Members of the Licensing Committee oppose to the establishment of a Sub Committee and request that no further action be taken on this matter.

The meeting ended at: 18:55