

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 21 JUNE 2005

Councillors: Andrew Rowles (*Chairman*) (P), Peter Argyle (P), Billy Drummond (AP), John Farrin (*Vice-Chairman*) (P), Geoff Findlay (P), Manohar Gopal (AP), Sally Hannon (P), Roger Hunneman (P), Owen Jeffery (A), Tony Linden (P), Mrs Irene Neill (P), Alexander Payton (P), Quentin Webb (P)

PART I

4. APOLOGIES.

Apologies for the inability to attend the meeting were received on behalf of Councillors Billy Drummond and Manohar Gopal.

5. MINUTES.

The Minutes of the meetings held on 14 March 2005, 26 April 2005 and 10 May 2005 were approved as true and correct records and signed by the Chairman.

6. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

7. GUIDANCE NOTES ON THE RELEVANCE OF CRIMINAL RECORDS IN RESPECT OF APPLICANTS FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE.

The Committee considered a report (Agenda Item 4) concerning a review of the criminal records guidance to Officers used in the determination of fitness of an applicant to drive a taxi. In February 1993 Members of the then Hackney Carriage Sub Committee approved a document produced by the DOT which gave advice and guidance to Licensing Officers when considering the relevance of criminal convictions for those applying for taxi driver's licences. This guidance has now become outdated and revised guidance notes, set out in Appendix 4(c), reflect changes in legislation and procedure, including the Council's Corporate Policy on Criminal Records Bureau Searches which was adopted by the Executive on 11th November 2004.

The Committee was informed that the draft guidelines would improve clarity when considering taxi licenses and, if agreed, would go out to consultation to the taxi trade and other interested parties.

During discussion of this item Members were informed that Officers could suspend or revoke a taxi licence for any other reasonable cause not just criminal offences and that formal cautions could be used for minor offences. Taxi drivers could, of course, appeal through the Magistrates' Court if they were unhappy with a decision.

RESOLVED that the revised standards, as set out in the report, be approved to go out to consultation with the taxi trade and other interested parties.

8. UPDATE ON TAXI LICENSING.

Brian Leahy provided the Committee with an update on taxi licensing following decisions made at the March and April meetings in relation to specially adapted vehicle conditions for issuing licenses. In consultation with the Legal Department these conditions have been imposed and a letter sent to every taxi vehicle licence holder stating that new licences would have to comply immediately and existing licences by 1 October 2006. The letter stated that all licence holders had 21 days to appeal with the deadline being 24th June. It was then intended to take any appeals en block to court in order that they could be dealt with on the same day.

LICENSING COMMITTEE – 21 JUNE 2005 – MINUTES

9. UPDATE ON LICENSING REFORM.

The Committee heard a presentation from John Priest and Brian Leahy concerning the current state of licensing applications. John Priest informed the Committee that the Minister had announced that the second appointed date, from which the old licensing system would cease, would be 24th November 2005. If a valid application was not received by 6th August 2005 then licence holders could not make use of their grandfather status. Applications could be received up to 24th November 2005 but trading would have to cease if a premises did not then have a valid licence after this date.

John stated that in the West Berkshire Council area it was anticipated that there would be around 1,500 personal licences and 450 premises licenses. So far only 56 applications had been received for premises licences and of this amount approximately one third had been returned due to major errors and only six licences had actually been issued. In relation to personal licences 158 applications had been received and so far 113 had been issued. The Licensing Department was concerned that there were only 30 working days until 6th August 2005 but acknowledged that the shortage of applications appeared to be country-wide.

John further explained that there was a need to think ahead to 24th November as it appeared that there would be a significant number of premises attempting to trade without licences. Meetings with the Fire Authority and the Police had been set up to discuss the most effective way of dealing with this problem.

Members were concerned about the November date being in the run up to Christmas and the effect this could have. John Priest stated that this could be a problem if premises didn't have a valid licence after 24th November and continued trading as they would be committing an offence which carried a substantial fine that could make it difficult to gain a licence in the future.

(The meeting commenced at 6.30 p.m. and closed at 7.10 p.m.)

CHAIRMAN

Date of Signature: