

Time Commenced: 6.05pm
Time Finished: 8.30pm

LICENSING COMMITTEE
24 September 2015

Present: Councillor Sandhu (Chair)
Councillors Barker, Hezelgrave, Hickson, A Holmes, J Khan, S Khan,
Keith, Poulter, Skelton, Whitby, Winter

17/15 Apologies for Absence

Apologies for absence were received from Councillors Jackson, Redfern and Turner.

18/15 Late Items

There were no late items.

19/15 Declarations of Interest

There were no declarations of interest

20/15 Minutes of the meeting held on 16 July 2015

The minutes of the meeting held on 16 July were agreed as a correct record subject to the amendment of minute no 16/15 resolution 2 to read 'to delegate authority to the Director of Environment and Regulatory Services following consultation with the Chair of the Licensing Committee to agree a set of revised fees and charges to be published for consultation.'

**21/15 Presentation from Derbyshire Constabulary and the
Council's Safeguarding Service**

The Committee received a presentation from Abby Turner from Derbyshire Constabulary and Nina Martin from Derby Safeguarding Board on the work each of them had undertaken in relation to licensing.

Resolved to note the report and presentation.

22/15 Amendments to Delegation of Powers

The Committee considered a report which stated that the Licensing Committee at its meeting on 2 July 2015 approved the revised Taxi Licensing Sub Committee guidelines. Due to that resolution it was necessary to suspend the current scheme of delegation to officers and redraft the delegations having regard to the updated guidelines.

Resolved to approve the revised delegation of powers.

23/15 Updated Taxi Licensing Sub Committee Guidelines

The Committee considered a report which stated that at its meeting on 2 July 2015 the Licensing Committee approved the revised Taxi Licensing Sub Committee guidelines. The guidelines included some amendments which required approval by Council. Council at its meeting on 22 July 2015 approved the minutes of the Licensing Committee subject to the deletion of paragraph 7 from the resolution. The guidelines had therefore been amended to reflect that resolution. The Taxi Licensing Sub Committee guidelines had also been amended to reflect the management restructure and new directorates implemented on 1 September 2015.

Resolved to note the revised Taxi Licensing Sub Committee guidelines set out in appendix 2 of the report.

24/15 Three and Five Yearly Licences – Policy Changes and Fees

The Committee considered a report which stated that changes to the standard duration of the drivers and operators licences were being introduced by the Deregulation Act 2015 with effect from 1 October 2015, which would have an impact on the way in which they were dealt with by the Council. The Committee had considered this issue previously and already approved a number of policy changes which had now been consulted on. Two other consultations had been undertaken in relation to the impact the de-regulation changes would have on licensing fees, charges and processes.

The comments received from the consultation exercises were circulated at the meeting.

Resolved

- 1. To note the information circulated at the meeting regarding the results of the consultation exercises on :**
 - a) 'The introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators';**
 - b) 'Deregulation changes to taxi licensing'; and**
 - c) 'The proposed taxi licensing fees and charges'.**
- 2. To approve, in respect of the consultation on 'The introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators' that the proposals agreed on 16 July 2015 be implemented.**
- 3. To approve, in respect of the consultation on 'deregulation changes to taxi licensing' that Option A be adopted and that the knowledge test licensing requirement be retained pending the impact on it of the new legislation becoming clearer.**

4. To approve, in respect of the consultation on 'The proposed taxi licensing fees and charges' that the fees set out in Option A of Appendix 5 and contained in Appendix 6 of the report be adopted.
5. To approve the inclusion of an additional circumstance to the policy agreed at the meeting on 16 July 2015 to read:

'g) Failure to sign up to the DBS update service and provide the necessary access details to the Council so that the licence holders up to date status can be checked in appropriate circumstances'.

It was noted that this would result in a one year licence being issued and would also require a yearly DBS and medical.

25/15 Exclusion of Press and Public

To consider a resolution to exclude the press and public during consideration of the following item

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

26/15 Counsel's Advice

The Committee considered a report which set out advice received from counsel in respect of questions raised by the Licensing Committee at its meeting on 2 July 2015 and a supplementary question referred to counsel by the Monitoring Officer.

Resolved

1. To note counsel's advice.
2. To adopt the new member guideline principles as policy for effecting the review process of all licence holders at renewal stage.

MINUTES END