

Licensing Committee

Wednesday, 6th September, 2017
6.00 - 6.55 pm

Attendees	
Councillors:	Wendy Flynn (Chair), David Willingham (Vice-Chair), Mike Collins, Adam Lillywhite, Paul McCloskey, Dennis Parsons, Diggory Seacome, Max Wilkinson and Pat Thornton
Also in attendance:	Vikki Fennell and Phil Cooper

Minutes

1. APOLOGIES

Apologies were received from Councillor Harman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF LAST MEETING

The minutes of the last meeting were approved and signed as a correct record.

5. SET UP OF LICENSING SUB-COMMITTEES

The Licensing Officer reminded Members that in April 2017 the Licensing Committee approved a revised committee structure to become effective from September 2017. Under the structure, two sub-committees, each of 5 Members, have been established to discharge the committee's substantive business. Sub-Committee 1 (Miscellaneous) and Sub-Committee 2 (Alcohol, Gambling and Sex Establishments).

Appendix 1 of the report showed that each of the 2 sub-committees would be made up of 5 members, but would be quorate with 3 members. The Licensing Officer advised that there were a number of items coming up for each sub-committee.

Members raised a query in terms of political balance with regard to the sub-committee dealing with Alcohol, Gambling and Sex Establishments and the number of members required to determine the applications. The Licensing Officer clarified that due to statutory requirements, when dealing with individual applications and reviews under the Licensing Act 2003 (alcohol, entertainment and late night refreshment), only 3 of the 5 members would determine the application. However when dealing with Sexual Entertainment Venues all 5 members could determine the application, depending on members' availability, but the sub-committee would be quorate with 3 as shown on the appendix to the report.

Members were advised that the Chair and Vice Chair of the sub-committees would be appointed at the start of their first meetings.

Members also suggested that the timings of sub committee meetings could be considered by each sub-committee when the council was consulting on the calendar of meetings for the next municipal year.

RESOLVED THAT

- 1. The following Members be appointed to the Miscellaneous Sub Committee be as follows :**

**Councillor Lillywhite
Councillor Seacome
Councillor Willingham
Councillor Parsons
Councillor Thornton**

- 2. The following Members be appointed to the Alcohol and Gambling Sub-Committee :**

**Councillor Collins
Councillor Flynn
Councillor Harman
Councillor McCloskey
Councillor Wilkinson**

6. REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

The Licensing Officer introduced the item and explained that on 12 September Cabinet would be asked to consider the proposed amendments to the current Taxi and Private Hire Licensing Policy and approve it for consultation. Subject to this approval there would be a 12 week consultation period. Licensing Committee would also provide a formal response to this consultation.

The Licensing Officer briefed Members on the proposed policy changes as laid down in Appendix 2 of the report. The following points were made/responses were given to queries raised :

- The council now had a policy in place to assess applicants' English comprehension or applicants would have to prove their level of English via proof of an English qualification
- Regulating working hours-this had been included in the proposed changes and now the consultation, by the Cabinet Member Development and Safety subsequent to the meetings of the taxi policy review working group. Some Members regretted that the Cabinet Member Development and Safety was not present at the working group meetings. A Member highlighted that taxi drivers were strongly opposed to the regulation of working hours however some Members supported its inclusion as some drivers were working dangerously long hours unregulated with many undertaking second jobs too. Members recognised the difficulties in the administration and enforcement of any

such measure but welcomed the opportunities to discuss these issues during the consultation period. One Member suggested that advice could be sought from the Vehicle Operator Services Agency (VOSA) and/or other authorities. It was emphasised that this was the consultation phase and all responses to the consultation would be taken into account and Members could respond to the consultation as individuals if they so wished.

- Operators-there was an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules. The council could not enforce against vehicles and drivers that it did not license. However operators and others would be consulted on a proposal that where an operator sub-contracts a Cheltenham booking to an "out of town" operator, they endeavour to ensure that the vehicle dispatched is not silver, thereby avoiding confusion with CBC Hackney Carriage licensed taxis that are silver. The Licensing Officer confirmed that if a private hire vehicle or hackney carriage was regulated outside of the town but had a pre-booked journey in Cheltenham it would be legitimate to undertake a fare but such a vehicle could not ply for hire nor sit on a taxi rank. He clarified that private hire vehicles in the town could not be silver in order to prevent the two types of licensed vehicle being mistaken for each other.
- Testing stations-Members welcomed the fact that testing arrangements be opened up to other testing stations that could demonstrate to the council their ability to test to the standard expected by the council.

Members noted the process for the review.

7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None.

8. DATE OF NEXT MEETING

Wednesday 6 December 2017 at 6.00 pm.

9. BRIEFING NOTE

The Licensing Officer briefly outlined the contents of the briefing note which had been circulated.

Wendy Flynn
Chairman