

Licensing Committee

Wednesday, 6th December, 2017
6.00 - 6.40 pm

Attendees	
Councillors:	David Willingham (Chair), Mike Collins, Adam Lillywhite, Dennis Parsons, Diggory Seacome, Max Wilkinson and Pat Thornton
Also in attendance:	Phil Cooper and Fiona Samuda

Minutes

1. ELECTION OF CHAIR AND VICE CHAIR

Councillor Thornton nominated Councillor Willingham as Chair. This was seconded by Councillor Collins.

Resolved That

Councillor Willingham be elected as Chair of the Licensing Committee.

Councillor Willingham nominated Councillor Paul McCloskey as Vice Chair which Councillor Parsons seconded. Councillor Thornton also put herself forward as Vice Chair. Members voted 6 to 1 in favour of Councillor McCloskey as Vice Chair.

Resolved That

Councillor McCloskey be elected as Vice Chair of the Licensing Committee.

Councillor Willingham confirmed that Councillor Flynn had stood down as Chair. Members raised some concern that they had not been informed of Councillor Flynn's resignation.

2. CONFIRMATION OF MEMBERSHIP OF SUB-COMMITTEES

The Chair confirmed that Councillor Helena McCloskey would sit on the Alcohol and Gambling Sub-Committee.

3. APOLOGIES

Apologies were received from Councillor Paul and Helena McCloskey and Councillor Harman.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC QUESTIONS

There were no public questions.

6. MINUTES OF LAST MEETING

The minutes of the last meeting held on 6th September 2017 were approved and signed as a true record.

7. MINUTES OF SUB COMMITTEE MEETINGS - ALCOHOL AND GAMBLING

The minutes of the meeting held on 2nd October 2017 were approved and signed as a true record.

8. RATIFICATION OF MISCELLANEOUS LICENSING SUB-COMMITTEE'S RESPONSE TO TAXI & PRIVATE HIRE POLICY REVIEW

The Chair introduced the report and explained that following the sub-committee meeting held on Wednesday 22nd November it was the licensing committee's responsibility to ratify and approve the sub-committee's response to the review of Cheltenham Borough Council's private hire and taxi licensing policy in readiness for submission to cabinet for consideration.

Some Members wished to raise concerns over grandfather rights and the sub-committee's preference towards option C to '*amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected*'. They felt that this was discriminatory against those with disabilities and that there was a need to enhance and promote equality, they felt option A would be more preferential.

The Chair suggested that the committee proceeded to go through the Policy – Consultation Document question by question and that should Members have any concerns they could raise them at the relevant question. No concerns were raised with regards to questions 1-9.

Several concerns were raised regarding question 10 and Grandfather rights and a discussion ensued. Some Members who had attended the previous sub-committee meeting justified why option C had been agreed as the preferential option. They rationalised that:

- The cost for a replacement taxi was in the region of £30,000-£40,000 and it was unfair to impose this cost upon taxi drivers.
- Wheelchair accessible vehicles were uncomfortable and it was unfair to impose this upon able-bodied persons. One Member made reference to a previous colleague who had found wheelchair-accessible vehicles so uncomfortable that they had preferred a saloon car with their wheelchair in the boot.
- One Member reasoned that there were around 400 licensed taxis in Cheltenham and the number of wheelchair users in the area was fewer than 400, they, therefore, felt there was an issue of proportionality as there was not a 400 a day demand for wheelchair users.
- In most cases, it was suggested that wheelchair users already had a driver with whom they called upon if necessary or relied on their spouse or other family Members.
- Members did, however, reason that if a wheelchair user required a vehicle that it was easily available.

Concerns were raised over the fact that not all Members were party to the previous discussion and some felt there had been a lack of engagement with

disability groups and professional bodies. It was agreed that it was imperative to seek guidance from professional bodies on the review of the licensing policy and that user groups should be spoken to on the consultation process. The Chair confirmed that colleagues who were wheelchair users had been consulted to and advised that Leonard Cheshire and the National Star College were aware of the consultation.

Following discussion Members were invited to vote on what their preferred approach would be.

The vote was 3 in favour of option A and 4 in favour of option C.

Councillor Willingham, Wilkinson and Collins voted in favour of option A, Councillor Thornton, Lillywhite, Seacome and Parsons voted in favour of option C.

Members then proceeded to discuss question 11. The Licensing Officer suggested that the Council should maintain a list of wheelchair licensed vehicles on the Council's website, with the contact details of drivers if they agreed to it. Members agreed this would be a good idea but that it was imperative that contact details were made available out of hours. One Member raised a concern that Licensing Officers do not actively promote consultation from interested parties and that the Council should consult as widely as possible when adopting new policies as the committee were not experts in this field. The Chair confirmed that the consultation had been made available online and that there had been a press release.

The Committee had no queries regarding question 12.

Resolved That

1. *The responses of the miscellaneous licensing sub-committee be noted; and*
2. *The sub-committee's response for submission to Cabinet for consideration be approved.*

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

None

10. DATE OF NEXT MEETING

Wednesday 7th March 2018 at 6pm.

Chairman