

LICENSING COMMITTEE

9 MAY 2013

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Thursday, 9 May 2013

PRESENT: Councillor Tony Sharps (Chairman)

Councillors Glyn Banks, Rosetta Dolphin, Ian Dunbar, Brian Dunn, Mike Reece and Gareth Roberts

APOLOGY: Councillors Hilary McGuill.

IN ATTENDANCE:

Solicitor (Litigation), Interim Public Protection Manager, Community Protection Manager, Community Protection Team Leader (Licensing) and Committee Officer

17. MINUTES

The minutes of the meeting held on 29 November 2012 had been circulated with the agenda.

Matters arising

Councillor I. Dunbar thanked the Community Protection Manager for forwarding him information requested in paragraph 5 of page 2 of the minutes and paragraph 6 of page 3.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

19. LAW COMMISSION REVIEW OF TAXI LEGISLATION

The Community Protection Manager presented a report about the Interim Statement by the Law Commission concerning the review of taxi legislation.

The Law Commission had issued a brief interim statement about the contents of a proposed draft Bill due at the end of 2013. The Community Protection Manager highlighted the following points in the statement:

Point 5: A two tier system distinguishing taxis and Private Hire vehicles would remain.

Point 6: Quality Controls – local authorities should be able to limit the number of taxis licensed in their area on the basis of economic theory. The Community Protection Manager stated that this was not relevant to Flintshire.

Point 10: Standard Setting – national safety standards are proposed which the Community Protection Manager felt were positive.

Point 13: Cross border. Private Hire services would no longer be restricted to using drivers and vehicles from their own area, nor would they be restricted to only inviting or accepting bookings within that same licensing area.

Councillor I. Dunbar referred to paragraph 3 of the report and asked if there had been wider discussion around the proposals and if the process would be completed during the remaining term of the current government. The Community Protection Manager advised that the draft bill would be available at the end of 2013 and that Flintshire County Council officers had responded to proposals via an All Wales Officers' Group. Councillor I. Dunbar welcomed Point 15 and 16 which referred to Equality and accessibility and said that he was aware locally of disabled people who have alleged that private hire services had been unable or unwilling to accept them as passengers. The Community Protection Manager said that complaints of this nature would be dealt with on a local basis by Flintshire County Council.

The Community Protection Team Leader advised members that the public should put their concerns in writing so that her team could investigate any alleged incidents of discrimination.

The Chair asked for cross border clarification. The Community Protection Manager said that provided the vehicle, driver and operator were licensed by the same local authority, it could be booked to work out of county without having to apply for a second plate from another authority.

RESOLVED:

That Members note the contents of the Interim Statement by the Law Commission on the review of taxi legislation.

20. TAXI LICENSING PROCEDURE - ANGER MANAGEMENT

A private hire driver, in 2012 had accrued 15 penalty points on his DVLA licence, but had been allowed to keep his driving licence under the grounds of financial hardship. When the driver applied to renew his taxi licence, he was asked to appear before Licensing Sub Committee as the members were concerned about the applicant becoming involved in "road rage" incidents which they felt may have influenced his manner whilst speeding. One of the resolutions from the hearing was that the applicant was to attend an Anger Management/Road rage course within 6 months of the hearing at his own expense.

Licensing had now researched the market for anger management courses and have found that Mind Aberconwy could offer two courses, one which was 2 hours per week for 6 weeks and one that was 2 hours per week for 4 weeks. As an alternative, sessions could be booked with a British Association for Counselling and Psychotherapy registered practitioner.

The Community Protection Team Leader asked Members to consider the most appropriate way to fulfil an anger management resolution.

Councillor R. Dolphin asked who would foot the bill for the counselling course. The Community Protection Team Leader, in response said that the cost would be borne by the driver.

Councillor I.A. Dunbar said that he agreed with the report and that each case should be judged on its own merits. Drivers should have to attend every session of a course and provide written evidence of completion of the course in order to maintain their private hire/taxi licence.

The Solicitor (Litigation) read out an email from Councillor H. McGuill in which she said that she would prefer that drivers undertook specific courses rather than pick their own counsellors.

RESOLVED:

- (a) That when using an anger management sanction following a Licensing Sub-Committee, Members specify which type of course and the duration of the course which is appropriate for the individual circumstance. This information should be included in the wording of the decision; and
- (b) That in the absence of a specific anger management course, that a time bound session with an accredited counsellor would be an acceptable alternative.

21. PROPOSALS TO DEREGULATE SOME ASPECTS OF THE LICENSING ACT

The Community Protection Manager introduced a report to inform members of the forthcoming changes to the Licensing Act 2003.

It is proposed that licensing requirements be removed for low level events between 8am and 11 pm for indoor sports activities for audiences of 1000 or less, plays and dances of 500 or less and live and recorded music in alcohol licensed premises for audiences of 500 or less. The measures would also exempt plays, dance and indoor sports events that took place in community venues, schools, hospitals and local authority premises from the need to license.

The Key Provision of the Live Music Act 2012 would be retained, but the permitted audience limits increased from 200 to 500 in on-licensed premises and workplaces. Regulation for recorded music (mainly discos and DJs) would be suspended between 8am – 11pm in on licensed premises such as bars and clubs.

Councillor R. Dolphin said that this was a sensible approach. Councillor H.G. Roberts concurred with Councillor Dolphin and said that he welcomed the proposals which would greatly assist community events held outdoors.

Councillor I. Dunbar welcomed the change in legislation and said that the move would be welcomed by schools.

RESOLVED:

That Members note the forthcoming changes to the Licensing Act 2003.

22. LICENSING COLLABORATION PROPOSALS WITH WREXHAM

The Community Protection Manager introduced a report about the proposed collaborative working arrangements with Wrexham County Borough Council in respect of licensing.

The Interim Public Protection Manager said that the proposals built on the collaborative work that had taken place in Public Protection with Wrexham over the past 12-18 months and that they were considering possible joint action on enforcement. This would save both time and financial resources.

RESOLVED:

That Members note the collaboration that is being proposed with Wrexham County Borough Council in respect of Licensing.

23. SCRAP METAL DEALERS ACT 2013

The Community Protection Manager introduced a report about new legislation covering scrap metal dealers and the role of the Licensing Committee.

The new Act would repeal the existing Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 (relating to motor salvage operators). The Act would maintain the Local Authority as the principal regulator of the industries. The new Act would be more robust and require the use of non cash payment systems such as cheque or card. This would provide an audit trail of payments and would apply to mobile scrap metal collectors.

Councillor I. Dunbar asked how the public could identify legitimate traders. The Community Protection Manager said that there would be a licence displayed in the window of the vehicle.

Councillor G. Banks said that he did not think the legislation was as far reaching as it could have been. He said that dealers could circumvent regulation by claiming that customers "donated" items to them without payment being involved. He said that the emphasis should be placed on the scrap dealer and that they should only buy items such as large quantities of copper wiring or man hole covers from local authority officials or their sale be banned completely. He added that bank accounts of relatives could be used by unscrupulous sellers to receive payments, effectively laundering the profits of the sale of stolen goods.

The Chair observed that it would be hard for Local Authorities to enforce the Act.

Councillor R. Dolphin asked if it was the responsibility of the seller to check that procedures were carried out correctly. The Litigation Solicitor said it was the sellers responsibility to ensure that dealers held a license and that items would be disposed of appropriately. The Community Protection Team Leader

said that the issuing of badges for itinerant dealers would give home owners the reassurance that they were registered with the Local Authority.

The Solicitor (Litigation) read out an email from Councillor H McGuill who raised a point about paragraph 3.04 and the need to ask for two forms of photographic identification such as passport and driving licence in addition to a valid bank statement, utility bill showing the address. The Community Protection Manager advised that Regulations were to be published which will specify the acceptable forms of identification.

RESOLVED:

That Members note the new legislation covering scrap metal dealers and the role of the Licensing Committee in determining contentious applications.

24. DURATION OF MEETING

The meeting commenced at 10.00 a.m. and ended at 10.47 a.m.

25. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press present.

(The meeting started at 10.00 am and ended at 10.47 am)

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Chairman