

LICENSING COMMITTEE
28 JUNE 2018

Minutes of the meeting of the Licensing Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Thursday, 28 June 2018

PRESENT:

Councillors: David Cox, Adele Davies-Cooke, Rob Davies, Chris Dolphin, Rosetta Dolphin, Brian Lloyd, Mike Reece, Tony Sharps, Ralph Small and Martin White

APOLOGIES: Councillors: Glyn Banks and Ted Palmer

ALSO PRESENT: Councillor Patrick Heesom

CONTRIBUTORS: Community and Business Protection Manager; Solicitor and Licensing Team Leader

IN ATTENDANCE:

1. APPOINTMENT OF CHAIR

Councillor Tony Sharps informed the Committee that he had been appointed Chairman of the Licensing Committee during the Flintshire County Council Annual Meeting held on 1 May 2018.

RESOLVED:

That the appointment of Councillor Tony Sharps as Chairman of the Licensing Committee be noted.

2. APPOINTMENT OF VICE-CHAIR

The Chairman nominated Councillor Dave Cox as Vice-Chair of the Committee which was duly seconded.

Councillor Rosetta Dolphin nominated Councillor Ralph Small and this was seconded.

On being put to the vote Councillor Dave Cox was appointed Vice-Chair of the Committee.

RESOLVED:

That Councillor Dave Cox be appointed Vice-Chair of the Committee.

3. DECLARATIONS OF INTEREST

Councillor Rob Davies declared a personal interest in the following items, as they related to his profession as a Publican:

- Agenda item 7 – Revised Guidance issued under Section 182 of the Licensing Act 2003; and
- Agenda item 8 – Minimum Unit Pricing

4. MINUTES

The minutes of the meeting held on 12 October 2017 had been circulated with the agenda.

RESOLVED:

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

5. CHANGES TO THE MEDICAL REQUIREMENTS FOR A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER

The Licensing Team Leader introduced the report which proposed a small change to the medical requirements for a Hackney Carriage/Private Hire (Joint) Driver License in order to ensure the GP undertaking the medical had full access to the patient's medical record.

In order to hold a Private Hire/Hackney Carriage (Joint) Licence, the Authority must be satisfied that the applicant was a fit and proper person within the meaning of the Local Government (Miscellaneous Provision) Act 1976. One of the ways in which the Authority satisfied this criteria was by asking the applicant (or in the case of a renewal, the licence holder) to provide a medical examination which satisfied the DVLA Group II standard. The Group II standard was adopted in line with the Department for Transport Best Practice Guidance, and was detailed within the report.

The Licensing Section provide a medical form which a GP must complete before a licence can be granted. Currently, Flintshire Council allowed the medical form to be completed by the applicant/licence holders' own GP, or another GP but there is nothing on the current form which allows the GP to confirm that they have had access to the patient's medical record.

In conclusion, the Licensing Team Leader reported that the Licensing Section would like to make it compulsory for the GP completing the form to have access to the patient's medical record which can be obtained from the patient's own GP. A declaration would be added to the end of the form for the GP to confirm that they have had access to the medical records, therefore any medical completed without the patient's medical records would be invalid.

Councillor Chris Dolphin asked if applicants/licence holders would view this change as an intrusion of their privacy. The Solicitor explained that this was proportionate and would not infringe on their human rights. It was

important that the Authority was satisfied that the applicant/licence holder was a fit and proper person.

Councillor Adele Davies-Cooke asked why the medical form was reviewed up to the age of 65 as many people over this age may wish to apply to hold a Private Hire/Hackney Carriage (Joint) Licence. The Licensing Team Leader explained that the medical would be reviewed every five years until the age of 65, after which, a medical examination must be provided annually. This did not discourage people over the age of 65 from applying to hold a licence.

RESOLVED:

That the proposed changes, in order to make the process more robust, be approved by the Licensing Committee.

6. REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

The Licensing Team Leader introduced the report which provided details of the Home Office revised guidance issued under Section 182 of the Licensing Act 2003.

Section 182 of the Licensing Act 2003 provided that the Secretary of State must issue, and from time to time revise guidance to Licensing Authorities on the discharge of their functions on the 2003 Act. The Home Office published revised guidance in April, 2018 and a link to the document was shown within the report. Member's attention was drawn particularly to the changes of paragraphs of the Licensing Act 2003, as detailed within sections 1.05 – 1.09 of the report.

In conclusion the Licensing Team Leader explained that the summary of changes was not exhaustive and Members were urged to consider the document in its entirety.

RESOLVED:

That the report be noted.

7. MINIMUM UNIT PRICING

The Licensing Team Leader introduced the report to make Members aware of the Public Health (Minimum Price for Alcohol) (Wales) Bill.

A new law which would introduce a minimum price for alcohol in Wales had been approved by the National Assembly for Wales. The Public Health (Minimum Price for Alcohol) (Wales) Bill was part of the Welsh Government's (WG) wider aim to reduce excessive drinking, recognising the impacts this can have on people's health and well-being.

In conclusion, the Licensing Team Leader explained that once enacted, the new law would allow Welsh Ministers to introduce a minimum unit price for alcohol supplied in Wales. The legislation would target and aim to reduce the amount of alcohol being consumed by hazardous and harmful drinkers, whilst minimising the impact on moderate drinkers. Guidance would be issued and WG would work with retailers, Local Authorities and trading standards to prepare for implementation in the summer of 2019.

Councillor Martin White welcomed the Bill which he hoped would have a similar positive income as had been witnessed in Scotland but questioned how this would be enforced. The Licensing Team Leader commented on the health benefits which had been reported in Scotland following introduction of a similar Bill.

Councillor Ralph Small was concerned on the impact the Bill would have on Public Houses. Councillor Brian Lloyd agreed with the comments and said that the Bill would benefit local supermarkets and off-licences and was concerned of the impact on low income families. The Licensing Team Leader explained that the level of the minimum unit price would be made by the WG following consultation this year and the purpose of the new law was to address longstanding and specific health concerns around the effects of excess alcohol consumption which was estimated to be costing the Welsh NHS over £150m annually.

Councillor Rosetta Dolphin commented that when increasing low cost alcohol this would have a knock on effect for all alcohol costs.

RESOLVED:

That the report be noted.

8. TAXI AND PRIVATE HIRE VEHICLE LICENSING IN WALES

The Licensing Team Leader introduced the report to inform of proposed changes in legislation for Wales, in relation to taxi and private hire vehicle licensing in Wales.

Following commencement of relevant provisions of the Wales Act 2017, licensing of taxis and private hire vehicles would be a matter within the legislative competence of the National Assembly for Wales. It was under this new devolved settlement that the Welsh Government (WG) had again considered the proposals for the framework for licensing taxis and private hire vehicles put forward by the Law Commission, for the purposes of bringing new arrangement into effect in relation to Wales. The proposed arrangements were detailed within section 1.03 of the report.

In conclusion, the Licensing Team Leader advised that the WG considered that the majority of the recommendations put forward by the Law Commission would, if introduced, clarify and simplify the legislation governing the licensing of taxis and private hire vehicles. A public consultation was

launched on 12 June, 2017 and following the results of the consultation, the WG intended to publish a White Paper in summer 2018. Proposals included in the White Paper were detailed in section 1.06 of the report.

Councillor Dave Cox asked if the White Paper had been published by WG. The Licensing Team Leader advised that was yet to be published but Members would be updated on its progress. Any changes to the legislation would need to be implemented by the Licensing Team.

The Chairman commented on the proposals for all taxi firm employees to undertake a basic Disclosure and Barring Service (DBS) check. The Licensing Team Leader welcomed this proposal as many employees handled sensitive information on members of the public and it was important to ensure public safety.

RESOLVED:

That the report be noted.

9. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the public and press in attendance.

(The meeting started at 10.00am and ended at 10.45am)

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Chair