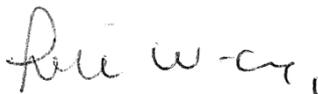


Date of issue: Tuesday, 28 May, 2019

<b>MEETING</b>	<b>LICENSING COMMITTEE</b> (Councillors Davis (Chair), H Cheema (Vice-Chair), Anderson, Bains, Chaudhry, Dhaliwal, M Holledge, Mann, D Parmar, S Parmar and Strutton)
<b>DATE AND TIME:</b>	WEDNESDAY, 5TH JUNE, 2019 AT 6.30 PM
<b>VENUE:</b>	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	SHABANA KAUSER 01753 787503

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**JOSIE WRAGG**  
Chief Executive

**MEMBERS ARE ASKED TO NOTE THAT ON THE RISING OF THE COMMITTEE MEETING, THE ANNUAL MEMBER DEVELOPMENT TRAINING SESSION ON 'LICENSING – THE IMPORTANCE OF DECISION MAKING' WILL BE HELD.**

**THIS SESSION IS MANDATORY FOR ALL MEMBERS OF THE COMMITTEE.**

**(This session is not open to the Press and Public)**

**AGENDA**

**PART I**



**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

Apologies for absence.

**CONSTITUTIONAL MATTERS**

- |    |  |        |     |
|----|--|--------|-----|
| 1. | Declarations of Interest   | -      | -   |
|    | <i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i> |        |     |
| 2. | Guidance on Predetermination/ Predisposition - To Note   | 1 - 2  | -   |
| 3. | Minutes of the Last Meeting held on 27th March 2019  | 3 - 6  | -   |
| 4. | Establishment of a Licensing Sub-Committee and Appointment of Designated Chairs  | 7 - 10 | All |
| 5. | Date of Next Meeting - 17th October 2019   | -      | -   |

**Press and Public**

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Licensing Committee – Meeting held on Wednesday, 27th March, 2019.**

**Present:-** Councillors Davis (Chair), S Parmar (Vice-Chair), B Bains, M Holledge, Qaseem, Shah (from 6.53pm), Strutton and Wright.

**Apologies for Absence:-** Councillor D Parmar.

**PART 1**

**30. Declarations of Interest**

None were received.

**31. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**32. Minutes of the Last Meeting held on 14th February 2019**

**Resolved** – That the minutes of the meeting held on 14<sup>th</sup> February 2019 be approved as a correct record.

**33. Proposal for Safeguarding Awareness 'Refresher' Training for all Hackney Carriage and Private Hire Drivers and Operators.**

In July 2015 the Licensing Committee approved mandatory Safeguarding Awareness training for all Hackney Carriage and Private Hire Drivers and Operators. The approval followed similar training being approved and implemented by local authorities following a number of publicised high profile cases relating to Child Sexual Exploitation (CSE), trafficking and modern slavery, some of which involved Hackney Carriage (HC) and Private Hire Drivers (PHD). The Licensing Manager, Mr Sims, reminded Members that current training was being provided in house by Members of the Licensing Team, CSE Co-Ordinator and the Adult Safe-Guarding Co-Ordinator.

It was noted that the Department for Transport had published draft statutory guidance entitled 'Taxi and private Hire Licensing - Protecting Users - Guidance for Local Authorities' which was proposing a range of robust measures to protect taxi and private hire vehicle passengers. It was proposed that 3 yearly refresher safeguarding training be introduced which would ensure that all concerned are kept abreast with and up to date with trends and types of exploitation. The mandatory training would commence in September 2019, with a requirement for all existing drivers to complete the training between 2 September 2019 and 31 August 2020. To reduce Council costs and officer time, it was proposed that any future training be outsourced to 'Personnel Checks' - an experienced accredited training provider, who currently delivered Safeguarding Awareness training to a number of local authorities. The Licensing Manager informed the Committee that the anticipated cost of the training would equate to £30 per driver and that this would be valid for a three year period.

## Licensing Committee - 27.03.19

Members received a short presentation from Ryan Sidley, Personnel Checks, which outlined the course modules and learning outcomes. It was highlighted that Personnel Checks were also the approved trainers for neighbouring local authorities. It was noted that the course was a two hour session with a test on completion.

A consultation on the proposals was conducted with all licensed HC and PHD's and Operators. A number of responses were received, including a petition from Slough Taxi Federation. Mr Hussain, representing Slough Taxi Federation addressed the Committee, stating that drivers had attended a number of similar courses and in his opinion there was no benefit to having a refresher course. Furthermore, it was submitted that the costs of the training should be met by the Local Authority and not drivers, who were facing financial hardship.

A number of issues were raised in the ensuing discussion, including options for the test to be completed online, if an extra payment was required should an individual have to re-take the test and whether drivers were exempt had they completed the same or similar course with another local authority. It was confirmed that the test was paper based at present and that this would continue to ensure driver engagement. The Licensing Manager explained that individuals would be required to complete the test with the only exception to not doing so being that the test had been completed with the same service provider – Personnel Checks. It was noted that individuals would be offered the opportunity for a free-re-test should it be required.

Committee Members agreed that 3 yearly Safeguarding Awareness Training be implemented for all existing Hackney Carriage and Private Hire Drivers and Operators and welcomed the proposal to formalise the training by appointing Personnel Checks.

### **Resolved –**

- (a) To note the proposals for Safeguarding Awareness Training for all new applicants and 3 yearly Safeguarding Awareness 'Refresher' Training for all existing Hackney Carriage and Private Hire Drivers and Operators.
- (b) To note the responses received to the consultation with all current licence holders.
- (c) Approve Personnel Checks as the external training provider for the Safeguarding Awareness Training for new applicants and 3 yearly Safeguarding 'Refresher' Training for existing Hackney Carriage and Private Hire Drivers and Operators.
- (d) Approve that all new applicants for a Hackney Carriage or Private Hire Driver or Operator licence must undertake the Safeguarding Training prior to a licence being granted.
- (e) Approve that all existing Hackney Carriage and Private Hire Driver and Operator licence holders must undertake the Safeguarding Awareness 'Refresher' Training within 1 year from 2<sup>nd</sup> September 2019.

## **Licensing Committee - 27.03.19**

- (f) Approve that where any existing Hackney Carriage or Private Hire Driver or Operator licence holder has not undertaken the Safeguarding 'Refresher' Training by 31<sup>st</sup> August 2020, their licence will be suspended until they attend the training and produce a valid certificate as confirmation.

### **34. Members Attendance Record 2018/19**

**Resolved** – That details of the Members Attendance Record 2018/19 be noted.

### **35. Date of Next Meeting - 5th June 2019**

The date of the next meeting scheduled meeting was confirmed as 5<sup>th</sup> June 2019.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.34 pm)

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 5<sup>th</sup> June, 2019

**CONTACT OFFICER:** Shabana Kauser (Senior Democratic Services Officer)  
**(For all Enquiries)** (01753) 787503

**WARD(S):** All

**PART I**  
**FOR DECISION****ESTABLISHMENT OF A LICENSING SUB-COMMITTEE AND**  
**APPOINTMENT OF DESIGNATED CHAIRS**1. **Purpose of Report**

This report seeks approval for the establishment of a Licensing Sub-Committee and the appointment of designated Chairs to the Sub-Committee.

2. **Recommendations**

The Committee is requested to resolve:

- (a) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the appendix.
- (b) That in the event of the unavailability of the Conservative Member, a Sub-Committee will be convened with three Labour Members.
- (c) That three Labour Members be appointed to act as designated Chairs of the Sub-Committee for the 2019/2020 municipal year.

3. **Slough Joint Wellbeing Strategy Priorities**

There are no implications.

4. **Other Implications**(a) **Financial**

There are no financial implications associated with this report at this stage.

(b) **Human Rights Act and other Legal Implications**

The relevant law in respect of this matter is set out in Sections 15-17 (inclusive) of the Local Government and Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended). Applying the basic principles of Sections 15-17 of the Act requires not all the seats on the Sub Committee to be allocated to the same political group. However as an alternative to applying the political proportionality rules the Committee is entitled under Section 17 of the Act to adopt different arrangements

provided all of the members vote for/abstain from a proposal (ie: no member votes against).

(c) Workforce

None.

5. **Supporting Information**

- 5.1 The Licensing Committee first established a Licensing Sub-Committee at its meeting on 31<sup>st</sup> May, 2006 and agreed the terms of reference (set out in the appendix).
- 5.2 The Committee agreed to the appointment of designated Chairs of the Sub-Committee and that these Members would chair the meetings of the Sub-Committee on a rotational basis.
- 5.3 It was agreed that the Sub-Committee would consist of three Members drawn on a rotational basis from the Members of the Licensing Committee on a politically proportionate basis.
- 5.4 As the Labour Group has an overall majority on the Council, the Sub-Committee should comprise two Labour Members and one Member of the Conservative Group.
- 5.5 Meetings of the Sub-Committee are held during the day time and must be held within the statutory deadlines prescribed. There were 5 meetings of the Sub Committee convened in the 2018/19 municipal year.
- 5.6 The membership of the Licensing Committee for the 2019/20 Municipal Year comprises 10 Labour and 1 Conservative Member. A Licensing Sub-Committee (drawn from the Members of the Licensing Committee) shall be established, where possible, on a proportional basis (2 Labour, 1 Conservative) with terms of reference as set out in the appendix. However, in the event of the unavailability of the Conservative Member, a Sub-Committee will be convened with three Labour Members to ensure statutory deadlines are met within the prescribed timeframe.

6.0 **Conclusion**

The Committee is requested to establish a Licensing Sub-Committee and appoint three Members of the Licensing Committee as designated Chairs for the 2019/2020 municipal year.

6. **Background Papers**

None.

**LICENSING SUB-COMMITTEE**

**Constitution**

3 Members of the Licensing Committee (Quorum 3 Members)

**Terms of Reference**

- 1 To consider and determine applications for licences for private hire vehicles, operators and drivers and for hackney carriage drivers where:
  - (i) The individuals involved have been convicted of traffic or other criminal offences.
  - (ii) Where CRB checks on an individual give cause for concern with regard to their suitability as a fit and proper person to hold such a licence.
  - (iii) In any other special circumstance where the officers consider it appropriate to refer the matter to the Sub-Committee.
- 2 To hear and determine any appeal against a decision of the Director of Adults and Communities taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.
- 3 To determine such other licensing appeals or other licensing matters referred by officers including but not restricted to:
  - Sex establishments
  - Street trading.

**Licensing Act 2003**

- 4 To consider applications for a personal licence where a representation has been made.
- 5 To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.
- 6 To consider applications for premises licences/club premises certificates where a representation has been made.
- 7 To consider applications for provisional statement where a representation has been made.
- 8 To consider applications for variations to premises licences or club premises certificates where a representation has been made.
- 9 To consider applications for the transfer of a premise licence where a representation by the Police has been made.

- 10 To consider reviews to premises licence/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.
- 11 To determine a Police representation in respect of a temporary event notice.
- 12 To consider applications for Interim Authorities where a representation by the Police has been made.
- 13 To consider to revoke a personal licence or suspend a personal licence (for a period of up to six months), where the licence holder has been convicted of a relevant offence, foreign offence, immigration offence or been required to pay an immigration penalty.

### **Gambling Act 2005**

- 14 Application for a Non Fast Transitional Conversion for a Premises Licence where representations have been made.
- 15 Application for new Premises Licence where representations have been made.
- 16 Application for a Provisional Statement where representations have been made.
- 17 Application to vary a Premises Licence where representations have been made.
- 18 Application for Transfer of a Premises Licence where representations have been made
- 19 Cancellation of Club Gaming / Club Machine permits
- 20 Applications for other permits where representation have been made
- 21 Decision to give a counter notice to a temporary or Occasional Use Notice
- 22 Application a for a Review of a Premises Licence