

Licensing Committee – Meeting held on Wednesday, 23rd July, 2014.

Present:- Councillors Davis (Chair), Ajaib, Bains, Cheema, Coad, Malik, Mellor, Rasib, Shah (Vice-Chair) and Sohal

Also present under Rule 30:- None

Apologies for Absence:- Councillor Munawar

PART 1

7. Declarations of Interest

None.

8. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

9. Minutes of the Last Meeting held on 26th June 2014

Resolved – That the minutes of the meeting held on 26th June 2014 be approved as a correct record.

10. Law Commission Review and Recommendations for Taxi and Private Hire Services

The Licensing Officer introduced the report on the Law Commission Review and Recommendations for Taxi and Private Hire Services, the purpose of which was for Members to note the recommendations made by the Law Commission. The Officer summarised the report, before opening the item for discussion.

Members raised a number of questions, which included:

- Fares were to be left to Authorities to decide. How would Slough BC amend fares moving forward? *The Officer confirmed that fares would be an executive function and that these would be reviewed by Cabinet.*
- With reference to standardising Licensing to ensure uniformity of regulation across Licensing Authorities, was Slough seen as one of the more stringent Authorities? *The Officer confirmed that yes, Slough was extremely stringent and that Slough standards included a fit and proper person test for all applicants. Drivers who picked up children, for example from schools, were required to have an up-to-date DBS check. It was pointed out that with the move to standardising Licensing across Authorities, there was potential for these new standards to be below Slough's current stringent standards. However, a clause existed that enabled Authorities to impose additional conditions if necessary.*

Licensing Committee - 23.07.14

- Did Slough BC share best practice with neighbouring Authorities? *The Officer confirmed that Slough did currently share best practice, and that there was potential for a shared service that would comprise several Authorities as one Licensing Authority, which could further employ best practice while mitigating cost. It was confirmed that the sharing of data between Authorities was not carried out for reasons of confidentiality, but that a shared service would allay such issues as the data would pertain to a single Licensing Authority.*
- With reference to increased powers for Licensing Officers to improve enforcement, including the power to stop a licensed vehicle on the road without a Police Officer present, how was this done currently and how would the new guidance be carried out? *The Officer confirmed that currently Licensing Officers must be accompanied by a Police Officer. Under the terms of the new guidance, this would not be necessary. As such, Licensing Officers would need to undergo training and be accredited to apply enforcement without the Police Officer being present.*
- It was requested that the reference to Administration of the Licensing System discouraging applicants to apply to an Authority for financial reasons be expanded upon. *The Officer confirmed that this was a reference to applicants applying to Authorities where fees were lower. It was pointed out that all fees were set for cost recovery, and not to make a profit. Although fees would likely be raised, any increase would be justified.*
- How would Slough enforce disability guidance? *The Officer confirmed that both new and existing taxi and private hire drivers would be required to undergo training and that regulations would likely be applied, though the detail of this was unknown at present.*
- With regard to a single, uniform Hearings and Appeals process, how would this be applied? *The Officer confirmed that it was unknown at this point, but that it was likely that Licensing Officers would be given the power to suspend or revoke licenses. The license holder would then have the right of appeal, wherein the appeal would likely be referred to a Licensing Sub-Committee or a Magistrates Court.*
- It was pointed out that the process of private hire drivers being 'moved on' when suspected of touting for business could be open to abuse, by competitor drivers reporting on each other. *The Officer confirmed that any such reports would need to include a formal witness statement and that this should deter any false reports.*
- The question of whether guidance had been provided regarding animals or pets was raised. *The Officer confirmed that no such guidance had been provided, but that the guidance on disability and discrimination included clauses relating to animals such as guide dogs and assistance dogs.*

Resolved - That the Law Commission Review and Recommendations for Taxi and Private Hire Services be noted.

Licensing Committee - 23.07.14

11. Revision of the Secretary of State Guidance-Section 182 (June 2014)

The Licensing Manager introduced the report on the Revision of the Secretary of State Guidance – Section 182 (June 2014), the purpose of which was for Members to note that the Secretary of State's Section 182 Guidance for the Licensing Act 2003 had been revised and amended, including new guidance on the mandatory condition banning below cost sales of alcohol.

The Officer summarised the report, before opening the item for discussion. No Member questions were submitted.

Resolved - That the revisions and amendments to the Secretary of State's Section 182 Guidance for the Licensing Act 2003 be noted.

12. Members Attendance Record 2014/15

Resolved - That the Members Attendance Record be noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.30 pm)