
GENERAL LICENSING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 2 October 2018 from 7.00pm - 7.15pm.

PRESENT: Councillors Cameron Beart (Chairman), Bobbin, Tina Booth (Vice-Chairman), Roger Clark, Paul Fleming, Ben Stokes and Tony Winckless.

OFFICERS PRESENT: Mohammad Bauluck, Jayne Bolas, Della Fackrell, Chris Hills and Kellie MacKenzie.

APOLOGIES: Councillors June Garrad and Prescott.

246 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency fire evacuation procedure.

247 MINUTES

The Minutes of the Meeting held on 12 July 2018 (Minute Nos. 118 - 125) were taken as read, approved and signed by the Chairman as a correct record.

The Licensing Sub-Committees held on 23 July 2018 at 2.30pm (Minute Nos. 140 – 144), 23 July 2018 at 3.30pm (Minute Nos. 145 – 149) and 24 September 2018 (Minute Nos. 228 – 232) were taken as read, approved and signed by the Chairman as a correct record.

248 DECLARATIONS OF INTEREST

No interests were declared.

249 PUBLIC SESSION

The Chairman advised that no requests to speak had been received.

Part A Minute for Recommendation to Council

250 GAMBLING POLICY

The Licensing Officer introduced the report which asked Members to note that there were no responses to the public consultation on the draft Statement of Licensing Principles under the Gambling Act 2005, and approval was sought so that the draft Statement could be referred to Full Council with a recommendation for adoption.

The Licensing Officer reported that the public consultation had run from 23 July 2018 until 14 September 2018 and was extremely wide ranging in terms of who was consulted and the methods used to publicise the consultation. She explained that despite that, no comments were received.

The Licensing Officer explained that the Statement of Principles was a Council function and the draft would be presented to Full Council on 14 November 2018 in order that it could come into operation on 3 January 2019.

On being put to the vote, Members agreed the recommendations in the report.

Recommended:

- (1) That no responses to the public consultation on the draft Statement of Licensing Principles under the Gambling Act 2005 be noted.**
- (2) That the revised Statement of Licensing Principles under the Gambling Act 2005 be endorsed and referred to Full Council on 14 November 2018 for adoption.**

Part B Minutes for Information

251 SEX ENTERTAINMENT POLICY FOR APPROVAL

The Licensing Officer introduced the report which set out feedback following the public consultation on the draft Sex Establishment Policy and recommended that the Policy be adopted.

The Licensing Officer reported that the consultation had run from 16 July 2018 until 7 September 2018, and despite the widespread nature of the consultation, only one complimentary response relating to Swale's only sex shop in Bluetown, Sheerness had been received. The response considered that the premises was well run and discreet.

The Chairman noted this response, Appendix II to the report, had been omitted from the Agenda, but stated that it had previously been emailed to Members and was tabled.

The Licensing Officer sought approval to adopt the Policy which would run for a period of three years.

On being put to the vote, Members agreed the recommendations in the report.

Resolved:

- (1) That the comment made in the evaluation grid attached as Appendix II of the report, be noted.**
- (2) That the Sex Establishments Policy as set out in Appendix I to the report be adopted to run for a period of 3 October 2018 – 2 October 2021.**

252 OLEV GRANT AND LOW CARBON ACROSS THE SOUTH EAST PROGRAMME

The Resilience and Licensing Manager introduced the report which asked Members to note and support the expression of interest submitted to Kent County Council (KCC) in the potential bid for a grant to install electric charging points in Swale.

The Resilience and Licensing Manager reported that the grant would support the LoCase grant that was being made available to taxi drivers and operators through KCC. She advised electric and hybrid vehicles were now accepted and this had been added to the Policy, and would help to support the Ambition/Impact criteria.

The Resilience and Licensing Manager explained that under the criteria for Deliverability, it was recommended that key local decision makers should be on-board. The Value for Money criteria referred to the local authority match-funding, however the Council could not commit to that at this stage. The Resilience and Licensing Manager stated that they had been informed by KCC that there may be other grants that could make up the 25% shortfall, or there could be negotiations with the providers of the electric charging points.

On being put to the vote, Members agreed the recommendations in the report.

Resolved:

- (1) That the Expression of Interest to the Office for Low Emission Vehicle (OLEV) grant for Ultra Low Emission Vehicle (ULEV) taxis be progressed.**
- (2) That the Low Carbon Across the South East (LoCASE) made available to Swale taxis be noted.**

253 NEW TAXI LICENSING FEE

The Licensing Officer introduced the report which proposed removal of two fees description and replacing with alternative wording to the existing approved list of Taxi fees and charges. The Licensing Officer explained that officers had noted that two of the options listed in the fees and charges list were not being used, and the wording came across as being confusing to some members of the trade.

The Licensing Officer outlined the current wording for the two fees for Members: change an existing vehicle from a Private Hire Vehicle to Hackney Carriage Vehicle; and change an existing vehicle from a Hackney Carriage vehicle to Private Hire Vehicle. He advised that it was extremely unlikely that any vehicle would ever be converted from one category to another due to Swale's policy on the paintwork in the different categories. Therefore, officers were proposing to change the wording to: change of vehicle on an existing plate, as this was an option that happened often, the fee would stay the same at £80 as the process was the same. Members were asked to approve the replacement of the wording on the list of approved taxi fees and charges.

Councillor Cameron, Beart moved the following motion: That the replacement wording, change of vehicle on an existing plate, be added to the list of approved taxi fees and charges. This was seconded by Councillor Tina Booth.

On being put to the vote, the recommendation in the report, and the motion above were agreed.

Resolved:

(1) That the wording for two fees as set out in the report be removed from the current list of Taxi fees and charges.

(2) That the replacement wording, change of vehicle on an existing plate, be added to the list of approved taxi fees and charges.

254 NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS

The Licensing Officer introduced the report which sought approval for participation in the national database of taxi driver licence revocations and refusals.

The Licensing Officer explained that when considering applications to become a new taxi driver in Swale, or renewal applications from an existing driver, the licensing team had two main sources of information on which to judge whether an applicant was 'fit and proper' within its legal definition to be licensed. These were: a DBS check that would reveal any offence, conviction, prosecution, or caution that an applicant may have received; and the application form which asked the applicant to supply a variety of information that included whether they had ever been previously licensed elsewhere as a hackney carriage or private hire driver, and if so whether that licence had been suspended or revoked.

The Licensing Officer explained that if an applicant answered 'Yes' to this question, then further enquiries could be made to satisfy officers whether they were fit and proper. However, if they answered 'No' then there was no way for a local authority to check whether this was an accurate statement on which to base a decision to licence an individual or not.

The Licensing Officer stated that as those Members who had sat on a Licensing Sub-Committee would be aware, making an adjudication in respect of a taxi driver, there were many circumstances which rendered an individual not 'fit and proper' that were not criminal by nature. She stated that there was therefore the possibility that a Local Authority could licence someone that another authority has refused to licence or who had had their licence revoked

The Licensing Officer stated that in recognition of this, the Local Government Association, in liaison with the National Anti-Fraud Network, had developed a national register that local authorities would be able to access and search for information posted by other local authorities regarding individuals in relation to refusals and revocations of taxi licences. Similarly the Council would be able to post the same information regarding taxi drivers in Swale.

The Licensing Officer reported that Guidance had been published to instruct Local Authorities on how to go about this process, as set out at Appendix I to the report. The Licensing Officer stated that it was recommended that data should be retained on the register for a period of 25 years. The Licensing Officer outlined the ways in which new applicants and existing licence holders would be made aware of the register should Members decide that Swale should participate in the registration scheme.

The Licensing Officer further reported that whilst the Council held limited historical information on individuals who had had their licence refused or revoked, where this data was available, the individual would be written to explaining that the register

affected them and that information may be uploaded to it. An individual could request that the information was not uploaded and any request of this nature would be carefully considered before a final decision was made by the relevant Cabinet Member, Chairman of General Licensing Committee and the Resilience and Licensing Manager.

The Licensing Officer reported that other Local Authorities used the register but had not formally included it in their Policy. The cost of being included on the national database was £1,050, but free to members of the National Anti-Fraud Network, which the Council was.

The Licensing Officer stated that this was a change in procedure that required an additional appendix to the recently adopted Swale Taxi Licensing Policy. The proposed appendix was shown as Appendix II of the report. As this was a major change to the taxi policy it would be necessary for it to be put out to public consultation if approved. The consultation would run for a period of 8 weeks and be advertised on the Council website, newspaper adverts, emails, post and social media. Officers would report back at the January 2019 meeting.

A Member thanked officers for the report, and agreed that Swale should participate with the scheme and spoke about the importance of more Local Authorities adopting the scheme, which would help to make passengers feel safe.

The Chairman hoped that Local Authorities that bordered Swale would adopt the scheme, as this would help to make it more effective in Swale.

On being put to the vote, the recommendations in the report were approved.

Resolved:

- (1) That the development of a national database of taxi driver licence revocations and refusals be noted.***
- (2) That participation in the national database be approved.***
- (3) That officers be instructed to carry out a public consultation exercise with a view to making an amendment to the Swale Borough Council Hackney Carriage and Private Hire Taxi Licensing Policy 2018 by the adoption of a new appendix that would allow for a process to check and update the new National Register of Taxi Licence Revocations and Refusals.***
- (4) That a further report be accepted after the conclusion of the consultation period where Members could consider any comments made prior to formal adoption of the additional appendix to the Swale Borough Council Hackney Carriage and Private Hire Taxi Licensing Policy 2018.***

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel