

Licensing & Regulatory Committee

Minutes of the meeting held on Wednesday 9 December 2015, at the Town Hall, Royal Leamington Spa at 2.30pm.

Present: Councillor Illingworth (Chairman); Councillors Ashford, Gifford, Gill, Miss Grainger, Mann, Quinney, Redford, Mrs Stevens and Weed.

Apologies for absence were received from Councillors Cain, Mrs Cain, Davies and Mrs Falp.

14. **Declarations of Interest**

There were no declarations of interest.

15. **Minutes**

The minutes of the meeting held on 6 October were agreed subject to the inclusion of Councillor Quinney's statement relating to Minute Number 8 of 6 October 2015 regarding the Renewal of a Sex Establishment Licence for Shades Gentleman's Club. Councillor Quinney had stated that he felt that a number of changes had occurred in the area since the last application. Following this amendment the Chairman signed them as a correct record.

The minutes of the meetings held on 7 October 2015 were agreed as written and signed by the Chairman as a correct record.

16. **Revision of Sexual Entertainment Policy**

The Committee received a report from Health & Community Protection which presented the reviewed draft Sexual Entertainment Establishment Policy.

Following a high level of public interest in the licensing of Sexual Entertainment Venues (SEV's) in Warwick District, a Task & Finish Group was set up to look at whether there were any areas of the District that were suitable locations for SEV's. A public consultation was conducted in 2014 to gather the views of residents and local businesses and the outcome of the consultation was reported to the Executive in March 2015.

The consultation focused on the four town centre locations within the District and the recommendation from the Task and Finish group was that these four areas did not have any suitable localities identified for a sexual entertainment venue and that within these areas there should be a limitation placed upon the number of sexual entertainment venues.

Following the Task & Finish Group's recommendation to the Executive, Members were asked to review the policy and the conditions applied to any licence, taking into account the legal advice received.

This report presented the draft policy and asked the Committee to comment on it prior to its submission to the Executive in January 2016. Once agreed, the draft policy would be sent out to public consultation for twelve weeks.

The Committee had a robust discussion about the draft policy and made a number of suggested grammatical and content amendments to the Regulatory Manager, which she agreed to take forward.

In the section of the draft policy 'Determining Applications', Members agreed that an additional paragraph should be inserted relating to renewal applications as follows:

- 6.5 In the case of an application for the renewal of a licence, the Council is not bound to make the same determination and will consider the matter afresh. The Council will, however, give due weight to the fact that a licence has previously been granted when making its decision.

Recommended that

- (1) the draft policy is noted; and
- (2) a number of grammatical alterations are made, with the inclusion of additional paragraph 6.5, as detailed above, prior to the policy being submitted to the Executive in January 2016.

17. Changes to Deregulation Act 2015

The Committee received a report from Health & Community Protection which updated them on the impact of the Deregulation Act 2015 upon licences, licence fees and licence holders.

The report explained that the Deregulation Act came into force on 6 April 2015 and would have both positive and negative impacts upon licence holders, residents, responsible authorities and other persons.

Officers had adapted operating procedures in order to accommodate these changes and to lessen the identified potential negative impacts upon licence holders.

The main changes implemented by the legislation affected the duration of licences for Taxis and Private Hire, Private Hire Vehicle Subcontracting, Temporary Event Notices, Personal Licences and the Deregulation of Entertainment.

The Regulatory Manager outlined the report and explained that the legislation required a statutory duration of licences. The Council's licences were issued for a period of three years however there was only one driver who had a licenced issued for one year. The report therefore proposed that duration of licences should be delegated to the Head of Health and Community Protection, in consultation with the Chair of the Licensing & Regulatory Committee.

The Committee discussed the issue of sub-contracting which meant that a Private Hire Operator could subcontract a booking to another Private Hire Operator outside of the licensing boundary from October 2015. Members had concerns that this could raise complaints from the public who thought they had booked a service from one company and find a different company collecting them.

Members agreed that if an operator was to sub-contract a booking to an alternative company, it should be to an appropriately licenced company.

The report also advised that the number of Temporary Event Notices that a premise could apply for had risen to 15 per year and the provision of Entertainment had been deregulated. Councillors felt that this could cause an issue for local residents but were advised that the Noise Act still applied. If a premise had an existing condition relating to regulated entertainment, this was now null and void, however if a licence was reviewed due to noise issues, a condition could be placed back on the licence.

The Committee agreed the first two recommendations but felt that recommendation 2.3 should be amended to include reference to consultation with a representative from legal services.

It was therefore

Resolved that

- (1) the changes to the legislation are noted and the impact that this has upon the following licences and notices, is acknowledged:
 - Private Hire Operators Licence,
 - Hackney Carriage Private Hire Drivers Licence,
 - Premises Licences issued under the Licensing Act 2003,
 - Temporary Event Notices
 - Personal Licences;
- (2) the changes to the legislation are noted and the impact that this has upon licence fees, upon our licence holders, residents, responsible authorities and other persons are acknowledged; and
- (3) the decision to grant a reduced Private Hire Operator or Hackney Carriage Private Hire Drivers licence duration is delegated to the Head of Health and Community Protection, in consultation with the Chair of the Licensing and Regulatory Committee or nominated committee representative, and a representative from Legal Services.

18. Disability Awareness Training – Update

The Committee received a report from Health & Community Protection which provided an update regarding the number of drivers who had failed to undertake the compulsory Disability Awareness Training Course in accordance with the requirements of their licence despite numerous attempts/ courses offered by officers and the training providers.

The report advised that officers intended to send drivers who had failed to undertake the course to appear before the Licensing & Regulatory Committee. In addition drivers who were reapplying for a licence following a lapse, would be required to retake the course.

The report explained that the Committee should continue to regard a failure to complete the course as a serious matter that impacted upon a driver's fitness to be licensed.

The Regulatory Manager advised that last year there had been a large percentage of drivers failing to take the course, but the procedure had now been changed to ensure that driver's took the course prior to receiving their licence.

She advised that at present there were ten drivers who were refusing to attend the course for various reasons.

Following questions from Members, officers advised that the course covered the duration of the licence but there was no refresher course available at the present time. In addition, the course now included a 'dementia friend' aspect.

Resolved that

- (1) officers intend to send Licensed Hackney Carriage Private Hire Drivers to committee for failing to undertake the course;
- (2) drivers who have allowed their licences to lapse and reapplied for licences are required to retake the Disability Awareness Course; and
- (3) a failure to complete the course as a serious matter that impacts upon a driver's fitness to be licensed. Completion of the course is a clear requirement and it is important to ensure that drivers licensed by Warwick District Council comply with the requirements of the Equalities Act 2010 and that people with disabilities, who often particularly rely on taxis, are not subject to discrimination.

19. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

Minute No.	Para Nos.	Reason
20	1	Information relating to an Individual
20	2	Information which is likely to reveal the identity of an individual

20. **Minutes of Licensing & Regulatory Committee**

The confidential minutes of the Licensing & Regulatory Committee meeting held on 7 October 2015 were agreed as written and signed by the Chairman as a correct record.

(The meeting ended at 3.55 pm)