

## Minutes of Licensing Committee

Meeting Date: Tuesday, 17 September 2013, starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

I Brown	J Holgate
S Brunskill	S Knox
R Hargreaves	G Scott
K Hind	M Thomas

In attendance: Head of Legal and Democratic Services, Solicitor.

### 321 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors P Ainsworth, K Horkin and C Ross.

### 322 MINUTES

The minutes of the meeting held on 18 June 2013 were approved as a correct record and signed by the Chairman.

### 323 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 324 PUBLIC PARTICIPATION

Miss Fox from Executive Cars, Langho, had requested to speak on item 6 (Private Hire Drivers Temporary Licence).

### 325 INTENDED USE POLICY

The Solicitor presented her report which sought Committee's approval to consult upon the draft Intended Use Policy and Conditions.

She referred to Minute 124 of Committee dated 18 June 2013 and now presented a draft Policy for Committee's consideration. It was also proposed that to assist the Council in making a decision on whether to grant an appeal or renewal, conditions similar to those set out in Appendix 2 to the report, should be added to the Council's Standard Conditions of Hackney Carriage Vehicles and attached to each Hackney Carriage Vehicle Licence.

She reported that prior to implementation of any change, the Council was required to consult with its licence holders. Committee was therefore being asked to consider the draft policy and conditions and to authorise the Council's Head of Legal and Democratic Services to carry out such consultation.

RESOLVED: That Committee instruct the Council's Head of Legal and Democratic Services to seek the views of the licence holders upon the draft intended use, policy and conditions contained in Appendix 1 and 2 of the report now before Committee.

### 326 PRIVATE HIRE DRIVERS TEMPORARY LICENCES

Miss Fox of Executive Cars, Langho, informed Committee of her concerns about the proposals for private hire driver's temporary licences and how she felt this would impact on her business which was at the executive end of the scale of private hire. She asked Committee to consider firms such as hers when considering this matter.

Members then asked a range of questions of Miss Fox and how her business operated.

The Head of Legal and Democratic Services reminded Members that the proposal before Committee was one that proposal should be consulted upon amongst private hire drivers and operators.

Committee then considered the report from the Solicitor seeking their views on temporary private hire licences. Currently the Council issued a six month temporary licence to applicants who complied with the requirements of health, age, driving qualifications and who were deemed to be fit and proper people but had not passed the knowledge or Steering to Success Course.

The issue had previously been considered by this Committee in April 2008 as part of measures considered to improve driving standards. Members having considered various options had decided to introduce a requirement for applicants to sit the Steering to Success Course and not to remove the provision of temporary licences.

Committee was now therefore asked to consider whether it should consult licensees on whether to continue to issue temporary licences or issue a private hire driver's licence only once an applicant has passed the knowledge test and Steering to Success Course. Members were reminded that adoption of the latter position would ensure that applicants had reached the required level of knowledge of the area and driving standards before beginning to drive the public, however were it to be adopted the knowledge test would need to be a written test only as the drivers would not be licensed and consequently not insured to carry officers in the vehicle whilst completing the test.

Members then discussed this matter and the comments from Miss Fox in further detail.

RESOLVED: That Committee instruct the Council's Head of Legal and Democratic Services to seek the views of the licence holders in relation to removing the provision of a temporary licence for private hire drivers and requiring all private hire drivers to pass the knowledge test and Steering to Success Court prior to receiving a private hire driver's licence.

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### SCRAP METAL DEALERS' ACT 2013

The Solicitor referred to Minute 125 of Committee dated 18 June 2013 and now sought Committee's approval of the fees, application form, officer delegations and policy relevant to the Council's powers under the Scrap Metal Dealers' Act 2013.

She reported that on 8 August 2013 the Scrap Metal Dealers' Act 2013 (Commencement and Transitional Provisions) Order 2013 had been made. The Order brings the sections of the Act into force in tranches:

- 1 September 2013 – Local Authorities to be able to set fees;
- 1 October 2013 – the main provisions of the Act will come into force including the offence of buying metal for cash;
- 1 December 2013 – all other enforcement provisions within the Act will come into force.

Committee then considered the report and its main headings including transitional provisions, officer delegations, policy and application form.

Members welcomed the new legislation as an attempt to bring scrap metal dealers more within the law.

RESOLVED: That Committee

1. approve the officer delegations set out in paragraph 3.3 of the report;
2. approve the fees as set out in the revised Appendix 4 to the report;
3. authorise the Council's Head of Legal and Democratic Services to draft a policy as set out in the report; and
4. approve the application form at Appendix 5 to the report to be adopted for use for all applications and variations and/or renewal under the said Act.

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### THE LICENSING ACT (DESCRIPTIONS OF ENTERTAINMENT) (AMENDMENT) ORDER 2013

Committee considered a report which informed them of the provisions of the Licensing Act 2003 (Descriptions of the Entertainment) (Amendment) Order 2013 and the amendment which it would make to the Licensing Act 2003.

The main amendments were in the removal of the need for entertainment licences between 8am and 11pm for the performance of plays and exhibitions of dance (up to audience limit of 500 people) and indoor sport (up to an audience of 1,000).

The Order also clarifies the position on combined fighting sports such as mixed martial arts so that it was clear that these remain licensable as boxing or

wrestling activities and that dancing of a sufficiently adult nature was not de-regularised.

RESOLVED: That the report be noted.

329 Minutes of Ribble Valley Safety Advisory Group

Committee received the minutes of the Ribble Valley Advisory Group held on Thursday, 5 September 2013.

The meeting closed at 7.11pm.

If you have any queries on these minutes please contact Diane Rice (414418).