

Minutes of the Meeting of the Licensing Committee held on 30 September 2015 at 7.00 pm

Present: Councillors Michael Stone (Chair), Roy Jones (Vice-Chair), Oliver Gerrish, Cliff Holloway, Martin Kerin, Ben Maney, Bukky Okunade, Joycelyn Redsell, Andrew Roast, Graham Snell, Deborah Stewart and Kevin Wheeler,

Apologies: Councillors Robert Gledhill and Steve Liddiard
Lucy Magill, Head of Public Protection

In attendance: Paul Adams, Principal Licensing Officer
Laura Bryan, Licensing Officer
Simon Scrowther, Principal Solicitor
Jessica Feeney, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

7. Minutes

The Minutes of the Licensing Committee, held on 7 July 2015, were approved as a correct record.

8. Items of Urgent Business

There were no items of urgent business.

9. Declaration of Interests

There were no declarations of interest.

10. Applications Received

The Principal Licensing Officer introduced the report highlighting the summary of applications received under the Licensing Act 2003 and Gambling Act 2005 for the period of the 1 June 2015 to 31 August 2015.

Councillor Gerrish requested more detail in the summaries of applications. The Principal Licensing Officer apologised and informed the Committee that part of the summary had been missed due to IT technicalities.

Councillor Roast questioned if there were any trends regarding the number of applications received. The Principal Licensing Officer said that there was no significant trend but informed Members that there had been a slight increase in new premises licences applications, however there had been many premises that had closed down.

Councillor Redsell questioned why there was late temporary event notices for the Orsett Show. The Principal Licensing Officer informed the Committee that this was from company's carrying out licensable activities on behalf of the Orsett Show.

Resolved:

1. To note the contents of the report.

11. Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters - Taxi Licensing

The Principal Licensing Officer explained that the report set out the proposals for changes to the current Statement of Policy and Guidelines relating to the relevance of Convictions and other matters, seeking views of Members of the Licensing Committee on the proposals before the revised document went out for public consultation.

The following points were a summary of the proposed changes to the policy:

- Includes a particular reference to the failure to disclose/notify convictions, cautions or other relevant matters on application or during duration of licence, and that failure to do so may be treated as deception and could give rise to the refusal, revocation, or suspension for that reason alone.
- Makes clear that Cautions issued by any authority will be included, not just the police.
- Inclusion of Restorative Justice, Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime, for any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence.
- There is now an enhanced definition of the categorisation of offences with additional examples given.
- References to racially or religiously aggravated offences have been included, with the timescale for rehabilitation reflecting the seriousness of these Hate Crimes.
- The inclusion of Counter terrorism offences.
- Splits Motoring Convictions into three Categories: Major, Intermediate, Minor, and gave detailed examples of the type of offences under each category.
- Revised time periods for inclusion of motoring offences.
- Inclusion of reference to drivers repeatedly using unfit vehicles.
- Includes guidance on complaints received by the licensing department and other offences under the taxi legislation.

Members asked for further clarification regarding the DVLA traffic offences codes. The Principal Licensing Officer informed the Committee that a detailed copy of the DVLA Traffic offences would be circulated after the meeting.

Councillor Jones questioned how responsible taxi drivers were when using an unfit hire vehicle in line with the proposed change in the policy - Inclusion of reference to drivers repeatedly using unfit vehicles. The Principal Licensing Officer explained that it was the driver's responsibility to ensure that the vehicle was fit for use. Members were informed that many taxi drivers in Thurrock used either their own or company vehicles.

The Committee were informed that all taxi drivers completed a DBS check (Disclosure Barring Service) when applying for a driver's licence and every three years after that, Councillor Redsell queried if this was the same for school contracted taxi drivers. The Principal Licensing Officer confirmed that all taxi drivers followed the same procedure, it was added that DBS checks were sent off a few months prior to the drivers renewal date to ensure it was received on time. Members were informed that Essex Police would notify the Licensing Department regarding convictions if it was made apparent that the criminal was a taxi driver at Thurrock Council, The Principal Licensing Officer made clear that the Home Office had stopped notifying authorities' a few months ago.

Councillor Redsell questioned if taxi drivers could be suspended if their DBS check had not been received in time for renewal. The Principal Licensing Officer felt that it would be unfair to stop taxi driver from working and assured Members that it was against the Licensing conditions to not notify the Licensing department of a conviction, it was added that a renewal form was completed each year which required all taxi drivers to declare any convictions.

Councillor Gerrish asked for further clarification regarding drivers repeatedly using unfit vehicles. The Principal Licensing Officer explained that action would be taken upon the same driver if found with a dangerous vehicle defects such as bald tyres on more than one occasion.

Councillor Jones questioned if the Licensing Department monitored how often taxi drivers completed eye tests. The Principal Licensing Officer explained that taxi drivers completed a medical examination which required an eye test.

Councillor Maney questioned if the Licensing department could refuse applications on the grounds that an applicant was a member of a banned extremist group. The Principal Licensing Officer explained that applicants could be refused on those grounds but explained that a specialist opinion would need to be obtained to strengthen the wording around counter terrorism in the proposed policy.

Resolved:

- 1. That the Licensing Committee considers the proposed recommendations for changes to the Statement of Policy and**

Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, and approves the policy as in Appendix 2 for public consultation; or

- 2. Suggests amendments and or inclusions to the policy for inclusion before public consultation.**
- 3. That the Licensing Team would consult with Essex Police and PREVENT regarding counter Terrorism to strengthen the wording in the revised Licensing Policy.**
- 4. That the DVLA Traffic Offences will be circulated to the Committee with further detail.**

The meeting finished at 08:05

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk