

# LICENSING

## Committee

29th November 2010

### MINUTES

**Present:**

Councillor Michael Braley (Chair), Councillor Anita Clayton (Vice-Chair) and Councillors Kath Banks, Michael Chalk, Simon Chalk, Andrew Fry, Carole Gandy, Bill Hartnett and Jinny Pearce

**Officers:**

C Flanagan and S Garratt

**Committee Officers:**

D Sunman

**19. APOLOGIES**

Apologies for absence were received on behalf of Councillors Adam Griffin, Nigel Hicks and Juliet Brunner (Portfolio Holder for Community Safety and Regulatory Services).

**20. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**21. MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Committee held on 19th July 2010 be confirmed as a correct record and signed by the Chair, subject to the addition of Councillor Andy Fry to the list of those present.**

**22. STATEMENT OF LICENSING POLICY 2011-2014 - LICENSING ACT 2003**

The Committee received a report asking for its approval to renew the Statement of Licensing Policy 2011 – 2014.

Members were informed that the Statement of Licensing Policy had been prepared in accordance with the provisions of the Licensing Act 2003 and guidance issued by the Secretary of State under Section 182 of the Act.

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Chair

Officers reported that letters and a copy of the draft Policy had been sent to all stakeholders and posted on the Council's website with a deadline for responses of 8th September 2010.

Officers had also engaged with Worcestershire Regulatory Services in order to provide a consistent Policy, as far as possible, across all districts in Worcestershire.

**RECOMMENDED that**

**the Statement of Licensing Policy 2011 – 2014, attached at Appendix 1 to the report, be approved.**

**23. LICENSING ACT 2003 - POLICY FOR THE CLASSIFICATION OF FILMS**

The Committee was asked to consider adoption of a Policy for the Classification of Films.

Officers reported that the Council does not have a Policy outlining how to deal with films that have not been classified by the British Board of Film Classifiers (BBFC) for Public Exhibition or requests to classify those films.

Members were informed that the Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 and that the Council would be required to adopt such a policy.

Officers reported that the BBFC performs a national classification role. However, the Council as Licensing Authority has the right to classify films that are to be shown in premises licensed under the Licensing Act 2003 such as cinemas, hotels, clubs and public houses.

**RECOMMENDED that**

- 1) the Policy for the Classification of Films, attached at Appendix 1 to the report, be approved; and**

**RESOLVED that**

- 2) responsibility for the authorisation of films, which have not already been classified by the BBFC, be delegated to the Director of Planning and Regeneration, Regulatory and Housing Services.**

### **24. KNOWLEDGE TEST FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Committee was asked to consider updating the existing “knowledge” test required for applicants for a Hackney Carriage Driver’s Licence by adding an “essential skills” test. Members were also asked to consider extending the test to include applicants for a Private Hire Driver’s Licence, who are not currently not tested and also to enable Members to require existing Private Hire Driver’s Licence Holders to take the test, should they appear before the Licensing Sub Committee (Taxis). Officers were asked to report to a future meeting on the Driving Standards Test,

#### **RECOMMENDED that**

- 1) for all new applications for Hackney Carriage and Private Hire Driver’s Licences received after 1st March 2011 the “fit and proper” person policy be amended to require all applicants to take a knowledge test in order to enable the Council to judge if they are “fit and proper” to hold a licence; and**

#### **RESOLVED that**

- 2) the existing “knowledge” test be amended to incorporate an “essential skills” test in the form set out in Appendix 1 to the report; and**
- 3) should an existing Private Hire Vehicle Driver be referred by Officers to the Licensing Sub Committee (Taxis), that Committee may require that they take the “knowledge” test, should that Committee consider it necessary for them to do so.**

### **25. HACKNEY CARRIAGE RANK PROVISION - EVESHAM ROAD**

The Committee received a further update on Hackney Carriage Rank Provision on Evesham Road.

Officers reported that this Committee, at its meeting on 25th January 2010, had approved the provision of an additional Hackney Carriage rank for 6/7 spaces outside Steps Night Club and the re-siting of the current provision of 3 spaces outside the White Hart on the pavement to the roadside opposite the White Hart public house, subject to public consultation.

Members were informed that the public consultation took place between February to May 2010.

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Objections to the proposals were considered by the meeting of this Committee on 3<sup>rd</sup> June 2010, including those of a Ward Councillor, and a site visit by members and the Licensing Manager took place on the late evening of 25th June 2010.

As a result of the site visit the Committee, at its meeting on 19th July 2010, put forward an alternative proposal, which was referred to West Mercia Police Traffic Management Section and Worcestershire Council Highways Department for comment. Officers reported that this alternative suggestion was not supported by either County Council Highways or Police Traffic Management Officers.

Members were informed that Worcestershire County Council Highways Department would require the removal of the current taxi facility located on the footpath outside the White Hart as soon as possible because of vehicle / pedestrian conflict.

Officers reported that all viable options had been considered and consulted upon and that the only option was the one that was previously considered by this Committee on 25th January 2010.

### **RESOLVED that**

- 1) **the new and alternative taxi ranks, as described below and detailed on the Map attached to the report at Appendix 1 of the report, be approved, as required under the Local Government (Miscellaneous Provisions) Act 1976:**
  - a) **re-siting of the rank on the pavement outside the White Hart on Evesham Road to on the road opposite the White Hart incorporating the bus stop between the hours of 8pm and 7am;**
  - b) **a new rank on Evesham Road outside Steps Night Club incorporating the bus stop between the hours of 8pm and 7am;**
- 2) **a letter be sent to those affected on Evesham Road by the changes, prior to publication, to include the following:**

***“This new proposal will help legalise Hackney Carriages ranking on Evesham Road and enable the Responsible Authorities to enforce the New Order, discourage Hackney Carriages parking on pavements and reduce the risk of accidents and road blockages.”***

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## 26. LICENSING COMMITTEE WORK PROGRAMME

The Committee considered its Work Programme for the remainder of the current coming Municipal Year.

Members were informed that the report on Hackney Carriage Fares listed for this meeting had been deferred to the next meeting of the Committee on 17th January 2011.

**RESOLVED that**

**subject to the above amendment, the report be noted.**

The Meeting commenced at 7.00pm  
and closed at 8.05pm

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Chair