

Medway Council
LICENSING AND SAFETY COMMITTEE

2 March 2010
6:30 pm to 6:47 pm
RECORD OF THE MEETING

PRESENT:

Committee members: Councillors Andrews, Kenneth Bamber, Burt, Mrs Diane Chambers (Chairman), Etheridge, Harriott, Haydock, Hicks, Kemp, O'Brien and Shaw

Substitute members: Councillor Smith (for Councillor Stephen Kearney)

In attendance: Mandy Francis, Senior Licensing and Enforcement Officer
Peter Holland, Committee Co-ordinator
Julie Keith, Head of Democratic Services
Alison Poulson, Business Development and Licensing Manager

630 RECORD OF THE MEETING

The record of the meeting held on 13 October 2009 was signed as correct subject to Councillor Kemp being added to the attendance list.

631 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Stephen Kearney.

632 LICENSING ACT 2003: REVISED GUIDANCE

Discussion:

The Head of Democratic Services introduced a report that summarised the guidance recently issued by the Department for Culture, Media and Sport (DCMS), under section 182 of the Licensing Act 2003. The report also aimed to consolidate the terms of reference of the Licensing and Safety Committee, Licensing Hearing Panel and the Licensing Sub-Committee and related sections of the Council's scheme of delegation.

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The Head of Democratic Services reported that subsequent to the publication of the agenda 3 errors had been noted within Appendix A of the report (Part 7 – Members Licensing Code of Good Practice) and Appendix C (Guidance issued under section 182 of the Licensing Act 2003: Published 28 January 2010) and asked that if the Committee were minded to agree the recommendations set out in the report, that the following amendments also be agreed:

Appendix A

- Paragraph 3.4 any reference to paragraph 3.2(i), 3.2(ii) or 3.2(iii) should be changed to 3.3
- Paragraph 10 the spelling of CAMRA be amended

Appendix B

- Paragraph 8.10 the word “councillors” should only appear once

It was noted that the main change contained within the new guidance was that it now enabled Councillors, in their capacity as elected Members of the relevant Licensing Authority, to act as “interested parties” and that the Members’ Licensing Code of Good Practice had been amended to reflect these changes at Appendix A to the report.

The Head of Democratic Services informed Members that this had presented the opportunity to consolidate the terms of reference of the Committee and its Sub-Committees, the Employee Scheme of Delegation and the Committee’s terms of reference to reflect decisions previously made by the Council in accordance with the provisions of the Licensing Act 2003 and Gambling Act 2005. Members were informed that subject to their agreement these changes to the constitution would then be forwarded to Council for final approval.

Members were concerned as to whether these changes would affect current rules concerning their ability to sit on Licensing Hearing Panels. Officers replied that the changes contained within the guidance would not change current rules relating to whether Members could sit on Licensing Hearing Panels and noted that Members would receive further clarification in relation to the changes contained within the guidance at a Licensing Training Session for Members on 30 March 2010.

Decision:

1. The Committee agreed to recommend that Council approve inclusion in the Council's constitution the changes to the Committee's terms of reference and the employee scheme of delegation, as set out in Appendix B to the report.
2. The Committee agreed to approve the terms of reference for the Licensing Hearing Panel and the Licensing Sub-Committee as set out in Appendix B to the report.
3. The Committee agreed to recommend to Council approval of the revised Members' Licensing Code of Good Practice, as set out in Appendix A to the report, subject to the above changes to Paragraphs 3.4 and 10.

633 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION - AMENDMENT

Discussion:

The Senior Licensing and Enforcement Officer presented a report that asked the Committee to consider an amendment to the Council's hackney carriage and private hire vehicle specification.

Members were informed that there were currently two exemptions in the current vehicle specification as follows:

- Private hire vehicles used solely for executive car hire
- Private hire vehicles used solely for home to school transport contracts.

It was noted that an additional exemption was required for independent fee paying schools that provide a transport service to staff and pupils on an ad hoc basis and this exemption was to read as follows:

“Private hire vehicles used solely by independent fee paying schools that provide a transport service to staff and pupils on an ad hoc basis shall be exempt from the standard colour stripes and signage”

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The reasoning behind this additional exemption was that by attaching a condition for transporting staff and pupils only, it would encourage these drivers and vehicles to be licensed and therefore be subject to the Council's licensing enforcement regime.

The report also set out a minor amendment to the current specification as set out at 2.3 of the report.

Decision:

1. The Committee agreed that the following exemption be added to the Council's hackney carriage and private hire vehicle specification:

“Private hire vehicles used solely by independent fee paying schools that provide a transport service to staff and pupils on an ad hoc basis shall be exempt from the standard colour stripes and signage”

2. The Committee agreed to approve the additional amendments to the current specification as set out at paragraph 2.3 of the report.

Chairman

Date

Peter Holland

Committee Co-ordinator

Telephone: 01634 332011 Email: peter.holland@medway.gov.uk