

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 28 JULY 2011

Present: **Councillor FitzGerald, and
Councillors Barned, Butler, Daley, FitzGerald,
Mrs Gibson, Mrs Grigg, Hogg, Mrs Joy, Naghi and
Verrall**

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Parvin, Parvin, Warner and Yates.

30. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitutions were noted:-

Councillor Barned for Councillor Mrs Parvin
Councillor Hogg for Councillor P Parvin
Councillor Daley for Councillor Warner
Councillor Butler for Councillor Yates

31. NOTIFICATION OF VISITING MEMBERS

There were no visiting members.

32. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Fitzgerald be elected Chairman for the meeting.

33. ELECTION OF VICE CHAIRMAN

No appointment to the position of Vice Chairman was made.

34. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by members and officers.

35. DISCLOSURES OF LOBBYING

Cllr Daley indicated that he had been lobbied on Item 14 but had formed no view on the matter.

36. EXEMPT ITEMS

RESOLVED: That the items on Part II of the agenda be taken in private as proposed.

37. MINUTES

RESOLVED: That the Minutes(Parts I and II) of the Meeting held on 6 July were approved as a correct record and signed.

38. HACKNEY CARRIAGE/PRIVATE HIRE ISSUES

There were no issues raised by the Hackney Carriage and Private Hire trade other than those already on the agenda and they were given an opportunity to comment on these reports.

39. VARIOUS ISSUES RAISED BY THE PRIVATE HIRE ASSOCIATION

The Committee considered the report of the Head of Democratic Services on issues raised by the Private Hire Association relating to the Knowledge test and DSA test. It was reported that the Private Hire Association were seeking a lower pass mark for Private Hire drivers in comparison to Hackney Carriage drivers on the Knowledge test. They were also asking that Kent County Council be added to the list of Driver Skills testers with the DSA. At the meeting the Private Hire Association indicated that although they were now seeking no reduction in the pass mark for Private Hire drivers or the addition of the Kent County Council to the Driver Skills testers, but were now seeking a six month trial where there would be no Knowledge testing and no Driver Skills tests for Private Hire drivers.

It was reported that it could be a requirement under the procurement rules that testing for drivers skills should be opened up to other organisations which could be able to provide such a service and this would be investigated. Mr. R. Parker and Mrs. M. Bates, as trade representatives, gave their views to the Committee.

RESOLVED:

1. That the current system for knowledge testing including a pass mark of 80% be retained for Private Hire drivers.
2. That the Kent County Council be added to those organisations that can test for drivers skills and that the Officers identify whether there would be any other organisations which could undertake such testing and that those organisations be considered for adding to a list of those whose testing would be considered acceptable.

40. LICENSING ENFORCEMENT - HACKNEY CARRIAGE AND PRIVATE HIRE

The Committee considered the report of the Head of Democratic Services on a proposed new approach to enforcement for hackney carriage and private hire and, in particular, the investigation of illegal plying for hire by

private hire drivers. This new approach had been proposed as a result of the increasing number of complaints about illegal plying for hire.

RESOLVED:

1. That the level of enforcement, including a change to the test purchase approach, as detailed in Appendix 1 of the report of the Head of Democratic Services, be approved with a review at the end of the first year of operation.
2. That all cases of drivers plying for hire arising out of the new enforcement regime be reported to the Committee with no recommendation and that the Committee consider each case on its merits.
3. That the period of time for which an application for a licence for a Private Hire driver would not normally be granted following the revocation of their licence be twelve months subject to each case being considered on its own merits.

41. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER THREE YEAR LICENCE

The Committee considered the report of the Head of Democratic Services on whether the current Hackney Carriage and Private Hire driver licence issued for 1 year should be changed to a 3 year licence and whether all Driver and Vehicle Licensing Agency (DVLA) driver licences submitted with applications should be checked against the records held at the DVLA. It had been noted that the issue had been deferred on two occasions firstly to consult with the trade and secondly for further financial information which was detailed in the report.

RESOLVED:

1. That three year Hackney Carriage and Private Hire driver licences be introduced for applications and renewals after 1 November 2011, except in the case of drivers over 65 years of age or with medical conditions where licences would continue to be annual and new applicants having the option of a 1 year or 3 year licence for their first licence.
2. That the fee levels for a 1 year drivers licence remain at the existing rate which is as detailed in paragraph 1.3.7 of the report of the Head of Democratic Services.
3. That the fee levels for a 3 year drivers licence be set at the 20% discounted rate as detailed in paragraph 1.3.7 of the report of the Head of Democratic Services.
4. That for the first 3 year licence application payment can be by instalment with 50% in the first year and 50% in the second year and no payment in the third year.

5. That the Head of Democratic Services report back to the November meeting of the Committee on all Hackney Carriage and Private Hire fee levels.
6. A review of these provisions and whether there is a significant impact as a result be carried out at the end of the first year of operation.

42. STREET TRADING CONSENT APPLICATION FOR AN 'ARTFAIR' BY THE RIVER

The Committee considered the report of the Head of Democratic Services seeking an amendment to policy and delegations following an application for a street trading consent to run an Art and Makers Fair along the river front by the Barge restaurant through to the Amphitheatre as detailed in the application from Mr James Bailey. Mr Bailey was promoting an Art and Makers Fair on the riverfront from the arch at the foot of the Archbishops Palace along the public footpath into the Amphitheatre and was intending to display many different goods and activities including paintings, photography, jewellery, sculpture, embroidery, ornaments, glass crafts, pottery, soft furnishings and local Kentish crafts. Mr Bailey was seeking a 7 day a week all year round consent but intended to trade between April and October and also during December initially on Saturdays and Sundays. The actual hours of operation would be 10am to 6pm but he was seeking 8am to 8pm consent. Mr Bailey had been seeking consent to start on 6 August and therefore to achieve that a shortened consultation period of 10 days had taken place rather than the 14 days set out in policy and the agreement of the Committee to this shortening of the consultation period was sought in addition.

RESOLVED:

1. That the Head of Democratic Services be given delegated authority, in consultation with the political group spokespersons, if adverse comment to the application are received, to consider and decide whether to grant, with or without specific conditions, or refuse a street trading consent to Mr Bailey to trade on the basis detailed in the report of the Head of Democratic Services.
2. That the street trading consent policy be amended to allow one consent (if granted) for the area stipulated in the application to be held by Mr Bailey and be designated the first application.
3. That the first application be charged at the normal street trading consent fee of £351 and that individual street traders forming part of the "Art Fair" not be charged.
4. That the shortening of the consultation period to 10 days rather than the policy 14 days be approved.

43. ANNUAL LICENSING TRAINING EVENT 2011

The Committee considered the report of the Head of Democratic Services seeking the appointment of a Member to attend the Licensing Training Event 2011 being held in Birmingham. It had been approved by the Member and Employment and Development Panel that they would fund one member to attend this training event.

RESOLVED:

1. That the Member and Employment and Development Panel be asked to reconsider the decision to fund only one member, that a second member be funded and that representatives of the Committee would attend a meeting of the Panel to put forward its case for the funding for the additional member.
2. That the Head of Democratic Services be asked to investigate whether there were any funds available within the Licensing budget to fund a second person to attend the training and that this matter be considered by the Political Group Spokespersons for the Committee.
3. That the Political Group Spokespersons for the Committee be asked to appoint the member(s) to attend the annual training event 2011.

44. LICENSING PARTNERSHIP UPDATE

The Head of Democratic Services submitted the latest Partnership revenue fees figures up until the end of June 2011. He also updated Members on the latest position with regard to the transfer of the final elements of administration relating to taxis and private hire. This had been indicated for August but a revised timetable would be issued in the next week.

He also asked members how the public access/consultee access service was working for them. He was made aware that there had been a number of difficulties in the implementation of this access service and he indicated that he would take up this matter with the Licensing Partnership Manager. However, he indicated that work on this would be prioritised after the work on transfer.

RESOLVED: That the report be noted.

45. DURATION OF MEETING

6.30pm to 8.35pm