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KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Thursday 16 September 2010

Present: Councillor Christine Iredale in the Chair
Councillors Dodds, Hardcastle, M Hussain, Murphy, O'Neill, Parchment,
Wilkinson and T Woodhead

Apologies: Councillors Ahmed, Cook, S Hall, Harris, Ward and Yates

1 Membership of the Committee

There were no changes in membership.

2 Minutes

The Minutes of the meetings of the Committee held on 13 April and 26 May 2010 were approved as correct records.

3 Interests

No interests were declared.

4 Admission of the Public

The Committee considered the question of the exclusion of the public and determined that all the items be taken in public session. Prior to the meeting, the Chair had agreed that an urgent item be considered in respect of proposals for increases in licensing fees, on the grounds that it was proposed to introduce the new fees from 1 November 2010, subject to no objections being received.

5 Deputations/Petitions

No deputations or petitions were received.

6 Quantity Restrictions of Hackney Carriage Licences

The Committee considered a report which requested consideration of whether Quantity Restrictions should continue to be imposed on the number of Hackney Carriage Licences issued in the Authority. The report indicated that in October 2009, the Licensing Service had commissioned an Unmet Demand Study, which had to be carried out every three years, in respect of Hackney Carriage vehicles in Kirklees, which assessed current demand and identified any significant unmet demand. A wide consultation exercise had also been carried out as part of the Unmet Demand Study and the Committee received details of the results of the survey and consultation exercise.

The study had concluded that there was no significant unmet demand in the rank based taxi market throughout the Council's area.

RESOLVED -

(1) That having regard to the conclusions of the Unmet Demand Study, the number of Hackney Carriage Licences remain at 249 for the whole of the district, 55 of which be wheelchair accessible vehicles.

(2) That a report be submitted to a future meeting of the Committee which provide information on how energy efficient the Hackney Carriage vehicles are, i.e., in respect of CO² emissions.

7 Revised Licensing Policy Statement

The Committee considered a report which indicated that the Licensing Act 2003 required each Authority to carry out its various licensing functions so as to promote the following four licensing objectives:-

- (a) Prevention of Crime and Disorder
- (b) Prevention of Public Nuisance
- (c) Public Safety
- (d) Protection of Children from Harm

To achieve the above objectives, the Authority was required to publish a Statement of Licensing Policy every three years and set out the Policies the Authority would generally apply to promote the licensing objectives when making decisions on applications made under the Act.

It was proposed that the Draft Licensing Policy, which was attached at Appendix 1 to the submitted report, would be circulated widely to stakeholders throughout the Kirklees district, and to numerous national representative bodies and organisations, with a closing date for comments of 26 November 2010. A copy would also be posted on the Council's website and the document would also need to be submitted for consideration to the full Council.

RESOLVED - That the Draft Licensing Policy be approved and that, following the twelve week consultation period, the Policy be submitted for consideration to the full Council meeting on 8 December 2010, with a recommendation that the Policy be adopted for the next three years, subject to the incorporation of any amendments following the consultation period.

8 Penalty Points System for Taxis and Private Hire Vehicles

Pursuant to Minute 10 of the meeting held on 1 March 2010, the Committee considered a report which requested them to consider whether the implementation of a Penalty Points System for Taxis and Private Hire vehicles should be progressed, following consideration of the matter by a Working Party which had been established by the Committee.

RESOLVED -

(1) That consideration of the Penalty Points System be deferred and that the Working Party be reconvened to reconsider the scheme and major issues such as insurance, and report back thereon to a meeting of the Committee which be arranged to take place at the end of November.

(2) That the report also contain, for the information of the Committee, a list of other Authorities which operate a Penalty Points System.

9 Control of Sexual Entertainment Venues

The Committee considered a report which indicated that Section 27 of the Policing an Crime Act 2009 had introduced a new category of sex establishment called "Sexual Entertainment Venue". Such venues could provide lap dancing or other sexual entertainment. The Council currently had limited powers under the Licensing Act 2003 to control such entertainment. If the Council wished to take advantage of the same powers it had in relation to sex shops and other such premises the new powers had to be adopted. Section 27 came into force on 6 April 2010, and following this date the Council could resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it had effect in the Council's area.

The report set out options to consider in respect of the control of sexual entertainment venues. It was recommended that Option 6.1 be approved and that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to the Council's area.

The report stated that there were already several premises in the Kirklees area which offered sexual entertainment and currently there was little control over the forms of entertainment that were the target of the revision. Implementing Option 6.1 would give the Council as much control as possible and the community as much protection as possible.

RESOLVED - That Option 6.1 be approved and that the Council resolves that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) will apply to the Council's area as soon as practicable on a date to be decided by the Assistant Director of Public Protection.

10 Tinted Glass on Hackney Carriage/Private Hire Vehicles

The Committee considered a report on a request from representatives of the Hackney Carriage and Private Hire Trades to reconsider the current policy on the level of tint allowed in licensed vehicle windows. The request had been made because of the availability of vehicles that complied and the cost of changing the glass to comply with the current policy which was that all windows fitted to Kirklees Hackney Carriages/Private Hire vehicles must comply with the minimum legal requirement to transmit light of 75% to front windscreen and 70% light through all other vehicle windows. The current policy had applied since 1 January 2007.

The report referred to the Road Vehicle (Construction and Use) Regulations 1986 and gave details of the Council's current policy on the use of tinted glass in licensed vehicles, Best Practice Guidance issued by the Department of Transport, Taxi and Private Hire Vehicle Licensing and indicated that, in order to resist legal challenge, all conditions must be reasonably necessary.

The Committee was requested to consider the following options:-

Option 1 - Make no changes to the licence conditions.

Option 2 - Remove the condition on tinted windows for all licensed vehicles.

Option 3 - Amend the existing policy to allow a darker level of tint with the level to be prescribed by the Committee.

RESOLVED - That Option 3 be approved and that the existing policy be amended to allow a darker level of tint to be used in licensed vehicle windows and that the darker tint level be no lower than 21%.

11 **Proposals for Increases in Licensing Fees**

The Committee considered a report seeking approval for a rate of inflation increase of 3% across all discretionary licensing fees covering gambling, general licensing and taxi licensing.

The report indicated that the proposed increase in fees would bring in an estimated £13,500 increase in overall income which would help maintain the level of Licensing's enforcement role across all licensable activities, including maintaining vehicle and driver standards within the Kirklees taxi and private hire fleet, together with continuing to achieve cost recovery.

It was proposed that discussions would take place with representatives of the Taxi Trade at the next Trade Meeting. Objections could be made to the proposed fee increases and the increases in taxi licensing fees would need to be published by way of a formal public notice, which allowed 28 days for any representations.

RESOLVED -

(1) That the Cabinet be recommended to approve a 3% increase in the licensing fees from 1 November 2010, subject to no objections being received from the Taxi Trade.

(2) That the Cabinet be also recommended to authorise that any objections received be considered and determined by the Regulatory Panel.

12 Taxi Drivers Training Course

It was agreed that a report be submitted to the next meeting of the Committee, to take place at the end of November, on the Taxi Drivers Training Course.