

Contact Officer: Carol Tague

## KIRKLEES COUNCIL

### LICENSING AND SAFETY COMMITTEE

**Friday 23rd November 2018**

Present: Councillor Carole Pattison (Chair)  
Councillor Mahmood Akhtar  
Councillor Karen Allison  
Councillor James Homewood  
Councillor Terry Lyons  
Councillor Amanda Pinnock  
Councillor Mohan Sokhal

Apologies: Councillor Christine Iredale  
Councillor Michelle Grainger-Mead  
Councillor Mumtaz Hussain  
Councillor Manisha Roma Kaushik  
Councillor Cathy Scott  
Councillor Kath Taylor  
Councillor Michael Watson

**1 Membership of the Committee**

Apologies for absence were received from Councillors Michelle Grainger-Mead, Mumtaz Hussain, Christine Iredale, Manisha Roma Kaushik, Cath Scott, Kath Taylor and Michael Watson.

**2 Minutes of Previous Meeting**

The Minutes of the meeting of the Panel held on 10 October 2018 were approved as a correct record.

**3 Interests**

No interests were declared.

**4 Admission of the Public**

That all agenda items be considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Licensing Service - Update Report**

The Committee received a report which provided an update on the activities undertaken by the Council's Licensing Service from 1 April 2018 to 31 October 2018.

## Licensing and Safety Committee - 23 November 2018

Members noted the work carried out in relation to the Licensing Act 2003 and were advised that 143 applications had been processed by the Service and 13 applications had been considered by the Licensing Panel since 1 April 2018.

In response to a question regarding the propensity of hearings related to premises in Huddersfield, it was noted that Dewsbury was currently undergoing a programme of regeneration and it was anticipated that there would be a rise in applications following this investment. There had also been a number of applications in the district where representations had not been received, so these had not been referred to the Licensing Panel. The Committee requested that future reports included a breakdown of applications by districts.

In summarising the work undertaken in relation to the Gambling Act 2005, the Committee were informed that the Council had undertaken a review of its 'Statement of Licensing Policy (Gambling)' and the results of the consultation on the revised policy were due to be considered by the Committee later in the meeting. Officers had taken part in a number of targeted multi-agency operations on known problem premises and this had resulted in a premises licence being revoked and a further licence being placed before the Licensing Panel for review in November 2018.

With regards to Hackney Carriage and Private Hire, it was noted that there had been a steady flow of new applications, with 5335 licenses currently in force.

In response to questions regarding licence renewal following the cessation of renewal reminder letters, it was noted that 1400 licenses had been renewed between January – September 2018 and 15 had lapsed. Where a license had been allowed to lapse, the application would be treated as a new application and incur the associated costs and training requirements. However, it was noted that each case would be judged on individual merit to determine if there were exceptional circumstances. A new computer system was due to be introduced shortly and consideration would be given to the introduction of reminder emails.

There was currently an option to renew a licence on a 3 yearly basis but the majority were renewed annually. Whilst the overall cost was cheaper if renewed over 3 years, the upfront payment required could be seen as a deterrent. The Committee were advised that it was not possible to offer payment by instalment as the fee formed part of the application. It was hoped to move to a standard 3 year licence renewal given the costs and efficiency benefits, particularly in relation to appointment times and staffing resources. This would see mutual benefits moving forward, as cost benefits would be passed on to the trade through license fee reductions.

Officers, in conjunction with the Chair of the Licensing and Safety Committee, had continued to work with the hackney carriage and private hire trades to ensure that effective communication and consultation took place. Officers would continue to look at other processes and streamline where possible, but only if public safety would not be affected.

## Licensing and Safety Committee - 23 November 2018

With regards to complaints and enforcement, it was reported that there had been 56 complaints in relation to taxis, 8 concerning licenced premises, 255 service requests to officers and 4 prosecutions.

The Committee were advised of a number of national issues, which included legislation regarding fixed odd betting terminals, the Department for Transport's review of the currently regulatory regime for taxis and private hire as well as HRMC plans to introduce mandatory tax registration for certain licence types.

**RESOLVED** - The Committee noted the report.

### 8 **Review of Licensing Policy Statement (Gambling)**

The Committee received a report which set out the results of the consultation on the Council's draft Licensing Policy Statement (Gambling) and sought the Committee's recommendations to Council for adoption.

As agreed at the Licensing and Safety Committee on 10 September 2018, a consultation on the draft Licensing Policy Statement (Gambling) had been completed. The Committee were informed that 3 responses had been received and these responses had been taken into account in the revised draft policy.

The Licensing Service had worked with Public Health to develop a Local Area Profile (LAP), which provided an assessment of the key characteristics of Kirklees in the context of gambling-related harm. The information presented helped to provide a better understanding of the types of people that may be more vulnerable to gambling related harm and where they were located.

The Committee referred to the Gambling Commission's recent report which highlighted an increase in young people gambling. In response, it was noted that the rise was primarily in areas where gambling was not regulated, such as on-line gaming. It was agreed that consideration would be given as to how the data in the LAP could be interrogated to provide information regarding this specific age group.

In considering the Local Risk Assessment, the Committee noted that the ethnic profile of residents in an area would be considered in conjunction with a number of other risk factors, such as deprivation and the demographics of an area in relation to vulnerable groups and further work would take place with Public Health as to the weighting of risk factors.

With regards to the submission of applications, it was noted that there were opportunities to put additional support in place. One such example was where Leeds City Council recently saw a gambling establishment provide funding to a nearby gambling addiction centre.

The importance of working with schools was highlighted and the Committee were informed that it was planned to include this in the Service's work programme once the new licensing staff were in post.

**RESOLVED** - That the Committee considered the responses to the consultation and revised policy and recommended Council to approve the revised policy as the new Licensing Policy Statement (Gambling) for the next three years.

**9 Designated List of Wheelchair Accessible Vehicles**

The Committee received a report which requested that Members consider the publishing of a designated list of wheelchair accessible hackney carriage, private hire vehicles and commercial vehicles available for hire.

Members were advised that Section 167 of the Equality Act 2010, which came into force in April 2017, provided the Council as a licensing authority with the power to make a list of wheelchair accessible vehicles (designated vehicles). Once the list was published, a number of duties were placed on drivers of designated wheelchair accessible cars, including the duty to carry the passenger while in the wheelchair, offer reasonable assistance and not make any additional charges.

The requirements did not apply to drivers with a valid exemption certificate and Section 166 of the Act allowed the Council to exempt drivers on medical grounds or because the driver's physical condition made it impossible or unreasonably difficult for them to comply with the duties outlined.

Members were informed that unless a driver was exempt, it was a criminal offence not to carry out these duties and the Council would follow up any complaints in relation to this. If justified and the complaint could be proven, the Council would take appropriate action.

**RESOLVED -**

(1) That the Council produce a list of designated wheelchair accessible vehicles pursuant to sections 165-167 of the Equality Act 2010; and

(2) The licensing authority produces guidance in relation to this, including the exemption of drivers from their duties based on medical grounds.