

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 20 October 2015

Present:

Members: Councillor D Galliers (Chair)
Councillor M Ali
Councillor A Andrews
Councillor R Auluck
Councillor L Bigham
Councillor J Birdi
Councillor G Crookes
Councillor G Duggins
Councillor L Harvard
Councillor M Lapsa
Councillor J Mutton
Councillor J O'Boyle
Councillor R Thay (Deputy Chair)

Employees (by Directorate):

Place: S Beechey, D Blackburn, N Castledine, M Coggins, C Hickin,
E Smith

Resources: D Joy, U Patel

Apologies: Councillor J Innes

Public Business

47. Councillor Phil Townshend

Members of the Committee and Officers observed a minute's silence as a mark of respect for Councillor Townshend, Deputy Leader of the Council who sadly passed away following a short illness.

48. Declarations of Interest

There were no declarations of interest.

49. Minutes

The minutes of the Committee meeting held on 29 September 2015 were signed as a true record.

50. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below, on the grounds that those items involve the likely disclosure of exempt information and that there would be no public interest in disclosing

that information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of that Schedule as indicated:

Minute no.	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
55	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.5)	7
56	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.6)	7
57	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.7)	7
58	Poor conditions at food manufacturing premises	7
59	Non-compliance with a formal notice under the Housing Act 2004 (HA1)	7
60	Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences	1 and 3

51. Outstanding Issues Report

There were no outstanding issues.

52. Gambling Act 2005 - Revised Statement of Gambling Policy

The Committee considered a report of the Executive Director of Place which provided an update on the recent consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005 and to recommend for approval a revised policy for the period 2016-2019.

The current Gambling Policy came into effect on 6 January 2013 for a period of three years up to 31 January 2016. The policy has to be renewed every three years and was subject to a full consultation process. Approval to go out to consultation was given by Cabinet Member for Policing and Equalities in July 2015.

The general principles of the Gambling Policy remained the same and the document was still centred on the Gambling Act's three licensing objectives. Whilst the majority of the policy had not changed, consideration would now have to be given specifically to a new requirement on operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies and procedures and control measures to mitigate those risks. In making those risk assessments they must take into account relevant matters identified in the licensing authority's statement of licensing policy.

The local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy), or at the premises, or when applying for a new or variation of a licence.

Whilst the requirement for risk assessment does not take effect until April 2016, it was important that it was taken into account in the revised statement.

The revised guidance also makes recommendations about licensing authorities completing and mapping their own assessments of local risks and concerns by developing local area profiles. A local area profile has now been drafted and would be implemented in advance of the requirement referred to above coming into effect.

The revised Statement of Principles of Gambling Policy must be published by 31 January 2016, allowing the Council to continue to carry out any function in respect of applications made under the authority of the Gambling Act 2005 after 31 January 2016.

RESOLVED that the Committee having considered the results of the consultation, were fully supportive of the revised Statement of Gambling Policy for the period 2016-2019 and did not propose any changes to the draft Policy.

53. Licensing Act 2003 - Revised Statement of Licensing Policy - Consultation Responses

The Committee considered a report of the Executive Director of Place which provided an update on the outcome of the recent consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003.

The current Statement of Licensing Policy came into effect on 6 January 2011, to cover a period up to January 2016. The policy has to be renewed every five years and be subject to a full consultation process. Approval to go out to consultation was given by Cabinet Member for Policing and Equalities in March 2015.

The report outlined the comments received and proposed amendments to the Council's draft Licensing Policy. The general principles of the Licensing Policy remained the same and the document remained centred around the Licensing Act's four licensing objectives.

However, since the last revision there had been a number of changes through the implementation of a wide range of reforms to the Licensing Act. The policy has been revised throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State.

RESOLVED that the Committee having considered the results of the consultation, were fully supportive of the revised Statement of Licensing Policy for the period 2016 – 2021 and did not propose any changes to the draft policy.

54. Hackney Carriage and Private Hire Licensing Fee Review 2015 – Cost of Mandatory Child Sexual Exploitation (CSE) Training

The Committee considered a report of the Executive Director of Place which sought approval for the adjustment and re-structuring of some of the fees for hackney carriage and private hire licensing to recover the costs of providing mandatory CSE training.

The Local Government (Miscellaneous Provisions) Act 1976 allows the City Council to charge as fees the reasonable cost of administering and enforcing the hackney carriage and private hire licensing function. The fees charged by the Taxi Licensing Office are intended to enable the service to operate on a self-financing basis.

The Committee at their meeting on 25 August 2015 approved a revision of the taxi licensing fee structure to take account of the Deregulation Act 2015 and in particular the need for local authorities to issue three yearly licences as opposed to annual ones.

In addition to this, the outcomes of the Rotherham report into Child Sexual Exploitation (CSE) and in particular the City Council's current requirements for training/raising awareness on CSE also had to be taken into account. This led to a voluntary training programme for taxi drivers on CSE, delivered free of charge by City Council Officers.

This voluntary training programme has proved to be very popular and so far 940 of the 1240 licensed hackney carriage and private hire drivers had received the training. On the basis of this success, the Cabinet Member for Public Services at her meeting on 4 August 2015, resolved that such training should be mandatory.

In order for the City Council to recover the cost of providing this training, a review of driver training fees would be required. The proposed changes in fees if approved would be advertised in the Coventry Telegraph on 29 October 2015. Any objections received would be submitted to the Committee meeting on 8 December 2015 for consideration and if no objections are received, then the proposed fees would come into force on 1 January 2016.

RESOLVED that the Licensing and Regulatory Committee:

- 1. Approves a fee increase of £20 on the Driver Training Course for new applicants from 1 January 2016, increasing the cost of a Driver Training Course from £80 to £100.**

2. Approves a new fee of £20 for existing drivers, who have not previously undertaken the free CSE training sessions, effective from 1 January 2016.

3. Recommends that the Cabinet Member for Public Services considers incorporating a requirement for any contract between the City Council and taxi drivers and/or firms to ensure that the drivers have undertaken CSE training.

55. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

PRIVATE BUSINESS

56. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.5)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 98 Station Street West, Coventry.

57. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No 6)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 272 Stoney Stanton Road, Coventry.

58. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No 7)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 522 Stoney Stanton Road, Coventry.

59. Poor conditions at food manufacturing premises

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under (EC) No 852/2004 on the Hygiene of Foodstuffs and associated

regulations against appropriate persons in respect of the alleged poor conditions found at Khalistaza Foods Ltd, Unit 6, Lythalls Lane Industrial Estate, Lythalls Lane, Coventry.

60. Non-compliance with a formal notice under the Housing Act 2004 (HA1)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Housing Act 2004 against appropriate persons in respect of the alleged non-compliance with a formal notice served under the above Act on the owner of 11 Watersmeet Grove, Coventry.

(Note: Prior to the consideration of this report, Members of the Committee were asked to confirm that they did not have any personal interest or other dealings with premises in question as the premises address had inadvertently been detailed within the report.)

61. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

RESOLVED that having considered the circumstances set out in the reports of the Executive Director of Place now submitted:

(a) The Hackney Carriage Driver's Licence held by Mr Trivadi Lal Singh Bhella be confirmed.

(Note: Mr T L S Bhella attended the meeting in support of his case.)

(b) The application for the grant of a Hackney Carriage Driver's Licence by Mr Mohammed Hanif be refused.

(Note: Mr M Hanif attended the meeting in support of his application.)

62. Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of private business.

(Meeting closed at 11.30 am)