

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 23 July 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Ford, Hibbert, Mennell, Stone and Wire DL.

1. APOLOGIES

Apologies were received from Councillors Duncan and Eales.

2. MINUTES

The minutes of the meeting held on 18 June 2013 were agreed and signed by the Chair.

It was noted that following the last meeting the date suggested by the Chief Constable for all Licensing Authorities in Northamptonshire to be invited to observe policing in the Leisure Zone (minute 5 of the meeting of 18 June 2103 refers) was 14 September 2013. Once this date had been finalised an invitation would be sent to Members of the Committee.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

4. DECLARATIONS OF INTEREST

None.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6. HACKNEY/PRIVATE HIRE ENFORCEMENT

A Senior Licensing Officer presented a report seeking to formalise the system of sanctions and procedures currently imposed on Hackney and Private Hire drivers through the enforcement process. The procedures had been in place for two years and it was suggested that they should now be embedded in Council policy. The report detailed the sanctions and procedures which were operated by the Council.

In answer to Members' questions, the Senior Licensing Officer and the Head of Public Protection stated that:

- Cautions could only be given where there was sufficient evidence to undertake a prosecution and the driver accepted his/her guilt. The cautions were recorded on drivers' files and could be presented at any subsequent court hearing as evidence of previous misconduct. Warnings would be held on file to enable a picture to be built up and this could be used to bring persistent offenders before the Committee to decide whether they were a 'fit and proper person' to be a Private Hire driver. The system allows flexibility in the way in which offences are dealt with;
- Obstruction of an authorised officer or constable was not common. There had only been one prosecution for this offence since 1999, which had been successful;
- Every complaint from a member of the public is investigated and the evidence weighed carefully, particularly where it was one person's word against another;

- Resources were being kept under review. The number of Enforcement Officers had been increased during the previous two years. If further resources were needed this would be considered;
- There were a small number of Hackney/Private Hire women drivers. Obstacles were not placed in the way of women becoming drivers but few had chosen to do so;
- There was more driver training undertaken in the Borough than in many parts of the country;
- The legislation did not permit the introduction of probationary periods for new Hackney/Private Hire drivers.

It was noted that there is now regular liaison between the Licensing Officers and the trade. The Chairman stated that there had previously been a Hackney Carriage/Private Hire Working Party, with trade representatives as members, which had considered terms and conditions for vehicles and drivers in 2012/13 and which had proved productive. If Members wished this type of liaison to continue with the trade officers could be asked to bring a report to the Committee to establish another working party.

RESOLVED:

1. That with immediate effect the system of sanctions outlined in the report be formally adopted by the Northampton Borough Council as a means of dealing with non-compliant Hackney drivers, Private Hire drivers and Operators.
2. That powers be delegated to the Licensing Enforcement Officers to use their discretion as to when and under what circumstances sanctions are imposed.
3. That the officers be requested to bring a report to a future meeting of the Committee to establish a working party for liaison between officers and the trade.

7. ANNUAL FEE REVIEW

A Senior Licensing Officer presented a report seeking to establish a framework to review how the fees and charges levied by the Licensing Department are agreed and making the fees subject to annual reviews. It was noted that the fees set for much of the Licensing Department's work were governed by statute and that some fees had to be set on a cost recovery basis only. After any review the proposed fees would be reported to the Committee for consideration.

Members welcomed the proposal for an annual review and referred to the Street Trading fees which had not been increased between their introduction in 2003 and the Committee's meeting held on 30 April 2013.

RESOLVED:

1. That a review of the fees and charges made by the Licensing Department be undertaken annually, which would provide guidance to managers in setting appropriate levels of fees and charges, taking into account client groups and corporate objectives, and that provision be made for regular reviews of fees and charges within the overall service.
2. That recommendations as to whether fees ought to be increased or decreased would be in line with the annual review, with the ultimate decision ratified by the Licensing Committee.
3. That incorporating the review of fees and charges formally into the service and

planning process would also permit consideration of cross-cutting issues and impacts in the context of wider policy considerations.

4. That reasonable or statutory notice should be given to service users before any new charge is implemented or an increase made to an existing charge. If discounts or concessions are available these should be made clear to the applicant, to include the different methods of payment.

The meeting concluded at 6:20 pm