

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>25 MAY 2012</b>
<b>TITLE OF REPORT:</b>	<b>ANNUAL REPORT OF THE REGULATORY COMMITTEE 2011 - 2012</b>
<b>MEMBERSHIP:</b>	<b>JW HOPE MBE (CHAIRMAN), RC HUNT (VICE-CHAIRMAN), CM BARTRUM, PL BETTINGTON, BA DURKIN, BRIG. P JONES CBE, PJ MCCAULL, C NICHOLLS, FM NORMAN, GA POWELL.</b>

**CLASSIFICATION:** This is an open report.

### **Wards Affected**

County-wide

### **Purpose**

To note the main activities of the Committee during the period May 2011 – May 2012.

### **CHANGES TO THE CONSTITUTION**

- 1 2011 – 2012 Has seen the first year where the Committee has taken a more strategic role through considering policy matters and performance issues for the services it embraces. The Committee has considered the following:
  - revised dual hackney carriage/private hire driver conditions;
  - progress of regulatory matters
  - regulatory activity of environmental health & trading standards during the year with quarterly updates;
  - a 2 % uplift on the taxi licence fees and charges;
  - minor amendments to the licensing policy - Licensing Act 2003;
  - regulatory activity of the community protection team;
  - regulatory activity of private sector housing;
  - review of hackney carriage and private hire policy;
  - single enforcement and prosecution policy;

- objections to proposed increases to the taxi licence fees and charges for 2012 – 2013; and
  - discharge of guardianship under the Mental Health Act 1983.
- 2 The work of the Committee on footpath diversions and hackney carriage/private hire matters has been delegated to the Regulatory Sub-Committee

#### **HIGHWAYS ACT 1980 SECTIONS 118 & 119 – PUBLIC FOOTPATH DIVERSION ORDERS**

3. The Sub-Committee has granted 18 applications for Public Path Diversion Orders for which there has been agreement with interested parties, user groups, the local parish councils and the local Ward Councillors.

#### **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

4. Applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Regulatory Sub-Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. Incidents involving the conduct of drivers have also been heard. Applications for the renewal or transfer of vehicle licenses have also been submitted to the Sub-Committee in cases where applicants were late with their applications and were in breach of the Council's licensing conditions, or they wished to transfer a licence to a vehicle that does not comply with those conditions.
5. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Sub-Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale or why they wanted to transfer their licenses.
6. The applications were dealt with as follows:
- a. One applicant was allowed to renew their vehicle licences outside the prescribed timeframe because of particular problems they had encountered;
  - b. one application to licence a vehicle was refused as the vehicle did not comply with the standard vehicle conditions.
  - c. three applications to licence a vehicle outside of the standard vehicle conditions were permitted because the committee were satisfied with the evidence and reasons given by the applicants during the hearings.
  - d. one application for a license was refused because the Committee was not satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;
  - e. two drivers licences remained suspended whilst police investigations were on going; and
  - f. three drivers licences were revoked because of incidents which no longer

rendered them fit and proper persons to be licensed.

### **LICENSING ACT 2003**

7. The Sub-Committee has also determined applications referred to it in respect of the Licensing Act 2003.

The Licensing Act 2003 was amended by the Violent Crime Reduction Act 2006 which gave Licensing Authorities new provisions which allowed a quick process for dealing with premises licensed under the Licensing Act 2003 when the police consider that the premises concerned is associated with serious crime or serious disorder or both. The purpose of the new powers was to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. These powers allow the police to trigger a fast track process to review a premises licence where they consider that the premises are associated with serious crime or serious disorder or both. Within 48 hours of receiving an application from the police the Licensing Authority must determine what, if any, Interim Steps are required. The Sub-Committee have considered four applications for expedited reviews during the year. In three of the cases the premises licence was suspended pending the full review, in the other case the premises licence holder offered a number of conditions to address the concerns raised by the police.

8. The Violent Crime Reduction Act 2006 also allows the premises licence holder to submit a representation against the interim steps which must also be held with 48 hours of receipt. The Sub-Committee have also heard four applications for representation against interim steps. In three of the cases the suspensions were lifted due to conditions being offered by the premises licence holder, and in one case the licence remained suspended.
9. A full Review hearing must then take place within 28 days of the application form being received by the Licensing Authority. The Sub-Committee has undertaken a full review on each of the premises within the required time frame.
10. The Sub-Committee also considers Temporary Event Notice applications which have been subject to an objection. If the police or environmental protection believe that allowing an event will undermine any of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety or protection of children from harm), they must give the premises user and the Council an objection notice. Objections must be made within three working days of receiving the TEN. With the agreement of the premises user, the police or environmental protection can modify the TEN, or if a premises licence is in place then conditions can be attached to the TEN.
11. If no agreement is reached, the Council must hold a hearing to consider the notice at least 24 hours before the event. The councillors may decide to allow the event to go ahead as stated in the notice. Alternatively it can decide that the event would undermine the licensing objectives and should not take place. In this case, the council must issue a counter notice.
12. The Sub Committee has considered three applications for Temporary Event Notices, granting one and issuing a counter notice in respect of the other two.
13. The Sub-Committee has also considered four new applications for premises licences and variations to a further eight licences.

- 14 . Seven premises have been the subject of reviews based on applications submitted by either the police or trading standards.

**JW HOPE MBE**  
**CHAIRMAN, REGULATORY COMMITTEE**

**BACKGROUND PAPERS**

Agenda papers from meetings of the Committee held between June 2010 & February 2011.