

Minutes of a meeting of the Licensing Committee held on 11th October 2017 at Pippbrook, Dorking from 7.02pm to 7.29pm

Present: Councillors John Chandler (Chairman), Paul Elderton (Vice-Chairman), Tim Ashton, Stephen Cooksey, David Mir, Wayne Monkman, Michelle Watson and Patricia Wiltshire.

1. Minutes

The minutes of the meeting held on 23rd May 2017 were approved as a correct record and signed by the Chairman.

2. Apologies for Absence

Apologies for absence were received from Councillors Metin Huseyin, Bridget Kendrick and Charles Yarwood.

3. Disclosure of Interests

None declared.

4. Hackney Carriage and Private Hire Licensing Policy

The Chairman introduced the report which recommended the adoption of a Surrey wide policy for taxi drivers, to improve public safety. It was also noted that training has been proposed for all drivers. The Committee was asked to note the draft changes to the Hackney Carriage and Private Hire Licensing Policy.

The Committee stated that cautions, warnings and reprimands are not convictions. It was suggested that it could be important to distinguish between each, if discretion was given to Officers to make decisions. The Committee explained that this could be relevant due to the different levels of proof and procedures relating to cautions, warnings, reprimands and convictions.

The Senior Licensing Officer acknowledged the distinction, however advised that all are admissions of guilt and cautions, warnings and reprimands are often used to avoid criminal proceedings. It was noted therefore that it may be relevant to attach similar weight each.

Members questioned why a person banned from working with children or vulnerable adults would not always be refused a licence. The Senior Licensing Officer stated that legally the Council cannot adopt a policy without allowing discretionary decisions. It was noted that this reflects that in some situations discretion may be necessary. Members further questioned why changes to the convictions policy would not be retrospectively applied to existing licences. The Senior Licensing Officer advised that conditions can be applied upon the grant of a licence, but it cannot be changed unless all current licences are revoked and all drivers made to re-apply. It was further noted that all drivers are required to inform the Licensing Authority of any convictions received between renewal dates. Members then queried whether it should be normal practice to refer all decisions to Sub-Committee when departing from the policy. The Senior Licensing Officer confirmed that all contentious cases would be referred to Sub-Committee. It was raised whether the Committee could be informed of any cases where a decision was made to depart from the policy, but was not referred to the sub-committee. It was confirmed that this could be arranged.

Members raised the point of time limit on convictions and noted concerns regarding allowing a time limit for sexual offences and stated that they should not be treated equally to other offences.

The use of the word "normally" throughout the policy was raised. The Committee suggested that in the case of sexual offences the wording should be "never". The Senior Licensing Officer noted that legally the Council cannot fetter their discretion. It was confirmed that generally those with convictions for sexual or indecency offences would not be granted a

licence, however if it was considered, the case would be referred to the Sub-Committee. It was agreed that a public hearing by the Sub-Committee would be beneficial in contentious cases.

Members questioned where hard copies of the consultation would be available. It was confirmed that discussions are ongoing with the Communications Team. It was likely that the consultation would likely be displayed in libraries and investigation is being undertaken regarding whether it can be displayed in locations such as train stations.

Questions were raised regarding the content of the mandatory Child Sexual Exploitation (CSE) training and whether this would be prohibitive for smaller businesses. The Senior Licensing Officer confirmed that the training would make drivers aware of what would constitute an offence, highlighting inappropriate behaviour. The training would additionally ensure that drivers are aware of warning signs, where potentially vulnerable people are being exploited. It was further noted that the training would teach drivers not to put themselves in a position where could be accused.

The Committee discussed the Disclosure and Barring Service (DBS) checks and it was confirmed these checks are part of the Licensing process. The Senior Licensing Officer advised that Surrey County Council have a private contract for any school runs undertaken by taxi drivers and carry out additional checks themselves. It was acknowledged that the DBS check provides a snapshot in time, however the Licensing Authority have a relationship with the Disclosure Officer and Surrey Police, who would notify the Licensing Authority if they were aware that a driver had committed an offence.

The Senior Licensing Officer recommended that all Members put forward their comments during the consultation period.

RESOLVED: That Mole Valley District Council would participate in a 6 week Surrey-wide public consultation on the changes to the policy.

5. Urgent Items

None.

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Chairman

Date: