

## LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held by video conference on Wednesday, 8 December 2021 at 9.30 am.

### PRESENT

Councillors Hugh Irving (Chair), Brian Jones (Vice Chair), Barry Mellor, Melvyn Mile, Merfyn Parry, Pete Prendergast, Arwel Roberts, Peter Scott and Rhys Thomas

**Observers:** Councillors Meirick Davies and Gwyneth Ellis

### ALSO PRESENT

Solicitor – Team Leader – Places (TD), Public Protection Business Manager (IM), Senior Licensing Officer (NJ), Licensing Officer (ES), Enforcement Officers (Licensing) (KB & NS), Legal Officer (SR), Trainee Solicitor (JH) and Committee Officers (KEJ & SJ [Webcaster])

#### 1 APOLOGIES

Councillor Joan Butterfield

#### 2 DECLARATION OF INTERESTS

Councillor Brian Jones declared a personal and prejudicial interest in agenda item 6 because he knew the applicant's representative.

Councillor Barry Mellor declared a personal interest in agenda item 6 because he knew the applicant's representative.

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

#### 4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 15 September 2021 were submitted.

***RESOLVED** that the minutes of the meeting held on 15 September 2021 be received and confirmed as a correct record.*

#### 5 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2022

The Public Protection Business Manager submitted a report (previously circulated) on the priorities of the Licensing Section together with an update on rescheduled items and the proposed revised forward work programme for 2022.

The priorities of the Licensing Section reflected the duty placed on the authority in relation to its responsibilities for the licensing function and the effective regulation, control and enforcement of licensees together with the authority's commitment to safer communities and the development of the economy. Due to unforeseen priorities the previously approved forward work programme had been amended with items rescheduled and a revised work programme presented for consideration.

Officers provided an update on those items due to be brought forward to the Committee's December meeting which were discussed with members as follows –

- **Review of Hackney Carriage/Private Hire Statement of Licensing Policy**

The consultation document on a proposed Statement of Licensing Policy for the taxi trade was in its final stages and officers were working with the Council's Public Engagement Officer to publish the consultation via the County Conversation portal.

- **Review of Statement of Principles – Gambling Act 2005**

A review of the Gambling Act 2005 Statement of Principles was taking place collectively across the six North Wales local authorities and following its completion officers would submit proposals to the Licensing Committee.

- **Review of Street Trading Policy**

The Licensing Committee had previously considered and approved a draft policy for consultation and the establishment of a Sub Group (to include the Chair or Vice Chair together with a representative from each Member Area Group) to further consider the policy. Preparations were ongoing with the Council's Public Engagement Officer with a view to publishing the consultation via the County Conversation portal at the appropriate time. In response to questions the Public Protection Business Manager reported upon the meeting of the Sub Group on 24 November 2021 with further work to be carried out in seeking the views of the City/Town/Community Councils and Member Area Groups as to the specifics for each individual area in order to tailor the policy as appropriate, given that they would be best placed to advise on their own particular localities. Matters to be considered related primarily as to where street trading should take place in those areas if at all. A template was currently being prepared for circulation.

- **Statement of Licensing Policy – Licensing Act 2003**

At their last meeting the Licensing Committee authorised officers to consult on a revised Statement of Policy. However, it had since become apparent that the current version of the policy did not meet accessibility requirements and would require significant modification. Consequently officers were looking to use the template developed by North Wales authorities given there were no significant differences with regard to the content, only in appearance and format. Officers would report back to a future meeting of the Committee following consultation.

- **Review of Fees and Charges**

Fees and charges for the administration of taxi licensing were last reviewed in 2018 and although they should be reviewed on a regular basis the timing of that work had been deferred due to the Covid-19 pandemic. Work was also ongoing to implement an online application system which would significantly alter the application process. In addition, officers had also received requests for a review of the hackney carriage tariff charges which were last updated in 2018. Consequently officers proposed to proceed with both reviews simultaneously and consult with current licensees with a view to reporting back to the Licensing Committee in March 2022.

Members noted the update and approved the proposed revisions to the forward work programme. Given the amount of business to be transacted at the Committee's next meeting and work involved in that regard, there was some debate as to the merits of a pre-meeting beforehand for members to familiarise themselves with the report items prior to formal consideration. After a brief debate it was agreed that the Public Protection and Business Manager discuss with the Chair and Vice-Chair a little nearer the time as to whether a pre-meeting with members would be beneficial. Councillor Brian Jones was particularly keen for any outstanding ongoing work to be concluded during the current council term where possible.

**RESOLVED** that –

- (a) *the contents of the report be noted, and*
- (b) *the revised forward work programme for 2022 as detailed in the appendix to the report be approved.*

## **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the Act.

### **6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 554278**

[Having declared a personal and prejudicial interest Councillor Brian Jones left the meeting for the duration of this item.]

A confidential report by the Head of Planning, Public Protection and Countryside Services had been submitted (previously circulated) seeking determination of an application to drive hackney carriage and private hire vehicles from Applicant No. 554278. Neither the applicant nor his nominated representative was in attendance.

Officers advised that the applicant and his nominated representative had requested an adjournment in this case given that the applicant had been unable to attend the meeting in support of his application due to conflicting work commitments.

The Legal Adviser set out the options available to the Committee to either accede to the request and adjourn the matter to another occasion, or proceed with

determining the application in the absence of the applicant. The Committee was asked to be mindful of allowing the applicant the opportunity to set out their case to ensure a fair process and determination, and to consider that if it was decided to proceed in absence, and in the event the outcome was not in the applicant's favour, there was a risk of costs being awarded with a potential allegation that the licensing authority had been unreasonable in the circumstances. Consequently the legal advice was that members strongly consider an adjournment in this case.

The Committee considered the adjournment request together with the legal advice provided. The Committee decided to grant an adjournment in this case and then considered whether a special meeting should be convened to determine the application. After a brief debate it was agreed that determination of the application be deferred to the Committee's next scheduled meeting on 2 March 2022.

***RESOLVED*** that consideration of the application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 554278 be deferred to the next scheduled meeting of the Licensing Committee to be held on 2 March 2022.

The meeting concluded at 10.00 am.