



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 12 FEBRUARY 2019 at 5:30 pm

P R E S E N T:

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)
Councillor Singh Johal (Vice Chair)

Councillor Cank
Councillor Fonseca

Councillor Sangster
Councillor Shelton

Councillor Unsworth

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50. DECLARATIONS OF INTEREST

Members were asked to declare any interest they might have in the business to be discussed on the agenda. No such declarations were made.

51. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 23 October 2018 be approved as a correct record.

52. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

53. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

54. LICENSING AUTHORITY POWERS TO REVOKE OR SUSPEND PERSONAL LICENCES

The Director of Neighbourhood and Environmental Services submitted a report which advised the Committee of changes to the Licensing Act 2003 and introduced revised procedures. The Committee was recommended to note the content of the report and were asked to approve the general processes as set out in the appendices to the report and agree that any minor changes to the procedure could be agreed at officer level.

The Licensing Enforcement Manager presented the report. Members were informed that prior to 6 April 2017 only the Magistrates Court had the power to revoke or suspend personal licences, following which Section 138 of the Policing and Crime Act 2017 came into effect which made a change in the law which also gave local authorities the power to revoke or suspend personal licences. Any person with a personal licence would be affected by the change.

The Committee Members were asked to note that when officers were made aware of a conviction for a relevant offence or immigration penalty, the final decision to suspend or revoke a personal licence must be made by the Licensing Sub-Committee and could not be delegated to officer level. The process could only be started when a criminal prosecution or relevant disposal was complete and the appeal period had passed. The Police or Home Office could also make the Licensing Authority aware of relevant offences.

Members would have the option of four decisions at a hearing: to take no action; to issue a warning letter; to suspend the personal licence for a period not exceeding six months; to revoke the personal licence. The decision to revoke a licence was final. If any of the other options were made at a hearing, then by law the Police / Home Office would be written to for comment, either of which could also request revocation of the personal licence. A second hearing would be held for Members to consider the original information, the new representations from the Police / Home Office and give a final decision. Immigration was stipulated in the legislation as immigration offences, and the Home Office were a responsible authority under the Licensing Act.

The Chair said he did not object to the Council being charged with suspending and revoking licences, and supported the recommendations as outlined in the report.

RESOLVED:

That the Licensing and Public Safety Committee:

1. Note the contents of the report;
2. Approve the general processes as set out in Appendices A and B in the report;
3. Approve any minor changes to the procedure as required at officer level.

55. TAXI STRATEGY - UPDATE

The Director of Neighbourhood and Environmental Services submitted a report which informed the Committee of the work plan in relation to the Taxi Strategy. The Committee was recommended to note the report.

The Chief Licensing Officer presented the report. The Committee Members were informed that the taxi licensing policy was being updated to ensure it was fit for purpose, and to bring in improvements for the travelling public, trade and Council, including improvements to air quality. A number of draft deliverables had also been put before the Deputy City Mayor to be achieved by 2025. The proposed work programme would take account of work in progress, officer resources and election related constraints.

A discussion took place on the various aspects of the draft taxi strategy and the following points were raised:

- Committee Members would like to see better control of information with regards to data protection and that data protection training for taxi staff and drivers and how they hold information be provided before they were given a Hackney Carriage and Private Hire Vehicle Driver's Licence. Members were asked to note that for contract work the Passenger Transport System section dealt with school contracts. Any questions in relation to the control of information on school contracts should be directed to the council's Passenger Transport service. Further, for the tendering of contracts, the taxi company needed to be on a select list and will have signed data protection agreements.
- Members asked what happened to information that identified a person after a call, for example, name, address and phone number. The meeting was informed that taxi companies should have their own data protection procedures. It was agreed licensing officers would look into the point raised in more detail.
- Members requested an amendment be made to the report at 2.2 to allow the Licensing and Public Safety Committee to discuss with the Deputy City Mayor the draft Taxi Strategy, and that the Deputy City Mayor be invited to a future meeting of the Committee.

RESOLVED:

That:

- Members note the report
- In relation to paragraph 2.2 of the report Members of the Committee requested to be updated on and allowed to comment on the proposed Taxi Strategy.
- The Deputy City Mayor be invited to a future meeting of the Committee when the draft Taxi Strategy was presented.

56. ANY OTHER URGENT BUSINESS

The following points were raised:

- The Child Sexual Exploitation awareness course to be mandatory for taxi drivers and should be completed before a Hackney Carriage and Private Hire Vehicle Driver's Licence be issued. This would be included in the policy review as part of the work on the taxi strategy.
- The government launched consultation on new rules for licensing authorities outlining how they should use their powers to protect vulnerable passengers from harm. An update on statutory guidance was planned by the Department for Transport. The Government had responded to the Task and Finish Group's report on taxi and private hire vehicle licensing.

57. CLOSE OF MEETING

The meeting closed at 6.31 pm