

LICENSING COMMITTEE
05/06/2018 at 9.30 am



Present: Councillor Briggs (Chair)
Councillors M Bashforth, Byrne, Cosgrove, Garry, C. Gloster,
A Hussain, Malik, Moores, Price, Rehman and Shuttleworth

Also in Attendance:

Alan Evans	Group Solicitor, Oldham Metropolitan Borough Council (OMBC)
John Garforth	Trading Standards and Licensing Manager, OMBC
Fabiola Fuschi	Constitutional Services, OMBC

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. Alexander and Brock.

2 **URGENT BUSINESS**

An item of urgent business was introduced by the Trading Standards and Licensing Manager to inform the Committee of some amendments to the Oldham's Licensing Policy. According to the current policy, Oldham Council undertook various checks on applicants to ensure that they were "fit and proper person" to hold a private hire and/or hackney carriage licence. Currently, one of these tests was completed by the Driver and Vehicle Licensing Agency (DVLA).

The reason for urgency was determined by the fact that the Trading Standards and Licensing service had been notified, after the publication of today's agenda, that the DVLA would cease to carry out the checks on the applicants. Consequently, the current contract between Oldham Council and the DVLA had to be terminated and a new service provision would need to be sought.

The Committee was asked to consider the following options:

1. Officers to set up a new contract with the DVLA which would entail paying an upfront fee of £25,000 and £6.00 per applicant's check;
2. Each applicant would directly apply to the DVLA to undertake the relevant check;
3. Subject to Oldham Council's policies and procedures on procuring services, Officers to enter into a contract with a third party provider already holding a bulk contract with the DVLA and pay a certain amount per check as and when required. The same contractor would also provide Disclosure and Barring Service (DBS) checks.

Members sought and received clarification on the following points:

- Time to complete checks with third party provider – 24 hours;

- Previous cost of check per applicant – £1.00;
- Further checks linked to the same driver/application – Further checks would not incur in additional costs unless the task was onerous;
- Third party provider;
- Greater Manchester’s local authorities approach to applicants’ checks and other organisations in England;
- Licensing office and assistance for drivers – officers assisted drivers who needed to access on line services.

Options rejected:

Option 1 – This option would be too expensive for the Council;

Option 2 – This option would create delays in processing the applications.

Members agreed that Option 3 would be the most suitable and cost effective proposal for the Council.

It was **MOVED** by Councillor Gloster and **SECONDED** by Councillor Briggs that officers proceed to amend the Council’s Licensing Policy as per Option 3, outlined above.

RESOLVED that the amendments to Oldham’s Licensing Policy be agreed.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Licensing Committee meeting held on 6th March 2018 be approved as a correct record.

6 **LICENSING ANNUAL REPORT 2018**

Consideration was given to a report of the Trading Standards and Licensing Manager which sought to inform the committee of the activities undertaken to discharge the Council’s licensing functions during the period 1st April 2017 to 30th April 2018.

It was explained that the licensing function encompassed two strategic objectives:

- To work with businesses to ensure they were licensed and compliant;
- To ensure safe passenger journeys, in safe licensed vehicles with safe licensed drivers.

It was also explained that the legislation that underpinned the Council’s licensing function was the Licensing Act 2003 whose main objectives were:

- Prevention of crime and disorder;

- Prevention of public nuisance;
- Public safety;
- Protection of children from harm

The number of licensed premises under the Act for year ending 31st March 2018 were reported: these were 3531 in total. In the last 12 months, 8 applications to the Licensing Premises panel had been considered. It was also reported that 48 complaints had been received in relation to premises licenced under the Licensing Act 2003.

Applications under the Gambling Act 2005 continued to be in minor numbers and officers continued to work closely with the Gambling Commission to ensure compliance with licence conditions.

Trading Standards Officers continued to monitor premises where intelligence suggested attempts to purchase alcohol or other restricted goods by children. Figures relating to this issue were outlined in the report. Training would continue to be provided for all businesses regarding selling age restricted products.

With regards to the business of the Licensing Driver Panel, it was reported that since June 2017, a total of 37 hearings had been held: 32 for applications for new/renewal of licences and five for reviews of licences.

The details on the number of licences in force were provided as well as the figures concerning complaints and enforcement.

Members were also informed of current projects concerning the harmonisation of Private Hire and Hackney licensing policies across local authorities in Greater Manchester and recent changes in national legislation.

Members sought and received clarification / commented on the following points:

- Gambling Act 2005, limit to betting and social responsibility of licensee;
- Age restricted sales, data referred to separate premises;
- Complaints and enforcement, hackney carriage and private hire complaint type and outcomes;
- Private hire star rating scheme; up to date data to be published soon. Rating to be visible on the vehicle;
- Comparison with other areas in the country with a high number of licences issued;
- Other local authorities in Greater Manchester and opportunity for a shared taxi licensing policy;
- Second hand dealers registration and requirement to keep a book of transactions;
- Number of Pubwatch in the borough.
- Recruitment issues – the service was now fully staffed with a new Principal Licensing Officer who recently joined the team.

At this point in the proceedings, Councillor M. Bashforth, left the meeting.

The Committee commended the progress on the NVQ level 2 training scheme on road passenger transport. The policy had been introduced last year and required all taxi drivers in Oldham to complete the NVQ course as a mandatory condition of their licence.

RESOLVED that:

1. The report be noted;
2. The implications of the report be considered in future licensing decisions.

At this point in the proceedings, Councillor Cosgrove left the meeting which was adjourned for five minutes and resumed at 11.07 a.m.

7

COMPOSITION OF LICENSING PANELS

Consideration was given to the proposals, outlined in the report, for the composition of the Licencing Driver Panel and the Licensing Panels for the Municipal Year 2018/19.

The Chair informed the Committee that Councillor Malik remained a member of the Licensing Committee. However, he would not be able to be part of the Licensing Driver Panel. It was agreed that further consultation would be necessary in order to fill the remaining vacancy on this Panel.

It was also agreed that Councillor Garry replaced Councillor Marie Bashforth on the Licensing Panels scheduled for 11th September and 11th December 2018.

RESOLVED that, the composition of Panels for the Municipal Year 2018/19 be agreed as follows:

No.	Party	Councillor (8)	Dates of Future Meetings
1.	Lab	Briggs (C)	Tuesday 12th June 2018
2.	Lab	Cosgrove	Tuesday 3rd July 2018
3.	Lab	Vacant	Tuesday 4th September 2018
4.	Lab	Shuttleworth	Tuesday 2nd October 2018
5.	Lab	Garry	Tuesday 13th November 2018
6.	Lab	A Alexander	Tuesday 4th December 2018
7.	Lib Dem	Gloster	<u>2019</u>
			Tuesday 15th January 2019
			Tuesday 5th February 2019

			Tuesday 12th March 2019
			Tuesday 2nd April 2019



Oldham
Council

(a) Licensing Panels

5 Panels consisting of 3 Members, with all other Members of the Licensing Committee to serve as substitutes, as required: -

PANEL 1

No.	Councillor (3)	Dates of Future meetings
1.	Briggs	Tuesday 19th June 2018
2.	Malik	Tuesday 22nd January 2019
3.	Gloster	

PANEL 2

No.	Councillor (3)	Dates of Future Meetings
1.	Moores	Tuesday 10th July 2018
2.	Price	Tuesday 12th February 2019
3.	Byrne	

PANEL 3

No.	Councillor (3)	Dates of Future Meetings
1.	Garry	Tuesday 11th September 2018
2.	Shuttleworth	Tuesday 11th December 2018
3.	A. Hussain	

PANEL 4

No.	Councillor (3)	Dates of Future Meetings
1.	Moores	Tuesday 9th October 2018
2.	Brock	Tuesday 19th March 2019
3.	Gloster	

PANEL 5

No.	Councillor (3)	Dates of Future Meetings
1.	Shuttleworth	Tuesday 20th November 2018
2.	Rehman	Tuesday 9th April 2019
3.	Byrne	

(Please note that all Licensing Panels will be held at the Civic Centre, Oldham)

The meeting started at 9.30 am and ended at 11.25 am