

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House on 4 November
2015**

+ Cllr Bill Chapman (Chairman)
+ Cllr Ian Sams (Vice Chairman)

+ Cllr Nick Chambers	+ Cllr Jonathan Lytle
+ Cllr Mrs Vivienne Chapman	+ Cllr Bruce Mansell
+ Cllr Surinder Gandhum	+ Cllr Nic Price
+ Cllr Ruth Hutchinson	+ Cllr Conrad Sturt
+ Cllr Paul Ilnicki	- Cllr Pat Tedder
+ Cllr Rebecca Jennings-Evans	- Cllr Valerie White
+ Cllr Oliver Lewis	

+ Present
- Apologies for absence presented

In Attendance: Cllr Alan McClafferty

9/L Minutes

The minutes of the meeting held on 9 September 2015 were confirmed and signed by the Chairman.

10/L Taxi Licensing - Deregulation Act 2015

The Committee was informed that the Deregulation Act 2015 had been introduced to remove or reduce unnecessary burdens on businesses, individuals, public authorities and taxpayers.

Section 10 of the Act, which related to the duration of Hackney Carriage and Private Hire driving licences, as well as Private Hire operator's licenses, had confirmed the default duration of the driving licences as 3 years and the operator's licence as 5 years. As the Council currently granted licences for one year only, it was therefore proposed to increase the default licence to comply with the new law.

Members were advised that all licensed drivers were currently required to undergo triennial criminal record checks with the Disclosure and Barring Service. Licensed drivers were required to notify the Council of the details of any conviction imposed on them during the period of their licence. In addition, the Licensing Team received any relevant notifications from the Police which, if necessary, could lead to a licence being suspended or revoked.

Drivers were also required to undergo a medical examination every 3 years, although the checks were required on an annual basis upon reaching 60 years of age or at any age on the recommendation of a medical practitioner.

The Committee considered that, where there was less than 3 years remaining on a current check or an annual examination was required, a licence should only be granted for one year. It was also recognised that there may be some

circumstances where a driver would have reason to request a licence for only one year, for example where they were approaching retirement or looking for a change in career, and that request should usually be permitted. In all such cases a reason for this decision would be recorded.

It was proposed that, for the remainder of the financial year, where a licence was granted for a period longer than a year, the fee charged would be increased on a pro rata basis. The fees for the next financial year would be set at a future meeting.

RESOLVED that

- (i) licensed hackney carriage and private hire drivers continue to be subject to a triennial criminal record check, driving licence check and medical examination in order to maintain the integrity of the 'fit and proper' standard and that in circumstances where there is less than three years left before further checks are required the duration of a hackney carriage or private hire drivers licence be reduced accordingly;**
- (ii) in circumstances where a private hire operator is not a licensed driver a criminal record check be required every 3 years;**
- (iii) subject to the statutory advertisement and consultation period, for the remainder of the current financial year, where a licence is granted for a period longer than one year the fee charged be also increased on a pro rata basis and that future fees be set at a future meeting; and**
- (iv) in circumstances where a licensed driver or private hire operator requests a licence for only one year rather than a longer period then that request be usually permitted in the exercise of discretion.**

11/L Food Standards Agency Audit

The Committee was informed that the Food Standards Agency (FSA) set minimum standards of performance which all local authorities responsible for food law enforcement were expected to meet. The Local Authority Audit Scheme was the process by which the FSA conducted a qualitative assessment of local authority performance.

A focussed audit of the controls the Council's food service had in place to deal with Incidents and Alerts had been carried out in July 2015. Members noted the FSA's audit report, which reflected the positive feedback which had been delivered by the auditors during their visit. The Executive Summary of the report stated that "the Authority was found to be delivering a range of food law enforcement activities in accordance with the statutory obligations placed on the Authority as a competent food authority. These were generally delivered according to prescribed timescales by experienced professional staff."

The FSA had made 4 recommendations which had been agreed with the Council. Two of these recommendations had already been completed and submitted to the FSA for approval. Of the 2 outstanding, the recommendation relating to the service plan containing clear information on resources would be addressed in the next Food Safety Service Plan and the recommendation concerning a review of the enforcement plan would be addressed shortly.

RESOLVED to note the contents of the Food Standard Agency's Audit Report.

12/L Statement of Licensing Policy

The Committee was reminded that, in accordance with the Licensing Act 2003, all licensing authorities were required to have a Statement of Licensing Policy. A Statement of Licensing Policy was in force for a 5 year period.

The Council was in the process of reviewing and updating the existing policy. A 6 week consultation would commence on 6 November 2015. Members were advised that a list of prescribed consultees was contained in statutory guidance.

It was noted that the Cumulative Impact Policy covering Camberley Town Centre would be reviewed as part of the consultation.

Following the consultation, an additional committee meeting would be held to consider any comments received and to review the draft Statement of Licensing Policy.

RESOLVED to note the update.

13/L Licensing Act 2003 - Summary of Decisions

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons.

Chairman