

To: General Purposes Licensing Committee

Date: 21st May 2013

Report of: Head of Law and Governance

Title of Report: GENERAL PURPOSES LICENSING COMMITTEE – APPOINTMENT OF SUB-COMMITTEES

Summary and Recommendations

Purpose of report: To establish Sub-Committees for the 2013 - 14 Council Year to deal with the casework flowing from the Committee's own responsibilities.

Report approved by:

Legal: Daniel Smith

Policy Framework: Not applicable

Recommendation(s): The Committee is RECOMMENDED to:-

- (1)(a) establish a Hackney Carriages and Private Hire Licensing Sub-Committee for the Council Year 2013 - 14, to agree its powers and duties and to appoint members to it on the basis of political balance;
- (b) note that the quorum for the Hackney Carriages and Private Hire Licensing Sub-Committee is two and to agree the proviso that the Sub-committee can only proceed on this basis if the person appearing before the Sub-Committee agrees;
- (2)(a) establish a Licensing and Registration Sub-Committee for the Council Year 2013 - 14, to agree its powers and duties and to appoint members to it on the basis of political balance;
- (b) note that the quorum for the Licensing and Registration Sub-Committee is two and to agree to the introduction of a proviso that the Sub-committee can only proceed at quorum or with three members if the person appearing before the Sub-Committee agrees;
- (3) agree that substitution is permitted on the two sub-committees but that substitutes must be from the Committee itself.

1. For the 2012 – 13 Council Year the Committee established two sub-committees, a Hackney Carriages and Private Hire Licensing Sub-Committee and a Licensing and Registration Sub-Committee. This report is recommending the re-establishment of both sub-committees.

HACKNEY CARRIAGES AND PRIVATE HIRE LICENSING

2. The powers and duties of a Hackney Carriages and Private Hire Licensing Sub-Committee are set out in Annex 1 to this report. The Sub-Committee is essentially a body that deals with casework.
3. Last year three members were appointed to the Sub-Committee with two members appointed as standing substitutes for two of the appointed members. For this year I suggest that substitution is more widely drawn, namely that any member of the Committee may act as substitute. The Sub-Committee should be politically balanced. If three members are appointed to serve on it this year, the political balance will need to be 2 Labour and 1 Liberal Democrat members. If the Committee wishes to appoint a different number of members, I will report orally on the political balance requirement.
4. The Constitution provides for the Sub-Committee to be quorate if only two members are present. However the procedures that relate to the Sub-Committee say that in those circumstances the Sub-Committee can only go ahead if the person appearing before it agrees. The Committee is being recommended to agree to this proviso, and if it accepts the recommendation the Constitution will be amended accordingly.
5. Dates have been set for meetings of the Sub-Committee and they are set out in Appendix 1.

OTHER LICENSING MATTERS

6. The powers and duties of a Licensing and Registration Sub-Committee are set out in Annex 2 to this report. The Sub-Committee is essentially a body that deals with casework.
7. Last year, four members were appointed to the Sub-Committee. The Sub-Committee should, be politically balanced. If four members are appointed to serve on it this year, the political balance will need to be 2 Labour and 2 Liberal Democrat members. If the Committee wishes to appoint a different number of members, I will report orally on the political balance required. The substitution arrangements referred to above for the Hackney Carriages Sub-Committee should apply to this Sub-Committee with the addition that if the Sub-committee is at quorum or three members it can only proceed if the person appearing before it agrees.
8. No dates have been fixed for the Sub-Committee. Its business cannot be predicted. It will meet as and when required.

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Background papers: None

Version number: 3

HACKNEY CARRIAGES AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Powers and Duties

1. To deal with cases concerning applicants for or holders of taxi, private hire or other driver or vehicle licences brought to the sub-committee by officers
2. To decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has a conviction and the relevant service head has concerns about the nature of the offence or the applicant or the vehicle may not be suitable for some other reason
3. To withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

Dates of Meetings (all at 5.00 pm)

18th June 2013
30th July
17th September
29th October
17th December
28th January 2014
18th March
29th April

LICENSING AND REGISTRATION SUB-COMMITTEE

1. To decide sex establishment licence applications when there are objections
2. To decide street trading applications that are for longer than three months.
3. To decide applications to renew street trading permissions when there has been a complaint about the trader, or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.

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