

Licensing Committee

7 SEPTEMBER 2015

PRESENT: Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), P Cooper, A Huxley, S Lambert, T Mills, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

2. MINUTES

RESOLVED –

That the minutes of 6 July 2015 be approved as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Peter Cooper declared a personal interest in item 4 – Licensing Act 2003 – Review of Licensing Policy as a member and officer of the Queens Park centre, Aylesbury and as area co-ordinator of the South Central Ambulance League of Friends.

4. LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

The Licensing Act 2003, required the Council to prepare and publish a statement of its Licensing policy every five years. Until recently this had happened every three years; in 2005, 2008 and 2011. Although Aylesbury Vale District Council had until 2016 to review its current policy, it was felt that given there had been significant changes in legislation and statutory, that a thorough review should be undertaken before 2016.

The current policy had proved successful, particularly as it applied to Aylesbury town centre. The saturation policy had been commended by the Association of Town Centre Management's Purple Flag awards.

In drafting the current draft policy it had been the intention to reflect the Council's vision for the night time economy particularly in the Vale's town centres and to promote standards by setting out the councils expectations of business practice through licensing mechanisms. A restraint policy for Aylesbury town centre had proved successful and a similar approach had been prepared for Buckingham town centre which also sought to restrain later hours. If agreed at Council, this would take affect from January 2016.

Consultation on the draft policy had commenced in March 2015. As well as publication on the Councils website, a copy had been sent to Thames Valley Police, all responsible authorities, District Councillors, all parish and town councils, various multi-agency groups and other interested parties. All licensees with a premises licence or club premises certificate were also written to. A copy of the draft policy was attached to the report as an appendix.

As the policy contains specific restraint policies in relation to the towns of Aylesbury and Buckingham meetings had been organised in both towns, to which all interested parties were invited. Unfortunately the Aylesbury meeting was not well attended with only one representative of the licensing trade being present alongside representatives of the Town Council and Aylesbury Old Town Residents.

The Buckingham meeting had been much better attended, with a number of licensees, members of the Town Council, the Neighbourhood Action Group and a district councillor being present. All those present supported the proposal to restrain trading hours late at night.

Notes circulated at the meetings demonstrating the Council's genuine intention to engage and consult at a formative stage of the proposal were attached as an appendix to the report. Also attached as an appendix was a schedule of the responses received during the consultation phase. Another appendix to the report covered the public health view on alcohol in AVDC. The full representations received from solicitors representing Fever and Boutique, a response from Thames Valley Police and supporting documentation, and a representation from another premises within the saturation policy area were also appended.

Members commented and sought clarification on a number of mostly minor issues. They felt that it would be useful for a map of Buckingham to be produced showing the area of restraint. This would be particularly useful for sub-committee hearings. Members also suggested amendments for the final draft policy which had been included from the original 2003 version but were either no longer relevant or needed rewording. They requested that these amendments be included in the final draft to Environment and Living Scrutiny Committee on 22 September, and Council on 21 October.

RESOLVED –

1. That the Licensing committee noted the responses received in relation to the consultation of the draft 2016 Licensing Policy Statement and subject to minor amendments to be delegated to the Licensing Services Manager to settle the wording, agreed the Policy Statement as set out in an appendix to the report.
2. That following consultation with the Environment and Living Scrutiny Committee, the Licensing Committee recommended that Council adopt the reviewed Licensing Policy Statement.

5. REVIEW OF POLICY ON CRIMINAL CONDUCT AND UNACCEPTABLE BEHAVIOUR OF TAXI DRIVERS AND NEW APPLICANTS AND THE FIT AND PROPER TEST

In July 2015, the Licensing Committee received and discussed a report relating to the licensing of taxi and private hire drivers and operators and the need to ensure that the Council were satisfied that applicants were "fit and proper". When looking at new applications, AVDC's officers were reliant on the enhanced disclosure information provided by the Disclosure and Barring Service. At the same time officers also received information, intelligence and complaints from a number of sources relating to existing drivers and referred to the Council's policy on criminal conduct and behaviour for guidance.

Officers had sought to make revisions to this policy and Members had authorised the Licensing Services Manager to consult on the revised document before drafting a final policy for Cabinet Member approval.

The consultation had been carried out with Thames Valley Police, BCC's Children and Family Services, the Safeguarding and Compliance Officer at AMEY, the District Council's Safeguarding Group and the taxi and private hire trade. When consulting with Thames Valley Police, attention had been drawn to the use of 'certificates of good character' where the use of the Disclosure and Barring Service was inappropriate.

The Local Police Area Commander had provided advise on the section in the draft policy relating to 'non-conviction information' and in particular the disclosure of arrests. The police had no experience of or opinion on the use of 'certificates of good character'; however their use was consistent with other licensing authorities.

The only other comments received during the consultation period were from the Environmental Health and Licensing Manager. The revised policy which contained all relevant suggestions had been attached to the report as an appendix.

Once the policy had received Cabinet Member approval, it would be attached as Appendix 10 to the Council's Taxi and Private Hire Policy. Although the whole policy would be due for review starting in November 2015, it had been felt prudent that this section be reviewed earlier than the rest of the document.

RESOLVED –

1. Members noted the comments received during the consultation period on the draft policy on criminal conduct and unacceptable behaviour of taxi drivers and new applicants and the fit and proper test; and
2. That the revised policy be recommended for approval by the Cabinet Member for Environment and Waste, subject to the changes received during the consultation period.