

LICENSING COMMITTEE

23 September 2014

Present:

Councillor Catherine Dawson (Chair)

Councillors Laws, Brimble, Clark, George, Fullam, Henson, Holland, Newby, Shiel and Tippins

Apologies:

Councillors Choules, Crew and Pearson

Also present:

Assistant Director Environment, Corporate Manager - Legal, Environmental Health Manager, Principal Licensing Officer and Democratic Services Officer (Committees) (HB)

27 **Minutes**

The minutes of the meeting held on 13 May 2014 were taken as read and signed by the Chair as a correct record.

28 **Declarations of Interest**

No declarations of interest were made by Members.

29 **Consultation on the Licensing Act 2003 - Statement of Licensing Policy**

The Environmental Health and Licensing Manager presented the report explaining the background to the review of the City Council's current Statement of Licensing Policy which had come into effect in January 2011. There is a legal requirement to review the policy every five years. Exeter City Council's policy needs to be reviewed by 2016. It is therefore necessary to commence consultation work on a draft policy document.

The Policy had been drafted following meetings of four Member focus groups examining the following aspects of the broader licensing agenda:-

- Night-time economy;
- Voluntary tools;
- Standard conditions; and
- Regulatory tools.

The Assistant Director Environment stated that slight amendments would be made to a number of paragraphs including 2.4, 2.5, 2.8, 3.2 and 3.4 and advised that the revised wording would be circulated to Members prior to the document being sent out to consultation.

The Assistant Director Environment, Environmental Health and Licensing Manager and Principal Licensing Officer responded to Members queries on the draft

document, clarifying the various paragraphs and confirming that some would be re-worded before submission to public consultation.

In response to a Member's query relating to adequate public notice being given to proposals in respect of premises licences, Members were advised that there was a statutory duty on each Applicant to advertise the proposals, including publishing the application in the local newspaper, as well as posting on the premises. Members were advised not to extend notification to neighbouring premises since inadvertent failure to include every neighbour in the extended notification was likely to leave the Council open to challenge.

The Corporate Manager Legal explained that the Licensing Committee was not a consultee but, rather, it was obliged to consult on its draft Policy Statement which may subsequently be revised following the consultation process.

The Committee was required to have regard to but was not bound by comments and views which may be put forward through the consultation process.

The Chair thanked the Principal Licensing Officer for his work on the preparation of the Draft Statement and invited Members to pass any further comments to officers prior to the consultation beginning.

RESOLVED that:-

- (1) the Draft Statement of Licensing Policy be agreed for public consultation, to follow the suggested timetable below;
 - 12 December 2014 - Consultation period ends;
 - 3 February 2015 - Licensing Act Policy (amended as necessary) to Licensing Committee with recommendation for approval to Council;
 - 17 March 2015 - Licensing Policy to Executive; and
 - 21 April 2015 - Licensing Policy to Council for final approval;
- (2) the Assistant Director Environment be authorised to make minor amendments to the draft document prior to the commencement of the public consultation; and
- (3) the results of the public consultation be brought back to this Committee for consideration.

30 Modification to Driving Test

The Principal Licensing Officer presented the report outlining a proposal to modify the policy requirement for drivers who are convicted of motoring offences relating to poor driving standards. The proposal would require licensed drivers, in appropriate circumstances, to take an enhanced driving test with specialist driving trainers such as the Devon Travel Academy.

The current policy requires any driver who attained six penalty points in a year or nine penalty points over a three year period to undertake and pass a driving test. While this acts as a deterrent to drivers, it did not add significantly to public safety and did little to help drivers address poor driving habits and standards that led to the convictions in the first place. The availability of this option, as opposed to the usual pass or fail with no feed-back, had come to light when a licensed driver lost his licence and sought to get his licence back to support his family as soon as possible.

The Chair welcomed Jeremy Phillips, Devon County Council Road Safety Operations and Partnership and Programme Manager, who explained the work of the Devon Travel Academy which was developing the site of the County Council Devon Drivers Centre at Westpoint. Mr Phillips stated that the Drivers Centre was highly regarded and had been operational for some 20 years. As well as providing continued professional development and advanced training for those companies with vehicle fleets who sought the highest standards in their drivers, the Centre also provided personal driving skills improvement programmes. The latter was particularly relevant for individuals with penalty points and those who needed to re-train to avoid prosecution.

The Council would be provided with reports on those undertaking the courses and vehicle checks would also be carried out.

Members were supportive of improving the standard of drivers within the taxi trade and were advised that, if they experienced problems during taxi journeys, these should be reported to the Licensing Authority.

RESOLVED that:-

- (1) the Assistant Director Environment be authorised to determine whether a driver who attains six penalty points in a year or nine penalty points over three years should be required to undertake an enhanced driving test with specialist driving trainers at the Devon Travel Academy at Westpoint or any other approved Driving School; and
- (2) the statistics relating to driving standards of taxi drivers including those referred to driving schools be included in the report on delegated actions to be presented to future meetings of this Committee.

The meeting commenced at 5.30 pm and closed at 6.40 pm

Chair