

**Minutes of the meeting of the Scrutiny Committee for Leisure and
Community held on 15 September 2015 from
7:00 p.m. to 8:00 p.m.**

Present: Jacqui Landriani (Chairman)
Mandy Thomas-Atkin (Vice Chairman)

Margaret Belsey	Cherry Catharine	Chris King*
Liz Bennett	Sandy Ellis	Anthea Lea
Anne Boutrup	Colin Holden	Howard Mundin
Pete Bradbury*	Anne Jones MBE	Kirsty Page
		Dick Sweatman

* Absent

Also Present (as an appointed substitute): Councillors Mockford and Wyan.

Also Present: Councillors Moore and Webster.

**11. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE
RULE 4**

The Committee noted that, in accordance with Council Procedure Rule 4, Councillor Norman Mockford replaced Councillor Pete Bradbury and Councillor Peter Wyan replaced Councillor Chris King for the duration of the meeting.

12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bradbury and King.

13. DECLARATIONS OF INTEREST

None.

14. MINUTES

The Minutes of the previous meeting held on 23 June 2015 were agreed as a correct record and signed by the Chairman.

**15. URGENT BUSINESS – HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING
POLICY**

The Chairman advised that this report was being considered as an urgent item as consultation responses had been received after the publication of the Committee papers.

Lynne Standing, the Head of Housing, Environmental Health and Building Control introduced the report and advised that this new policy needs to be in effect from 1 October 2015 and will also be considered by Council on 23 September 2015.

She drew Members' attention to paragraphs 6 – 14 of the report which detailed the main issues raised from the consultation responses and it was noted that two requirements, age of vehicle and colour of vehicle, had been discussed in detail at previous Committees. She went on to say that one issue that had been highlighted

by the consultation and discussed at the previous meeting was the requirement for drivers to have a good command of the English Language.

The Head of Service reminded Members that all drivers had to pass a written knowledge test which was conducted in English but officers were consulting with other local authorities and the National Association of Licensing and Enforcement Officers about implementing an oral English test for drivers. She advised that following consultation with Legal any such pre-condition for a driver to obtain a licence would need to be incorporated into the policy and that this could be done at any time, rather than waiting for the next regular policy review. Any such proposals would therefore come back to this Committee for further scrutiny.

The Chairman advised Members that there was an error on Section 3 of the policy on page 5 which should state that the Policy will come into effect on 1 October 2015.

The Chairman informed Members that she and other Members of the Licensing Committee had attended a helpful meeting at East Grinstead along with the Portfolio Holder, to discuss concerns about the professionalism of the taxi service in their area.

One Member welcomed the decision to look into better command of English for drivers and felt that written English also needed to be tested due to the difficulties of place names. The Head of Service advised that testing drivers' ability to understand specific place names might be difficult and again reminded Members that drivers are currently required to complete a written knowledge test conducted in English.

Another Member referenced paragraph 11 of the report and questioned the physical fitness of certain drivers in East Grinstead. Franca Currall, Council Solicitor clarified that in this context the definition of "fitness" meant moral character. The Head of Service also confirmed that all drivers must pass a medical every 5 years and drivers over 65 must pass a medical annually.

One Member asked that under the new policy as licences will be granted every 3 or 5 years whether in the interim officers would carry out annual checks with the DVLA to check that there are no conditions on drivers' licences. Yvonne Leddy, Business Unit Leader for Environmental Health and Building Control, advised that officers would continue to carry out annual checks and that drivers are required to inform the Council of any conditions they have received.

In response to a question raised by a Member about drivers accused of sexual offences, the Business Unit Leader confirmed that on receipt of an application for a licence they must complete a DBS check and anyone convicted of a sexual offence would not be granted a licence. In the case of a licensed driver who is accused of a sexual offence the Council would suspend the licence immediately and the Licensing Sub-Committee would be called to consider all the evidence and make a final decision. The Council Solicitor confirmed that in the case of serious crimes the licence is revoked immediately and in other cases the Sub-Committee would make a judgement based on the evidence brought before them.

Another Member raised concerns that the Council was reliant on drivers to inform the Council of any convictions or conditions on their driving licence that they might receive and asked whether the Council needed to be proactively carrying out checks on drivers. The Business Unit Leader confirmed that they would continue to carry out annual checks on all drivers.

The Vice-Chairman asked a series of questions around legislating taxi ordering mobile apps, stretch limousines and the requirements for wheelchair access. The Head of Service advised that stretch limousines are not currently covered under government legislation so the Council has no powers to licence these vehicles.

She advised that with regards to wheelchair access there are currently 32 Hackney Carriage vehicles and 2-3 Private Hire vehicles which meet these requirements and went on to say that each vehicle is adapted differently to meet different needs from being able to store collapsible wheelchairs to allowing passengers to sit in their wheelchairs during transit. She also advised that regular users will contact a particular driver to suit their needs and in response to a further question confirmed that all drivers with wheelchair access vehicles are required to undergo specialist training.

The Business Unit Leader advised that the current legislation is out of date and does not encompass the new emerging mobile apps but advised that the policy is a living document and can be updated and reviewed by the Committee in the future when new regulation is brought into effect.

One Member asked a question about the problems at Haywards Heath Station with Hackney Carriages licensed by Wealden District Council picking up people at the station. They also asked about the training of council officers in dealing with drivers and their safeguarding duties. The Chairman noted that the issue at Haywards Heath Station was very well known to officers of both Councils and work was being done to resolve this issue.

The Business Unit Leader advised that the Council's Taxi Licensing Officer is very highly trained and carries out routine tests and checks at taxi ranks and has previously worked for the Police. In response to further comments raised by the Cabinet Member for Leisure and Sustainability, the Business Unit Leader confirmed that drivers are given adequate training on how to help disabled passengers use their vehicles and advised Members to raise any complaints or concerns they might have with officers so that these can be investigated and resolved.

A couple of Members asked questions around child seats and whether taxis needed to conform to certain specifications to accommodate these seats. The Business Unit Leader advised that the current legislation requires parents to be responsible for providing car seats for young children.

One Member asked a question on how the Council assesses the correct figure of wheelchair accessible vehicles for the district. The Business Unit Leader replied that every 3 years the Council conducts a Needs Assessment Survey in order to determine the maximum number of Hackney Carriages needed and within that survey the correct number of wheelchair accessible vehicles are also identified. She went on to say that the Council was confident that the current figure of 32 Hackney Carriage vehicles is sufficient for the district.

The Cabinet Member for Health and Community reminded Members that the Council had used principals to guide them in the development of the policy which had included assisting in safe public transportation but also providing professional Hackney Carriage and Private Hire drivers. He went on to say that through the close communication between the Taxi Licensing Officer and drivers any issues are picked up and dealt with immediately.

The Cabinet Member for Health and Community thanked officers for their work in bringing the policy forward in such a short time and Members for their diligent scrutiny work. He urged Members to support the recommendations.

The Chairman reminded Members that the policy was a “living document” and therefore could come back to the Committee for further changes and amendments when required and then took Members to the recommendations which were agreed unanimously.

RESOLVED

That the Scrutiny Committee agreed to: -

- (1) Note the response to the public consultation on the Draft Hackney Carriage and Private Hire Licensing Policy; and
- (2) Endorse the Draft Hackney Carriage and Private Hire Licensing Policy at Appendix 1.

16. STATEMENT OF GAMBLING POLICY

The Business Unit Leader for Environmental Health and Building Control introduced the report. She advised that since 2005 the Government has required local authorities to have a policy to deal with licensing gambling premises in their area. She advised that the Committee were considering the 4th edition of the policy and that there were only minor alterations and that Mid Sussex had a very low level of gambling activity.

The Business Unit Leader advised that the Council was responsible for licensing gambling premises only and that gambling activity is regulated by the Gambling Commission. She went on to say that the policy was designed to regulate the way operators carried out their business in the district and to prevent crime and disorder and protect children and vulnerable adults. She advised Members that the policy clearly sets out what the Council expects from business owners and that through risk assessments they are able to operate within the parameters of the policy.

The Vice-Chairman asked about the use of CCTV and what were the required timescales for retaining the footage. The Business Unit Leader confirmed that it was a requirement of the licence for all businesses to install and maintain CCTV and to retain the footage for 30 days. Another Member commented that the use of CCTV will help establishments to be more vigilant about potential underage customers.

One Member asked whether Bingo Clubs were required to obtain a licence and the difference between a family gaming centre and an adult gaming centre. The Business Unit Leader confirmed that Bingo Clubs were covered by the policy and that difference between the two gaming centres was around the type of machines that were used.

The Member also supported section 28 of the policy concerning door supervisors and said this was important with regards to the protection of underage customers. The Business Unit Leader advised that all businesses applying for a licence have to clearly advertise their application at the premises and consult with the police who will not allow the licence to be granted without adequate door supervision. She advised that with regards to the quality of the door supervisors there was an industry code

which businesses would need to comply with and any training needs would need to be highlighted and addressed at risk assessment stage.

Another Member asked why Age Concern UK was not on the list of consultees for the policy as some older people could be classed as vulnerable. The Business Unit Leader advised that Age Concern UK was not one of the statutory bodies that the Council were required to consult with but the policy will be open to anybody to respond to when it goes out for public consultation.

The Cabinet Member for Health and Community said that incidents of problems with gambling activity are usually indicators of the economic health of an area and advised that this could explain why Mid Sussex had a low level of gambling activity. He went on to say that the work the Council has undertaken to reduce unemployment and attract high skill workers has helped improve Mid Sussex's economy.

The Cabinet Member for Health and Community agreed with the comments raised by Members about door supervisors and it was important to monitor this within the scope of the policy. He thanked Members for their work and encouraged them to engage with communities and ask them provide their responses to the consultation.

The Chairman asked why online gaming was not covered in the policy. The Business Unit Leader advised that this fell outside the remit of the Council's responsibilities as it was responsible for licensing premises and ensuring that businesses conducted their business properly.

The Chairman thanked officers for their work and took Members to the recommendation which was agreed unanimously.

RESOLVED

That the Scrutiny Committee agreed to endorse the Draft policy for Gambling at Appendix 1 before it is issued for public consultation.

17. SCRUTINY COMMITTEE FOR LEISURE AND COMMUNITY WORK PROGRAMME 2015/16

The Chairman took Members through the work programme for the forthcoming year. She advised that due to timescales for certain work streams some items have been moved to the November and January meetings of the Committee. It was noted that the work programme would be reviewed at the end of every meeting.

As there were no comments, the Chairman took Members to the recommendation which was noted.

RESOLVED

That the Committee notes the Committee Work Programme as outlined in the report.

Chairman