

UPDATE TO LICENSING COMMITTEE ON LICENSING ISSUES THAT AROSE IN 2018

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Franca Currall Solicitor Legal Services
Email: franca.currall@midsussex.gov.uk Tel: 01444 477484

Wards Affected: All

Key Decision No

Purpose of Report

- 1 To update the Licensing Committee regarding the Licensing matters that arose in 2018

Summary

- 2 The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 came into effect. These Regulations replace a number of Acts and Regulations covering the protection of domestic animals such as dogs, cats and horses. It covers amongst other things the licensing of home boarders for dogs and cats, licensing for dog breeding and selling dogs and the licensing for the hiring out of horses.
- 3 The Council's Gambling Policy was reviewed and updated during the year. This is a Policy that needs to be reviewed every 3 years.
- 4 The Liquor Licensing Panel meet once in 2018 to consider a variation to a Club Certificate. The application was refused.
- 5 Licensing Sub Committee- A which deals with reviewing Hackney Carriage and Private Hire Licensing of Drivers, Vehicles and Operators Licences. This Committee met 5 times in 2018 to consider 10 driver matters. There was also the immediate revocation by officers of 3 drivers' licences on the grounds of public safety.
6. The Licensing Committee considered a draft Code of Conduct for Hackney Carriage and Private Hire Drivers which was agreed at Council on the 30th January 2019.
7. There were 3 prosecutions of licensed drivers.
8. The Licensing Committee considered and noted the following matters, fare increase, electric vehicles, Penalty Points Scheme update, consideration of the 10 year vehicle age policy which came in October 2017 looking at how many vehicles were now white. Report of the Unmet demand survey.

Recommendations

This report is for information purposes and the Licensing Committee to notes its contents.

Background

9. Animal Welfare Regulations (came into force on 1st October 2018.)

The Licensing Team have been working to ensure the procedures for individuals and businesses that need their activities to be licensed are in place. This has been a large undertaking as activities that had previously not been required to be licensed now require licensing. This has involved a large number of premises to be inspected as part of the licensing requirements.

10. The Licensing Sub Committee A

This Committee 5 times in 2018 and 10 drivers appeared before it for consideration as to whether they were 'fit and proper' to hold their respective licences. The matters before the Committee were varied and the details are as set out below:

Using a mobile phone whilst driving and having defective tyres- Licence suspended for 2 weeks.

Abusive and rude towards customers- Licence revoked- This decision was appealed but the appeal to the Magistrates Court was withdrawn.

Application to be licensed. Had previously been licensed with another Council and that licence had been revoked for using a vehicle with no insurance. Application allowed to proceed.

Refusal to take a Guide Dog. Driver had been prosecuted and pleaded guilty. The Committee suspended the driver licence for 2 weeks.

Application to be licensed. Application refused as held not to be a 'fit and proper person'.

Application to be licensed. Application allowed to proceed.

Using a licensed vehicle without a valid MOT- Licences (drivers and vehicle revoked) Appealed to the Magistrates Court but appeal details incomplete and Court struck it out.

Refusal of application for drivers licence as not considered a 'fit and proper person' Appealed to the Magistrates Court against this decision. The Court dismissed the Appeal Full costs awarded to the Council.

Refusal to assist a wheelchair customer and refusal of another vulnerable passenger. Licence revoked appeal lodged at the Magistrates and Appeal hearing will be held at Horsham Magistrates Court on the 15th April 2019.

Police caution for failing to stop at a level crossing. A Formal Written Warning as to future conduct was issued. The Formal Warning to remain on the drivers licence for 24 months.

The 3 drivers had their licences revoked by officers were for the following

reasons:

Failure to disclose on an application that they had held previous licences that had been revoked by another licensing authority and were acting as an Private Hire Operator without an Operator's Licence.

Driver no longer had the right to work in the UK.

Driver charged with excess alcohol and possession of an offensive weapon.

11. Prosecutions

There were three prosecutions in 2018 and all of them were for refusing to take a guide dogs.

Two drivers were found guilty or pleaded guilty and one driver was found not guilty.

12. Officer Enforcement

13 Section 68 Suspension Notices were issued due to licensed vehicles found to be unfit for various reasons.

Penalty points were issued to 16 drivers for various matters.

Compliance checks were made on 84 vehicles out of 384 licensed vehicles (22% of licensed vehicles).

13. Members Licensing Training

The annual licensing member training took place on the 11th September 2018
This training aims to update members on both Licensing Act 2003 matters and Taxi Licensing law and cases.

For 2019 a new format of training is being considered and details will be sent to all Licensing Committee Members post May 2019