

Minutes

of the Meeting of

The Licensing Committee

Tuesday, 31 October 2023

Kenn Room

Meeting Commenced: 11.00 am

Meeting Concluded: 12.00 pm

Councillors:

Stuart Davies (Chairperson)

Peter Burden

Jemma Coles

John Crockford-Hawley

Ian Parker (11:41am arrival)

Robert Payne

Mike Solomon (11:58am arrival)

Dan Thomas

Richard Tucker

Roger Whitfield (substitute for Nicola Holland)

Apologies: Councillors: Nicola Holland, Marcia Pepperall and Bridget Petty.

Absent: Councillors: Peter Bryant, Clare Hunt and Martin Williams.

Officers in attendance: Sara Saunders (Solicitor and Senior Legal Advisor), Sioux Isherwood (Head of Licensing), Kellie Trego (Senior Licensing Officer) and Jessika Robinson (Committee Services Support Officer).

LIC12 Declaration of Disclosable Pecuniary Interest (Standing Order 37)

None.

LIC13 Minutes

Resolved: that the minutes of the Licensing Committee held on Tuesday 7 March 2023 be approved as a correct record.

LIC14 Mid-year Report for the Administration and Enforcement of all Licensing Regimes (Agenda item 6)

The Director of Public Health and Regulatory Services' representative presented the mid-year Report for the Administration and Enforcement of all Licensing Regimes.

The report outlined revisions to Licensing Policies following a period of public consultation. The Licensing Committee were invited to consider the revisions and recommendations made for these to be adopted by North Somerset Council.

The report also highlighted activities and current challenges to the administration of the licensing regimes undertaken by the Council Licensing Team in this financial year.

Members were invited to review responses to the public consultation exercises carried out regarding the Sex Establishments Policy and the Taxi & Private Hire Policy. The matters raised were discussed and any changes to the draft policy agreed by the Committee.

In relation to the Sex Establishment policy, members noted that the moral issue of establishments existing was not within their remit to determine and as such were satisfied that the draft policy be forwarded to full council for adoption without changes.

The Taxi & Private Hire Policy drew relevant responses, and these were discussed, and a consensus reached for acceptance or alterations to the draft policy.

<p>Section 4.5 – Age of vehicle at first licence</p>	<p>The current policy permits vehicles up to the age of 8 years from first registration.</p>	<p>Draft Policy proposes reduction to 5 years from date of first registration.</p>	<p>Licensing Committee felt that in line with climate emergency considerations, local benchmarking against neighbouring authorities, and to maintain and encourage a newer fleet, the age should be lowered to 5 years.</p>
<p>Section 4.7 – Terminal age of vehicle.</p>	<p>The current policy does not have a terminal age for a vehicle to remain licensed.</p>	<p>Draft Policy proposes terminal age of 10 years.</p>	<p>The Committee noted that respondents were concerned that well maintained and high spec vehicles would remain fit for purpose over 10 years of age and that in the current economic climate this would be detrimental to the trade if they were not able to get longevity from their investments. They noted that vehicles over 8 years of age will still be subject to 2 full MOT and compliance checks per year and that the roadworthiness and</p>

			safety checks would be satisfactory. No terminal age for vehicles should be set.
Appendix A – specialist vehicles	The current policy allows a vehicle owner to apply to be exempt from plate and livery display if they can demonstrate the use of a vehicle is for executive work. In all other aspects they remain a licensed private hire vehicle.	Respondents wished for consideration to be given to “Executive/Chauffeur” vehicles becoming a separate class of vehicle.	Members discussed this and felt that as there was not to be a terminal age for vehicles introduced and current exemptions in place to cover their business activities, there was no need for a separate class of private hire vehicle. No changes were made on this basis.
Section 4.6 – Insurance categories	The current policy states that vehicles in either A or B insurance write-off category will not be licensed. It also states that S or N category losses will not be licensed without repair certification. This process has been changed by DVSA with revised category definitions.	The draft policy proposed that vehicle subject to either S or N categories would no longer be granted or allowed to continue a licence.	The Committee noted in the responses that vehicles subject to “N” insurance losses can in fact be for minor defects which are limited by cost of repair rather than vehicle safety. It was also noted that any vehicle (currently licensed or presented for first licence) which is categorised “S” is more likely to have structural defects which whilst repaired may not make them suitable for licensing. Members agreed that in the interests of public safety, no vehicle subject to category “S” should be issued with or continue with a licence. However, given the current economic climate and the nature of many lower level “N” category insurance losses, it was felt that to remove or refuse a licence for this category would be disproportionate to the

			<p>risk.</p> <p>The Committee therefore decided that the revised policy should not extend to category “S” but could be allowed for category “N”.</p>
<p>Appendix A – tinted windows.</p>	<p>The current policy only permits tinting which has been applied as a factory standard issue.</p>	<p>There were no suggested changes in the draft policy, but respondents felt that for executive vehicles there should be permissions for darker rear tints for occupant privacy.</p>	<p>The members discussed the current requirement and noted that whilst rear tinting is not determined by MOT standards (only the front and windscreen density is included for clear vision) many high spec and specialist vehicle do have some tinting as factory standard and this should be sufficient. As there is not to be a secondary set of requirements for such vehicles (just an exemption from livery display) the same requirements for tinting should apply. Members also felt that consideration should be given to the visibility of passengers and activities in the back of any private hire vehicle to promote public safety. The Committee agreed to retain the requirement that all tinting should be only permitted when factory fitted.</p>
<p>General updates to wording through the policy.</p>	<p>The current policy contains some outdated legislative references and required inclusions for clarification.</p>	<p>Areas of change and updates highlighted to the Committee throughout the draft policy.</p>	<p>The Committee reviewed these changes and agreed for their inclusion in the final policy. Members agreed that the final version be sent forward to full council for adoption.</p>

Councillors Solomon and Parker joined the meeting after members had discussed the draft policy.

Recommendation to the Council: that the draft Statements of Principles as amended and agreed by the Licensing Committee be adopted.

LIC15 Urgent business permitted by the Local Government Act 1972

None.

Chairperson
