

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON MONDAY, 26 NOVEMBER 2012 AT 10.00AM

Present:-

Councillor R Williams - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
N Clarke	M D Francis	D R W Lewis
P A Davies	P James	H E Morgan
G W Davies	R D Jenkins	G Thomas
E Dodd	P N John	

Officers:

L Jones	-	Group Manager - Public Protection
Y Witchell	-	Licensing and Registration Officer
K Watson	-	Legal Officer
A Rees	-	Senior Democratic Services Officer - Committees

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:-

Councillor D G Owen	-	Holiday
Councillor E Venables	-	Unwell

10 DECLARATIONS OF INTEREST

None.

11 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 30 August 2012 be approved as a true and accurate record.

12 LICENSED TRADE SECTOR - UPDATE

The Group Manager Public Protection presented an update on compliance and other partnership initiatives which the Council is involved in regarding the licenses trade sector.

He informed the Committee that Trading Standards were working alongside their partners in the South Wales Police undertaking work in the community to ensure public safety in the supply of age restricted goods, particularly alcohol. The Trading Standards Team had led two operations within the off licence sector to assess whether age restricted goods were supplied to underage children and young persons. Of the 25 premises visited across the county borough, sales were actually made within three of those premises and appropriate sanctions had been taken or were in progress. This included fixed penalty notices which had been issued to the sellers of alcohol to underage persons and further criminal investigations were underway. Trading Standards was also supporting the licensed premises initiative CounterAct

which aimed to assist the licensed trade in compliance with the key licensing objectives, and is a key partnership with the trade, South Wales Police and the Local Authority.

The Group Manager Public Protection also reported that Trading Standards were involved in a joint operation alongside the Licensing Enforcement Team and South Wales Police in order to target the supply of alcohol to young people by proxy. This covered the sale of alcohol to persons over the age of 18 who buy alcohol to pass on to younger children. Visual patrols were made in specified areas and trader visits conducted with the aim of raising the profile of this offence, to provide education and advice to traders, and to engage with young people. Traders were also issued with Underage Sales guidance packs, and leaflets to display in-store concerning proxy sales.

Forthcoming partnership initiatives include a specific test purchase exercise to target pubs and clubs (On-Licence trade) who sell alcohol to underage children.

A number of partnership initiatives were in place to tackle community concerns which include the impact of alcohol and alcohol premises. Three Neighbourhood Networks had been established to cover the East, West and North of the County Borough. The Networks took a partnership problem solving approach to tackle neighbourhood issues and to improve the quality of life for citizens based on identified priorities, which can include issues linked to the licensing objectives.

These complemented existing activities or intentions of key partners e.g. Community Networks, Connecting Services and Neighbourhood Policing and form the basis for planning across a range of services including the Police, Health, Probation, Adult Social Care and Housing. Issues around alcohol licensing had been integral to the development of those groups and complemented existing licensing policy, however there was a need to balance work with the trade, Police and Licensing Enforcement Teams with that of regenerating the town centre to ensure businesses in the night time economy thrive.

The Group Manager Public Protection also reported that a Workwise review was currently being undertaken to look at processes and procedures and how the licensing function interacted with South Wales Police to ensure there was no duplication of work between enforcement and administrative procedures. The Department had encouraged greater work in partnership with the Police focussing on under-age sales. This also required a cultural shift to educate persons who purchased alcohol for consumption by young persons. The Group Manager Public Protection informed the Committee that alcohol sales and the supply of alcohol to young people is a criminal offence and guidance packs had been issued to all parties and licensed establishments. The Council fed into the Police Antisocial Behaviour Group and the Group Manager Public Protection chaired the East Neighbourhood Network which focussed on the night time and day time economies and the conditions which applied to licensed premises. He stated that by adopting a partnership approach to tackling neighbourhood issues it could at times avoid the enforcement route having to be taken. He stated that at the core of this was the licensing function and the decisions made by the Committee and its Sub-Committees which also had an on health initiatives. He stated that there was a great deal of good partnership and integration between licensing enforcement and trading standards enforcement. He believed that educational advice would have a significant impact in tackling underage sales. As a result of Operation Raven there had been a five year low of alcohol related violence in Bridgend Town Centre.

The Committee asked whether the Public Protection Department acted on reports and complaints from members of the public and Pub Watch in relation to instances of underage drinking. The Group Manager Public Protection confirmed that such action took place and Counter act work was being developed with the Pub Watch Scheme. The Committee questioned whether premises licence holders refused to serve people who had consumed too much alcohol and what action was taken by the Department. The Group Manager Public Protection informed the Committee that this was enforced through the licensing conditions, however there had been an increase in people consuming alcohol before they arrive at licensed premises. The Committee asked whether links had been established with the youth service in tackling underage drinking and whether there was scope for Members to be involved in the neighbourhood network group. The Group Manager Public Protection informed the Committee that each of the neighbourhood networks had input from all key agencies and there could be scope for Members to highlight issues to be taken up by the Group. The Youth Council had also been engaged and a great deal of work was being done with the Substance Misuse Group.

The Committee noted that there had been a reduction in glassing incidents in the Town Centre due to restrictions on serving alcohol in glasses and questioned whether enforcement action and licensing conditions were being adhered to, in order to continue the use of plastic glasses. The Group Manager Public Protection informed the Committee that it was not possible to impose a blanket condition on the use of plastic glasses, although spot checks were undertaken by Licensing and the Police. The Committee referred to more takeaways being licensed to sell alcohol and questioned whether enforcement action was being taken to prevent the ordering of alcohol with takeaways for home deliveries to under-age children. The Group Manager Public Protection commented that he was concerned with such practices involving alcohol being delivered by takeaways by home delivery. He stated that legislation covering takeaways had not been drawn up in connection with the supply of alcohol with home deliveries and the licensing function had no powers over youngsters drinking at home, but highlighted the dangers of alcohol misuse through education.

The Committee asked whether the Police carried out spot checks on the ages of persons drinking in licensed establishments. The Group Manager Public Protection informed the Committee that this issue would be highlighted with the Police but there would probably be more visible work being done in partnership with the Police around licensed establishments in the run up to Christmas and as well as undercover operations. The Committee questioned the practice of the contents of bottles being decanted into glasses. The Group Manager Public Protection informed the Committee that if the Department was aware of issues it would advise the premises licence holder accordingly.

The Committee asked whether there had been an increase in females arriving at A&E with alcohol related problems. The Group Manager Public Protection informed the Committee that work was being undertaken with the Local Health Board to look at the reporting of A&E statistics in order to get a picture of demographics and the premises they have come from, however the recording of the reasons for people receiving medical treatment was reliant on medical staff asking appropriate questions when their priority was to treat the person arriving at A&E. The Group Manager Public Protection informed the Committee that information could be made available to Members once it had been refined.

The Committee referred to the forthcoming partnership initiatives including a test purchase exercise to target pubs and clubs who sell alcohol to under age children.

The Group Manager Public Protection informed the Committee that the test purchases related to night clubs, although there were separate issues involving private members clubs where there was a requirement to sign in. The Committee considered the need to work with school governing bodies to tackle underage drinking.

RESOLVED: That the report be noted.

13 TAXI LICENSING

The Licensing and Registration Officer reported on an update on taxi driver and vehicles standards following a request from the Committee for a summary on pre licensing checks for drivers and vehicles.

The Licensing and Registration Officer reported that taxis in Bridgend provide a valuable service to the public with more than 400 cars and minibuses in the fleet. A robust Licensing Policy and regular testing were vital to ensure vehicle safety, with taxis being tested up to three times per year at the Council's MOT Testing Station depending on the age of the vehicle. Vehicles were tested before licensing and at six monthly intervals up to the age of five years, and beyond that vehicles were tested every four months. This regime was supplemented by on the spot checks by the Council's Licensing Enforcement Officers and South Wales Police. Both had the power to issue suspension notices. She stated that minor non-compliances could happen at any time, although the driver education programme emphasised the importance of a driver carrying out a visual check on the vehicle before commencing work. Vehicle mechanical failures were small in comparison, with the number of tests undertaken and on receipt of a failure notice, the Licensing Section would make arrangements for re-testing and the re-inspection of the taxi. Where relevant, the section managing school and social service contracts were also notified.

The Licensing and Registration Officer also reported that taxi driving was a responsible job and the public relied on taxis for social and shopping trips as well as hospital appointments. Many taxis were under contract to the Council to provide home to school transport. This Committee had approved a range of pre-licensing checks to offer assurance and confidence to the travelling public. She stated that for drivers the foundation of this was the enhanced Criminal Records Bureau check carried out before a licence was granted and every three years in line with national protocols.

The Licensing and Registration Officer reported that taxi drivers were also required to satisfy higher medical standards than an ordinary driver, with new drivers being required to meet the Driver and Vehicle Licensing Agency (DVLA) Group 2 Vocational Standards, which also applied to bus and lorry drivers. These standards were also applied to any medical conditions which arose whenever a licence was granted. All new drivers were also required to attend a Driver Awareness Course which was run in partnership with the Police and covered road safety, taxi law, customer care and disability training. Since 2001, all drivers had been required to pass an additional driving test accredited by the Driving Standards Agency.

The Licensing and Registration Officer also reported that on receipt of an application, the Licensing Team examined the enhanced CRB Certificate and copy driving licence produced by the applicant. To ensure administrative efficiency, some applications were dealt with under the Scheme of Delegation to Officers and applications were assessed against current policy guidelines. The current guidelines for officer approval were that on the grant of a licence on applicants CRB disclosure must be

clear together with no more than three penalty points endorsed on the driving licence. On renewal of the licence, officers would normally grant where the applicant had no further cautions, criminal or civil convictions, or substantiated complaints and no more than three penalty points on the DVLA driving licence, since the last renewal of the licence.

The Licensing and Registration Officer informed the Committee that it had previously approved a comprehensive policy covering the criteria for the grant of licences to taxi drivers which included sanctions for existing drivers. This statement of policy covered the licensing of ex-offenders and set out the Council's approach to categories of offences relating to the role of a taxi driver.

The Committee questioned whether action was taken in respect of drivers exhibiting bad driving habits. The Licensing and Registration Officer informed the Committee that complaints regarding bad driving by taxi drivers were reported by members of the public, however it was difficult to enforce and only the Police had the powers to stop vehicles.

Members raised concerns at the lack of knowledge of speed limits displayed by some drivers who had appeared before the Licensing Sub-Committee, particularly if they were involved in home to school transport contracts and questioned who was responsible for the payment of the enhanced CRB check and additional driving test. The Licensing and Registration Officer informed the Committee that the driver had to bear those costs as part of their application. The Licensing and Registration Officer informed the Committee that the Driving Standards Agency test was a practical test and not written. The Legal Officer informed the Committee that in determining whether an applicant was a fit and proper person to hold a licence it had to take into account their past convictions and also their behaviour before the Licensing Sub-Committee.

The Committee questioned whether sanctions could be brought against drivers whose vehicle had badly worn tyres. The Licensing and Registration Officer informed the Committee that it had the powers to suspend the vehicle licence and the Police would have the power to issue the driver with a fixed penalty of 3 points. The Committee asked if complaints against drivers could be recorded in the reports brought to the Licensing Sub-Committee in addition to their convictions. The Licensing and Registration Officer informed the Committee that she would discuss this matter with the Legal Officer as very often complaints against drivers were unsubstantiated.

RESOLVED: That the report be noted.

The meeting closed at 11.02am.