

LICENSING COMMITTEE

Minutes of the Meeting held on 23 November 2011 at 4.30 pm

Present:

Councillor H J W Davies Chairman
Councillor D J Westcott Vice Chairman

Councillor M O A Dewdney
Councillor P N Grierson
Councillor R P Lillis
Councillor D J Sanders
Councillor S Y Goss
Councillor A P Hadley
Councillor E May
Councillor L W Smith

Also in Attendance:

Councillor K H Turner

Officers in Attendance:

Group Manager – Housing & Community (I Timms)
Licensing Officer (K O’Sullivan)
Meeting Administrator (H Dobson)

LEP12 Apologies for Absence

An apology for absence was received from Councillor A M Chick.

LEP13 Minutes

(Minutes of the Meeting of the Licensing Committee held on 1 August 2011 and of the Special Committee held on 22 September 2011 – circulated with the Agenda).

RESOLVED that the Minutes of the Meetings of the Committee held on 1 August 2011 and of the Special Committee held on 22 September 2011 be approved.

LEP14 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Description of Interest	Personal/ Prejudicial	Action Taken
Councillor S Y Goss	All Items	Stogursey	Personal	Spoke and voted
Councillor P N Grierson	All Items	Minehead (Alcombe)	Personal	Spoke and voted
Councillor L W Smith	All Items	Minehead (South)	Personal	Spoke and voted
Councillor D J Westcott	All Items	Watchet	Personal	Spoke and voted
Councillor K H Turner	All Items	Brompton Ralph	Personal	Spoke

LEP15 Public Participation

No members of the public had requested to speak.

LEP16 Review of Hackney Carriage/Private Hire Policy and Regulations

(Report No. WSC 134/11, circulated with the Agenda).

The purpose of the report was to propose amendments to the Hackney Carriage and Private Hire Licensing Policy and Regulations adopted by the Council in 2005.

The Chairman advised of an amendment to recommendation 2.2, to read, ‘...in consultation with the Chairman and Vice Chairman of the Licensing Committee...’

The Group Manager – Housing and Community reported that a working group of the Licensing Committee and officers had been set up to review and update the regulations, attached as Appendix A to the report. Drivers, operators and proprietors had been consulted and their responses were attached, as Appendix B to the report. The key change was the proposal to introduce three-year licences for drivers and operators, which would reduce administration. However, taking into consideration the economic climate and austere times, and that some drivers/operators would be currently part way through a three-year cycle, it was considered good practice to also offer one-year licences.

Members noted the concern regarding the requirement to conduct two plate tests per year on vehicles over 5 years old at a cost £36 per test, and that in the interests of public safety it was considered important to continue to do so.

RESOLVED (1) that the provision of one year licences for Drivers and Private Hire Operators be approved and that the Licensing Officer, in consultation with the Chairman and Vice Chairman of the Licensing Committee, amend the Policy and Regulations accordingly.

RESOLVED (2) that, subject to the inclusion of resolution 1, above, the Hackney Carriage and Private Hire Licensing Policy and Regulations be considered and recommends its adoption by Council to take effect from 1 February 2012.

LEP17 Review of Hackney Carriage Tariff

(Report No. WSC 135/11, circulated with the Agenda).

The purpose of the report was to seek approval to amend the current Hackney Carriage Tariff in respect of licensed vehicles in West Somerset.

The Chairman advised of an amendment to recommendation 2.1. b), to read, ‘...in consultation with the Chairman and Vice Chairman of the Licensing Committee...’

The Licensing Officer advised that the tariff was last reviewed in 2007. She requested that when considering the review members take into account the increased costs to maintain a vehicle, fuel and insurance whilst at the same time providing an affordable service to the public.

In response to a request that the changes to the Hackney Carriage Tariff be implemented as soon as possible, the Licensing Officer advised that an advertisement stating the proposed fares would be placed in the local newspaper allowing a minimum of 14 days for responses. Subject to no objections being received, the new tariff would take effect at the end of the 14 day consultation

period. She further advised that the tariff stipulated the maximum that the proprietor of a Hackney Carriage could legally charge a passenger, they were able to charge a lower fee.

RESOLVED (1) that the Hackney Carriage Tariff, attached as Appendix A to the report, be approved and that the Licensing Officer advertise the proposed tariff, as soon as practicable, in accordance with the Local Government (Miscellaneous Provisions) Act, 1976.

RESOLVED (2) that in the event that any objections to the proposed Hackney Carriage Tariff are received following the public notice, those objections be delegated to the Licensing Officer, in consultation with the Chairman and Vice Chairman of the Licensing Committee, for consideration.

RESOLVED (3) that the Hackney Carriage Tariffs in West Somerset be reviewed every two years.

LEP18 Proposed Byelaws – Cosmetic Piercing, Semi-Permanent Skin-Colouring, Tattooing, Electrolysis and Acupuncture

(Report No. WSC 140/11, circulated with the agenda).

The purpose of the report was to seek approval to revoke the existing byelaws and adopt model byelaws relating to cleanliness in the practice of acupuncture, business of tattooing, ear piercing and electrolysis and to include the regulation of cosmetic piercing and semi-permanent skin colouring business in accordance with Section 120 of the Local Government Act 2003 (as amended).

The Group Manager – Housing and Community outlined the details in the report and advised that the proposed byelaws were intended to increase health protection.

During the course of the discussion the following points were addressed:

- An initial inspection was carried out on all new premises by an Environmental Health Officer. The owner of the premises and any employees must be registered and qualifications were checked.
- Medical training was undertaken as part of the qualification process.
- These practices were a matter of choice made by the customer, therefore, the Council would not be able to enforce that a chaperone be present during treatment.

RESOLVED (1) that, the model byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, in accordance with Section 120 of the Local Government Act 2003, be considered and recommends its adoption by Council.

RESOLVED (2) that it be recommended to Council that the Legal/Support Officer be authorised to take all of the necessary steps in connection with the making of those byelaws, giving public notice and applying to the Secretary of State of Health for approval and confirmation of the new byelaws.

RESOLVED (3) that it be recommended to Council that, subject to the confirmation of the proposed new byelaws, the existing byelaws relating to

acupuncture, tattooing, ear-piercing and electrolysis made by Council on 1 November 1984 be revoked.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

LEP19 Licensing – Revised Fee Structures

(Report No. WSC 107/11, circulated with the Agenda).

The purpose of the report was to submit proposals for a revised fee structure for Hackney Carriage and Private Hire licenses issued by West Somerset Council; and to submit proposals for a revised fee structure for cosmetic piercing, semi-permanent skin-colouring, tattooing, electrolysis and acupuncture in respect of registrations by West Somerset Council.

The Chairman advised of an additional recommendation as follows:

- 2.4 In the event of any objections to the proposed fees for Hackney Carriage/Private Hire licensing being received, determination of those objections be delegated to the Licensing Officer, in consultation with the Chairman and Vice Chairman of the Licensing Committee, for consideration.

In response to a question the Licensing Officer confirmed that CRB checks were conducted every three years.

RESOLVED (1) that it be recommended to Cabinet that the proposed fees, at Appendix A to the report, in respect of Hackney Carriage and Private Hire Licences be approved to take effect from the 1st February 2012, in line with the new Hackney Carriage/Private Hire policy and regulations.

RESOLVED (2) that, subject to approval of the byelaws, it be recommended to Cabinet that the proposed fees, at Appendix C to the report, in respect of cosmetic piercing, semi-permanent skin-colouring, tattooing, electrolysis and acupuncture be approved, to take effect from the 1st April 2012.

RESOLVED (3) that, subject to the approval of the fees by Cabinet, the Licensing Officer be approved to undertake all necessary procedures to implement the fees.

RESOLVED (4) that in the event of any objections to the proposed fees for Hackney Carriage/Private Hire Licensing being received, determination of those objections be delegated to the Licensing Officer, in consultation with the Chairman and Vice Chairman of the Licensing Committee, for consideration.

The meeting closed at 5.26 pm.