

**12 SEPTEMBER 2008**

**NEW FOREST DISTRICT COUNCIL**

**GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 12 September 2008.

e Cllr L R Puttock (Chairman)  
p Cllr A E J Shotter (Vice-Chairman)

**Councillors:**

e G C Beck  
p W H Dow  
p J A G Hutchins  
p Mrs P Jackman  
p Mrs M McLean  
p J Penwarden  
A W Rice TD

**Councillors:**

p W S Rippon-Swaine  
e R F Scrivens  
p Mrs B Smith  
p M S Wade  
p S S Wade  
p Mrs P A Wyeth

**Officers Attending:**

G Gosheron, R Lennie, Ms M Stephens, S Stone, P Weston, E Williams, and for part of the meeting, Mrs L Battersby, M Powell and Mrs R Rutins.

**Also in Attendance:**

Mr G Flexman, New Milton Town Council (Minute No. 19).

**15. MINUTES.**

**RESOLVED:**

That the minutes of the meetings held on 14 March, 19 May and 21 July 2008, having been circulated, be signed by the Chairman as correct records.

**16. DECLARATIONS OF INTEREST.**

Cllr Hutchins in Minute No. 19.

**17. PUBLIC PARTICIPATION.**

No issues were raised during the public participation period.

**18. CONSULTATION PAPER ON WEEKEND VOTING (REPORT A).**

The Committee considered the Ministry of Justice (MOJ) consultation paper on the benefits of moving the day of elections from Thursday to the weekend.

The consultation was part of the Government's agenda to provide greater access to democracy and increase voter turnout.

In discussing the suggestion of moving the election day, the Committee generally felt that this was not an option. Members felt that moving the day of voting to a weekend would impinge on voters' leisure time and would act as a deterrent rather than an incentive to vote.

The high cost of moving the election day, weighed against the difficulties it would bring, such as pressure on finding election staff, suitable venues and general resources did not justify a change.

Some members felt that the Government was not addressing the underlying reasons why the public did not vote, and was concentrating instead on the process. Furthermore, some members expressed the view that it was the responsibility of local ward members to fully engage with the general public and involve them in the political process, thereby promoting local democracy.

The Committee generally felt that whilst modern methods of voting through electronic means should be pursued to give greater access to voting, security and cost considerations remained of concern.

Some members recognised that during election time, more information regarding candidates and the issues they stood for could be provided to the general public. This might help reduce apathy and help members of the public gain a greater understanding of politics and the importance of voting.

The Committee were generally happy with the suggested responses outlined in Appendix 2 to Report A to the Committee as it clearly expressed that a change in the election day would not make a significant impact of the level of voting.

## **RESOLVED**

That the suggested responses to the consultation paper as set out in Appendix 2 to Report A to the Committee be approved.

### **19. NEW MILTON WEDNESDAY MARKET – POSSIBLE EXPANSION (REPORT B).**

Cllr Hutchins declared a personal and prejudicial interest in this item as a member of New Milton Town Council. He left the meeting during consideration of this item.

The Committee considered the proposed expansion of the New Milton street market.

Mr Flexman, Clerk of New Milton Town Council addressed the Committee in support of the proposed extension.

The Committee was informed that following publication of the notice of intent no objections had been received. The Committee recognised that there was support from businesses in the section of street concerned and were therefore happy to agree the proposed expansion of the market.

**RECOMMENDED**

- (a) *That the current designation of the western side of Station Road, New Milton (north of the junction with Old Milton Road and south of the junction with Whitefield Road) as a consent street within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, be revoked, and that this decision comes into force on 24 October 2008;*

*That the current designation of the eastern side of Station Road, New Milton (north of the junction with Ashley Road and south of the junction with Osborne Road) as a consent street within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 be confirmed.*

- (b) *That the Head of Legal and Democratic Services be authorised to amend the legal agreement under which New Milton Town Council is delegated powers under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to take account of the above decision, and in particular to specify that expansion of the market into Station Road North be limited to the area between the building currently occupied by the Hearing and Disability Centre (to the south) and the pedestrian access to the Health Centre car park next to Lloyds Pharmacy (to the north).*

**20. THE LICENSING OF STRETCH LIMOUSINES AS PRIVATE HIRE VEHICLES (REPORT C).**

The Committee reviewed the Council's current policy for the licensing of stretch limousines as private hire vehicles (PHV).

Officers confirmed that vehicles with eight passengers or fewer would only be considered to be licensed as PHVs. The Committee raised concerns regarding the safety of limousines and stressed that should the Council be minded to license limousines, stringent conditions needed to be applied to licences. Of particular concern was the safety of passengers travelling on side facing seats.

It was agreed that at the November Committee meeting, members have the opportunity to examine limousines prior to considering whether they should be licensed and conditions that should be attached to licences.

**RESOLVED**

That officers be requested to: -

- (a) Establish the number of stretched limousines operating within the New Forest District Council area;
- (b) Seek the views of the taxi/PHV trade and licensed operators/drivers on the licensing of stretched limousines as PHVs;
- (c) Consult with the taxi/PHV trade and licensed operators/drivers on the proposed model conditions;

- (d) Consult with New Forest District Council's Transport Manager on model conditions to include the feasibility and costs of testing such vehicles;
- (e) Consult with safety organisations regarding the special testing of drivers of such vehicles; and
- (f) Report back to the General Purposes and Licensing Committee in November on the findings and have available for inspection examples of stretched limousine vehicles.

## **21. CRIMINAL RECORD BUREAU (CRB) CHECKS – PORTABILITY (REPORT D).**

The Committee discussed the portability of CRB checks in respect of Private Hire Driver and Operator applications. Portability was the re-use of a CRB check obtained by one organisation and used by another.

The CRB was advising licensing authorities that they would not endorse portability as the transfer of documents between two authorities would mean using the documents incorrectly and not for their original purpose. There were many risks to the District Council if portability was accepted. For instance, the time lapse between the issue of a CRB check to one organisation could mean that the person's criminal record or other information might have changed by the time it was submitted to the second organisation. Those authorities that accepted portability had come under some criticism due to these risks.

The Independent Safeguarding Authority (ISA) scheme, introduced under the Safeguarding Vulnerable Groups Act 2006, would make significant changes to the CRB checking process and the way in which information was gathered and stored. A new scheme would be introduced on 12 October 2009. Those working with vulnerable persons would need to register their details with the ISA. The ISA would act as a one stop shop for those registered and organisations interested in information on individuals.

### **RESOLVED**

- (a) That the Council continue with the current practice of not carrying out portability requests from applicants or other authorities; and
- (b) That the Council await the results of the ISA procedures due to be introduced during 2009, before reviewing the position.

## **22. PHV LICENCE PLATE DISPLAY EXEMPTIONS (REPORT E).**

Mr Bartelot, Private Hire Operator addressed the Committee on this issue. He stated that he was working as a professional tour guide with blue badge qualifications and often took bookings through an intermediary outside the area. He felt that the arrangements in New Forest District were different to those in other authorities and that the current policy was inflexible. He expressed the view that in order to suit his business needs a simple solution could be offered through a letter of exemption. He therefore requested an exemption from displaying licence plates on his vehicle.

The Committee also heard from the Chairman of the Hackney Carriage and Private Hire Owners' Association. He was of the opinion that drivers' badges and licence plates were necessary forms of identification which not only helped to ensure the safety of passengers but assisted the New Forest taxi fleet in monitoring and self regulating itself.

It was felt that the stringent regimes within the district helped to ensure that the taxi fleet in the New Forest was of high standard. These regimes, such as the requirement to display plates and badges, not only shaped a quality taxi fleet but, more seriously, safeguarded the safety of users.

The Association further expressed the view that it was therefore paramount that drivers display badges and plates in order that drivers were clearly identified and would be held accountable should accidents occur.

The Council had stringent conditions attached to Private Hire Vehicles and Drivers' Licences in respect of identifying and displaying licences. These included the requirement to display identification inside and outside of vehicles and the wearing of a driver's identity badge.

Currently, the Council did not allow dispensations from displaying licence plates. Local Authorities that considered exemptions usually did so only on an individual vehicle basis, taking the various factors such as numbers of expected journeys, history of the application and registration of the vehicle into consideration.

Some members considered that the Council should allow some flexibility in the display of plates and suggested that, if exemptions were allowed, a smaller plate or sticker be displayed inside vehicles. On the other hand, some members considered that the points raised by the Hackney Carriage and Private Hire Owners' Association were valid and that the display of plates gave security for passengers and ensured their safety.

#### **RESOLVED**

That the Council continue with its current policy of not allowing exemptions from displaying PHV licence plates.

#### **23. NEW SECTION 18 STANDARD FOR HEALTH AND SAFETY ENFORCEMENT, HEALTH AND SAFETY SERVICE PLAN 2007/2008 AND HEALTH AND SAFETY INITIAL INTERVENTION PLAN 2008/2009 (REPORT F).**

The Committee considered the new section 18 standard for health and safety enforcement, the health and safety service plan and the health and safety initial intervention plan.

The programme of inspections of premises together with inspection results was available to members should they request this information.

#### **RESOLVED**

- (a) That the Section 18 Standard Implementation Plan as set out in Appendix 1 Annex 1 to Report F be approved.
- (b) That the Review of the Service Plan for 2007/2008 as set out in Appendix 2 to Report F be approved.

- (c) That the Initial Intervention Plan for 2008/2009 as set out in Appendix 3 to Report F be approved.

**24. LEAD SCRUTINY MEMBER REPORTS.**

Lead Scrutiny Members had no issues to raise. However, the Committee requested that site visits be arranged for the Committee to view licensed premises around the district.

The Committee also requested to examine the results of a survey undertaken of objectors at Licensing Hearings held under the Licensing Act 2003.

CHAIRMAN

(GPLC120908)