



**LICENSING COMMITTEE**

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To: Councillors Lowe (Chair), Pacey (Vice-Chair), Forrest (Vice-Chair), Brookes, Gerrard, Goddard, K. Harris, Howe, Murphy, Needham, Paling, Popley, Ranson, Savage and Tillotson (For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Licensing Committee to be held in the Preston Room, Woodgate Chambers, Woodgate, Loughborough on Tuesday, 20th July 2021 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

12th July 2021

**AGENDA**

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 3 - 5  
To approve the minutes of the previous meeting.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

4. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions were submitted.

5. LICENSING UPDATE

6 - 12

A report of the Head of Regulatory Services providing an update from the Licensing Team.

6. LICENSING LEGISLATION - UPDATE OF CHANGES (AND PROPOSED CHANGES)

13 - 17

A report of the Head of Regulatory Services providing an update on current legislative and administrative changes for Alcohol, Regulated Entertainment, Gambling and Taxi Licensing.

**FURTHER MEETINGS**

For information, further meetings of the Committee are scheduled as follows (both at 5.00pm):

19th October 2021 and 8th February 2022.

## LICENSING COMMITTEE 11TH MAY 2021

PRESENT: The Chair (Councillor Lowe)  
The Vice Chair (Councillor Forrest)  
Councillors Gerrard, K. Harris, Murphy, Needham,  
Popley, Ranson and Savage

Head of Regulatory Services  
Licensing Manager  
Democratic Services Manager  
Democratic Services Officer (NC)

APOLOGIES: none

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

Participant attendance was limited to ensure that the meeting was held in a COVID secure manner. Members who did not attend the meeting would have their absence recorded as 'not required – due to COVID restrictions'.

### 7. MINUTES OF PREVIOUS MEETING

*Cllr Harris arrived at the meeting.*

The minutes of the meeting held on 16th February 2021 were confirmed as a correct record and signed.

### 8. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

### 9. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

### 10. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY DUE TO TAXI STANDARDS GUIDANCE

Considered a report of the Head of Regulatory Services seeking approval of the Hackney carriage and Private Hire Licensing Policy following consultation with the public and hackney carriage/private hire trade, (item 5 on the agenda filed with these minutes).

Assisting with consideration of the report: Head of Regulatory Services and Licensing Manager.

It was noted that the Chief Executive had been contacted by the Minister for Roads Buses and Places to ensure all changes were implemented by 31st December 2021. This policy would come into effect from 1st June 2021.

Summary of discussion:

- the policy was mainly unchanged since the Committee had reviewed it prior to consultation, minor changes were noted in section 1.3 and 3.2 (Vehicle Proprietors) as detailed in the report.
- no comments had been received. Letters and emails had been sent to all Private Hire Drivers, Operators and Hackney Carriage Drivers, and information uploaded to the Council's website. A summary of amendments had been forwarded when the policy was drafted and a link to the Council's website where the changes were highlighted was included with the letters and emails. If approved by the Committee the changes to the policy would be included in the next newsletter.
- Charnwood did not have a designated taxi service for females only; however all trade operators were required to attend and pass safeguarding courses. If operators provided taxi services for school runs, the supply of escorts were the responsibility of Leicestershire County Council.
- the change to review the policy on a 5 yearly basis instead of 3 yearly was in line with statutory guidance.
- Uber taxis no longer held an operator license within Charnwood but as the company operated in the major cities around Loughborough they consequently did enter the Charnwood area. Although not vetted to Charnwood standards, the Government Taxi Guidance promoted the development of protocols and liaison with local and neighbouring authorities to ensure enforcement activities were aligned. It was noted that the DfT Taxi Guidance was a national requirement.

## RESOLVED

1. that the Hackney Carriage and Private Hire Licensing Policy as attached at Annex 2 of the report be approved with effect from 1 June 2021;
2. that the Head of Regulatory Services be given delegated authority to make minor amendments and alterations in respect of administration procedures and as required to comply with changes to legislation and Government guidance, to the final approved Hackney Carriage and Private Hire Policy in consultation with the Chair of Licensing Committee.

## Reasons

1. To ensure that the Council has an up to date policy that sets out the requirements and standards that must be met and guides the Council in the way that it carries out its functions.

2. To ensure that minor and necessary amendments to the Policy can be made in a timely manner.

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Licensing Committee.

## LICENSING COMMITTEE – 20TH JULY 2021

### Report of the Head of Regulatory Services

#### Part A

#### ITEM 5 LICENSING UPDATE

##### Purpose of Report

To provide Members with an update, for the Licensing Team for the period since March 2021 to 14th June 2021.

##### Recommendation

That Committee Members note the content of this report.

##### Reason

To provide the Committee, with an update in regard to the Licensing Team's activities, since March 2021.

##### Policy Justification and Previous Decisions

The Licensing Committee has delegated non-executive responsibility under the Council's licensing provisions which are set out both in legislation and in the Council's Constitution.

##### Implementation Timetable including Future Decisions

There is no implementation timetable for this report.

##### Report Implications

##### *Financial Implications*

None.

##### *Risk Management*

There are no specific risks associated with this report.

##### *Background Papers:*

None

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## Part B - Background

### 1.0 Licensing Team

The Licensing Team consist of 4 full time employees and 3 part time employees (the position of part time Licensing Enforcement Officer has been vacant since September 2020)

Licensing work closely with the Council's Customer Service Centre and Contact Centre to deliver the licensing Service.

The current COVID-19 pandemic and necessary social restrictions presents a fast-changing legislative landscape including that of the position of drivers carrying passengers, vehicle MOTS and licensing in general.

In light of government advice about COVID-19 (Coronavirus) in March 2020, Licensing made changes to the Licensing Service. These changes were made to help minimise the risk and spread of the virus.

### 2.0 Licensing Service changes since March 2021.

#### 2.1 Charnwood Hackney Carriage and Private Hire Drivers

##### 2.1.1 New Drivers

Applications for new drivers remain stopped since March 2020, due to applicants being unable to complete a knowledge test as they cannot access the Council Offices. This is continuing to be reviewed with the written paper needing to be amended to a mixture of written and oral to comply with the new Taxi Standards introduced in July 2020 by the Department of Transport (Dft).

##### 2.1.2 Existing Drivers

The licensing section wished to keep current licensed drivers working. Although they faced the same issues as new applicants, in respect of obtaining medicals, and completing processes such as the DBS countersignature, their medical and criminal history was known. Existing drivers were given the opportunity to renew by completing a 6 month 'intention to renew' initially introduced in first lockdown, which asked the driver to declare medical fitness and any new convictions.

Since May 2021 Licensing have authorised Personnel Checks to carry out Enhanced DBS Applications for the renewing licensed drivers. There is currently a backlog of driver combined licences to be issued from March 2020 when drivers were given a written authorisation to continue driving.

Licensing issue Combined Driver badges to drivers, outside main reception of the Council office's when the drivers DVLA Licence is verified against the driver.

### 2.1.3 Medicals

The February 2021 Licensing Committee update report advised of the necessity for Licensing to consider how potential barriers to obtaining a licence could be removed.

To reduce the barrier that excessive cost may create or a GP surgeries refusal to do a medical, the Hackney Carriage and Private Hire Licensing Policy, has been amended to allow an existing driver/applicant to use their own GP for a Group 2 Standard medical or to approach any medical practice they choose as long the GP they see, has sight of a summary of their medical records. The driver must obtain their medical summary from the surgery they are registered at before approaching another GP and that GP must view that medical summary and complete the Councils medical form. The Councils medical form has been amended to ensure that the GP completing the form signs to say that they have seen the driver's medical summary.

This has been working well, with a number of drivers choosing to see their own GP whilst others have obtained their medical summary and gone elsewhere for their medical form to be completed. No issues have been experienced with drivers not being able to obtain their medical summary.

### 2.1.4 DVLA Mandates

During lockdown, applicants and renewing drivers have been unable to provide a completed DVLA mandate to a Customer Service Advisor for their DVLA licence to be verified. Gov.uk offers the facility online to be able to check someone else's DVLA Licence

Licensing have used the Gov.uk online facility <https://www.gov.uk/check-driving-information> to be able to check someone else's DVLA licence with drivers providing a DVLA summary code on their renewal application form.

This enables Licensing to check their DVLA licence, via the Gov.uk website, that they have no endorsement points on their licence or anything that may affect their ability to hold a Charnwood Borough Combined Drivers licence.

Licensing is currently working with Personnel Checks to create a web link with them to enable drivers to apply for both their enhanced DBS and DVLA Mandate via Personnel Checks. This will enable Personnel Checks to check an applicant/licensed drivers DVLA licence annually on the anniversary of their renewal of licence and inform Licensing accordingly.

## 2.2 Charnwood Hackney Carriage and Private Hire Vehicles

The third garage contracted with Charnwood Borough Council is due to reopen and the online processing of vehicle plates, although time consuming, continues to work well. Licensing have created and added additional back office administrative stages to the renewal process by creating spreadsheets, which enables all licensing staff to be fully aware of each stage whilst working

at home. The renewal process is completed by licensing staff at home, to the point that the plate(s) and livery are to be printed. Licensing staff then access the Council building to print the licence, livery and plates.

Plates are issued to drivers, outside main reception of the Council office's allowing Licensing staff to use a desk within the Customer Service Area to store plates and go out one at a time rather than attempt to carry 4 in one go. 4 appointments are made for drivers to collect vehicle plates per day, at a set time, if licensing staff are available.

### 3.0 Licensing Act and General Applications

The following Licensing Act 2003 applications have been received by Licensing since April 2020;

New DPS (Designated Premises Supervisor) = 79  
New PLH (Transfer of Premises Licence Holder) =32  
New Premises Grants (new applications) = 19  
Full Variation of Premises Licence = 14  
Minor Variation of Premises = 12  
TENS (Temporary Event Notices) = 49  
Late TENS (Late Temporary Event Notices) = 13  
Personals =57

#### 3.1 Licensing Act 2003 Applications.

All Licensing Act applicants where possible have been advised to submit applications via GOV.uk.

#### 3.2 General Licensing Act Applications

All other licence applications, where possible, have been sent through via email to the [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk) email address.

### 4.0 Business and Planning Act 2020

In July 2020 the Business and Planning Act 2020 introduced a new temporary legal framework to district Councils for issuing pavement licences which enabled food and drink premises to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink. The framework superseded the existing framework for pavement licensing set out in the Highways Act 1980 (issued by Leicestershire County Council Highways for Loughborough Businesses).

Under the new act Councils were required to process application for pavements licences within 2 weeks. Licences must be a minimum of 3 months but could run to the end date of 30<sup>th</sup> September 2021. This is currently under review and could be extended to 30<sup>th</sup> September 2022. This would not be an automatic extension and would require those licensed by Charnwood Borough Council to renew their existing pavements licence.

Between August 2020 and June 2021 a total of 27 applications have been received, 15 Pavement licences were issued. All are due to expire on the 30.09.2021. A total of 9 applications were refused and 1 withdrawn by the applicant.

#### 5.0 Hearings conducted under the Licensing Act 2003

There have been no hearings conducted under the Licensing act 2003 since the February 2021 Licensing Committee hearing.

#### 6.0 Hearings conducted for Hackney Carriage/Private Hire Licensing

There have been no hearings held in respect of a Hackney Carriage driver since the February 2021 Licensing Committee hearing.

#### 7.0 Enforcement Actions/Inspections April 2020 to present day

Due to the coronavirus pandemic the routine inspection programmes organised throughout the year for licensed premises, gambling premises and scrap metal dealers have not taken place.

#### 7.1 Licensed Premises Inspections

The Licensing Enforcement Officer has visited 10 licensed premises, during the period from 1<sup>st</sup> April 2021 to 14<sup>th</sup> June 2021 A number of licensing visits were carried out along partnership agencies, checking that the premises were Covid Secure. At these visits a full licensing inspection was carried out to ensure that there were no premises licence issues. 17 visits were carried out to check the blue and white notices required to be displayed at a premise as part of the application process. 8 advisory letters were sent to licensed premises with 8 advisory telephone calls to premises The Licensing Enforcement Officer dealt with 5 complaints and fed back to 2 of the complainants as to the outcome.

#### 7.2 Taxi Licensing

Other actions taken with drivers, vehicles and operators included 10 vehicle suspensions where not satisfied with the fitness of a hackney carriage or private hire vehicle licensed by Charnwood Borough Council due to accident damage etc. or other reason such as expired insurance etc.

2 complaints were received in respect of drivers or vehicles. Telephone advice was given to 2 drivers and 5 owners of vehicles with a further 2 letters sent issuing Council Penalty Points to Drivers.

One driver was revoked by the Licensing Manager in liaison with the Head of Regulatory Services. The details of this revoked driver has been added to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) and passed onto to Leicestershire Police and the other Leicestershire Licensing Authorities.

### 7.3 Gambling Premises

1 visit has taken place in respect of a gambling licensed premise, and 2 telephone advisory calls in respect of gambling.

### 7.4 General Licensing

On the 8<sup>th</sup> April 2021, The Licensing Enforcement Officer took part in a joint agency event for hospitality venues giving advice on re-opening premises and remaining covid secure.

The Licensing Enforcement Officer attended a walk around Loughborough, on the 14<sup>th</sup> June 2021, with Leicestershire County Council Highways in respect of Pavement licences and the positioning of A boards obstructing the pavement. A number of Premises owners were advised and compliance achieved. The Highways Enforcement Officer is to conduct follow up enquiries on three premises in relation to L.C.C. Pavement licences.

### 8.0 Future Legislation Changes

There are a number of changes in legislation expected and a separate report will be presented at this Committee in respect of;

- Additional information received in respect of Tax Conditionality for Taxis and Scrap Metal licence holders.
- Changes in the Right to Work legislation for licensed premises under the Licensing Act 2003 and for Hackney Carriage and Private Hire Drivers.
- The Government has now published draft amendments in respect of Temporary Event Notices, off sales permissions and pavement licences. It is expected that these proposed changes will come into effect in September 2021.

## LICENSING COMMITTEE – 20TH JULY 2021

### Report of the Head of Regulatory Services

#### Part A

#### ITEM 6 LICENSING LEGISLATION - UPDATE OF CHANGES (AND PROPOSED CHANGES)

##### Purpose of Report

To inform the Committee of the current legislative and administrative changes (and proposals) for Alcohol, Regulated Entertainment, Gambling and Taxi Licensing.

##### Recommendation

That Committee Members note the content of this report.

##### Reason

To inform members of the Committee of the changes and proposed changes to licensing legislation.

##### Policy Justification and Previous Decisions

The Licensing Committee has delegated non-executive responsibility under the Council's licensing provisions which are set out both in legislation and in the Council's Constitution.

##### Implementation Timetable including Future Decisions

There is no implementation timetable for this report as guidance is yet to be come into force.

##### Report Implications

##### *Financial Implications*

None.

##### *Risk Management*

There are no specific risks associated with this report.

##### Background Papers:

<https://www.legislation.gov.uk/ukdsi/2021/9780348224412/contents>

<https://www.legislation.gov.uk/ukdsi/2021/9780348224344/contents>

<https://www.gov.uk/guidance/prove-your-right-to-work-eu-eea-and-swiss-citizens>

<https://www.gov.uk/guidance/right-to-work-checks-employing-eu-eea-and-swiss-citizens>

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## Part B

### LEGISLATION CHANGES - ALCOHOL & ENTERTAINMENT LICENSING

Draft guidance has been released entitled '*The Alcohol Licensing (Coronavirus) (Regulatory Easements) Amendments) Regulations 2021*'. This is to help hospitality venues and mitigate the effects of the coronavirus pandemic.

The Secretary of State has published draft amendments in respect of Temporary Event Notices, off sales permissions and pavement licences. It is expected that these proposed changes will come into effect in September 2021.

#### 1. Alcohol Licensing – Off Sales permissions – temporary extension.

The Business and Planning Act 2020 introduced in July 2020 amended the Licensing Act 2003 to assist with economic recovery and growth affected by the pandemic.

The Business and Planning Act automatically authorised off sales for all premises with a licence authorising 'on- sales' only (i.e. sales of alcohol for consumption on the premises) if they hadn't already got it. Off – sales means that the alcohol can be taken away from the premises for consumption elsewhere. This automatic addition of 'off sales' to the premises licence was a temporary measure due to end on the 30th September 2021.

The draft guidance extends this automatically authorised off sales until the 30th September 2022.

#### 2. Temporary Event Notices – increase in number of events and days per year

This is an amendment to the number of Temporary Event Notices (TENs) that premises can use per year to help mitigate the effects of the Coronavirus pandemic. Under the Licensing Act 2003, the number of times a TEN may be given for any particular premises is 15 times in a calendar year and the maximum total duration of the events authorised by TENS in relation to that particular premises is 21 days in a calendar year. This is for the calendar years of 2022 and 2023.

The draft guidance increases this to 20 times in a calendar year to no more than 26 days in a calendar year.

#### 3. Pavement Licences

In response to the coronavirus pandemic, sections 1-10 of the Business and Planning Act 2020 ("the 2020 Act") made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on highway adjacent to their premises (a "pavement licence").

Under the 2020 Act, a pavement licence may not extend past the 30th September 2021. '*The Business Regulation Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021*' extends this date by 12 months to the 30th September 2022.

*The Business Regulation Act 2020 ( Pavement Licences) (Coronavirus) ( Amendment) Regulations 2021'* extension only applies to a pavement licence for which application is made on or after the date these Regulations come into force (no date known at time of writing this report) The previous date of 30th September 2021 will continue to apply in relation to any pavement licence applied for before the date these Regulations come into force, though the holder of such a licence may be able to apply for a further licence.

#### 4. Right to Licence – Licensing Act and Hackney Carriages and Private Hires

From 1st July 2021, new rules for right to work checks will apply. EU, EEA, or Swiss citizens will need to provide evidence of lawful immigration status in the UK.

From the 1st July applicants will no longer be able to use their passport or National Identity Card to prove their right to work in the UK unless they are Irish. Links to the forthcoming changes for RTW checks, that have been published on Gov.UK have been included in the background documents. Whilst these set out the key changes for employers more specifically, we are advised by the Home Office Asylum, Protection and Enforcement Directorate that there is a similarity to the impacts for LAs.

The Licensing Act application forms (which are a national form have been amended and provided to all Licensing Authorities) need be updated on the Councils web site and the Gov.uk online application platform for applicants.

This will also affect applicants applying to drive a Hackney Carriage (HC) and Private Hire Vehicles (PHV) and guidance documents for Licensing Authorities are in the process of being finalised by the Home Office.

#### 5. Tax Conditionality

New Tax check on Hackney and Private Hire Drivers (& other licence renewals) – April 2022

Members were advised at the Licensing Committee held on the 16<sup>th</sup> February 2021 that the 2020 Budget announced that the Government will legislate in the Finance Bill 2020-21 to make the renewal of licences to drive taxis, drive and operate private hire vehicles (PHVs) (for example minicabs) and deal in scrap metal conditional on applicants completing checks that confirm they are appropriately registered for tax.

HMRC are providing a series of regular updates to help Licensing bodies prepare for Tax Conditionality. The Finance Bill 2021 is expected to receive Royal Assent in the summer with draft regulations published later in the year for consultation.

The new requirements placed on Licensing bodies for tax conditionality will differ depending on whether the licence applicant is new or already licensed, i.e. a renewal.

##### 5.1 First Time Applications

Before determining these applications, the Licensing body will need to direct the applicant to HMRC's published guidance about their tax obligations which will be available on gov.uk. Licensing will also need to obtain a simple confirmation that the

applicant is aware of the guidance. No tax check will be required for these applicants.

## 5.2 Subsequent applications (renewals)

This may be a renewal of where an applicant holds a similar licence with one licensing authority and is seeking to be able to operate within an area covered by another licensing authority. A tax check will be required for these applications.

A tax check will confirm whether an individual or company was appropriately registered for tax and whether from the licensed activity has been reported on a tax return.

Licensing will need to update application processes by April 2022 to request confirmation that the tax check has been completed as part of licence renewal processes. Application processes for first time applicants to direct them to HMRC guidance on their tax obligations and to obtain a declaration that the applicant is aware of the guidance.

Once applicants have completed the digital tax check the applicant will receive a tax-check reference which they will need to provide to Licensing. The Licensing section will then use the HMRC digital service to confirm that the tax check has been completed.

The check will not go into people's financial history. It is a basic check to confirm that applicants are appropriately registered for tax and that income from the licensed activity is reported to HMRC. Any queries about the service will be re-directed to HMRC.

The system will go live from April 2022 with the guidance published on Gov. UK in January 2022.

There will be additional funding for licensing bodies to make changes to their current systems made available through the Governments New Burdens Doctrine.