LICENSING COMMITTEE
16TH FEBRUARY 2021

PRESENT: The Chair (Councillor Lowe)
The Vice Chair (Councillor Pacey)
Councillors Bolton, Brookes, Gerrard, K. Harris, Howe, Murphy, Needham, Paling, Popley, Ranson, Savage and Tillotson

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

APOLOGIES: Councillor Forrest

The Chair stated that the meeting would be live streamed and the sound recording 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.

1. MINUTES OF PREVIOUS MEETING

The Chair wished to note his thanks to the previous Chair for his mentoring in the role.

The minutes of the previous meeting of the Committee held on 11th February 2021 were confirmed as a correct record and signed.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

3. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

4. REVIEW OF THE SPECIAL POLICY ON CUMULATIVE IMPACT

Considered a report of the Head of Regulatory Services to seek approval for the reviewed Special Policy Cumulative Impact Zone as included within the Statement of Licensing Policy 2017 made under the Licensing Act 2003, (item 5 on the agenda filed with these minutes).

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

The Licensing Manager drew the Committee's attention to the following:

- as the legislation was changed in April 2018, part of its requirement was to review the policy every three years. The Committee was asked to review the Special Policy Cumulative Impact Zone prior to its being circulated to responsible authorities, representatives of the trade, businesses and residents for their comments and it would then be formally submitted to Full Council in April 2021. The attached Statement of Licensing Policy was last approved in June 2017.
- the existing Special Policy Cumulative Impact Zone contained within the Statement of Licensing Policy 2017 remained the same in terms of the area it covered.
- the 182 guidance was amended in April 2018 to remove the 'rebuttal presumption' against grant of a premise in a Cumulative Impact Zone. Paragraph 4.3 has been amended to reflect this change and could be seen in the appendix through tracked changes.
- the policy should be reviewed regularly to assess if its still needed and if any revisions were required. Prior to its review the Police and other responsible authorities had been contacted to seek evidence to justify the retention of the Special Policy on the cumulative impact on the area covered.

RESOLVED

1. That the proposed review of the Special Policy Cumulative Impact Zone (CIZ), included within the Statement of Licensing Policy 2017 attached at Appendix 1, made under the Licensing Act 2003, be approved for consultation.

2. That the continuation of the Special Policy on Cumulative Impact contained within the existing Statement of Licensing Policy be approved.

3. That, subject to recommendations 1 and 2 and following the consultation, the Head of Regulatory Services is given delegated authority to make minor amendments and alterations to the Cumulative Impact Zone within the Statement of Licensing Policy, in consultation with the Chair of the Licensing Committee, and to submit the final version of the Policy to Full Council.

<u>Reasons</u>

1. After publishing a Cumulative Zone, the licensing authority, must within three years consider whether it remains of the same opinion.

2. To review the Cumulative Impact Zone as required by the 'Cumulative Impact Assessments' introduced in the 2003 Act by the Policing Crime Act 2017 with effect from the 6th April 2018. After publishing a Cumulative Impact Zone (CIZ), the licensing authority must within 3 years consider whether it remains of the same opinion as set out in the assessment.

3. To ensure that minor changes can be made to the review of the Cumulative Impact Zone within the Statement of Licensing Policy, and enable submission to Full Council in an efficient manner if only minor changes are required.

5. LICENSING UPDATE

Considered a report of the Head of Regulatory Services providing an update to the Committee regarding Licensing Team activities during the Coronavirus pandemic (item 6 on the agenda filed with these minutes).

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

The Head of Regulatory Services wished to commend the Licensing Manager and the Licensing Team for all their work and support during COVID-19 pandemic. The team had continued to operate and adapt and take on new areas of work whilst ensuing that public safety remained at the heart of its work. Members of the Committee added their thanks.

The Licensing Manager took the Committee through the detail in the report. She noted that some tasks had been moved quickly to be completed online and that a new streamlined process had been created by the team after the introduction of the Business and Planning Act 2020 whereby Councils were required to process applications for pavements licenses within 2 weeks. With reference to future legislation or process changes it was noted that the new Tax Check on Hackney and Private Hire Drivers (April 2022) would affect licensing bodies who administer license applications and that the Borough Council would have to obtain confirmation from Her Majesty's Revenue and Customs (HMRC) that the check had been completed. Further guidance was awaited.

Summary of Discussion:

- concerns about delays in enforcement were raised. Enforcement actions / inspections had been carried out alongside partnership agencies when the premises were open. Complaints had also been followed up and spot checks carried out. Recruitment for the vacant position of a part time Licensing Enforcement Officer would be considered after the Service review and update to back office systems were completed.
- with regard to 56 vehicle suspensions where officers were not satisfied with the fitness of a hackney carriage or private hire vehicle, there were a variety of triggers for the suspensions. A vehicle could fail its six-monthly interim test, vehicle insurance could expire, or accident damage could make the vehicle not fit to drive. All suspensions were considered in terms of public safety.
- the Council were involved with the National Fraud Initiative and provided details every two years of all licensed drivers within Charnwood. It was assumed that the new Tax check would be an extension of this scheme, but further details were awaited.
- Officers were concentrating on clearing taxi related issues so that when public houses re-opened later in Spring the team would be ready to process the anticipated additional work.

It was requested that the data contained in this report be circulated to all Borough Councillors on a regular basis to highlight the work of the Licensing Team.

RESOLVED that the Committee notes the content of the report

Reason

To provide the Committee with an update in regard to the Licensing Team's activities since March 2020 and the first lockdown.

Councillor Tillotson abstained from this vote as her internet connection had been patchy during the consideration of this item.

6. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Considered a report of the Head of Regulatory Services seeking the Committee's approval of policy changes for consultation to the Council's Hackney Carriage and Private Hire Licensing Policy considering recent taxi standards guidance (item 7 on the agenda filed with these minutes).

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

The Head of Regulatory Services stated that following the publication of the Department for Transport's (DfT) statutory Taxi and Private Hire Standards the Council's current policy had been assessed and did not require significant changes. Where relevant the guidance would be adopted unless there were compelling local reasons not to. As technology had changed the Service did need to adapt to how it was delivered. These were highlighted in the attached report. If approved the policy would be consulted on with the Trade and then be fully approved by the Committee in May 2021.

The Licensing Manager proceeded to summarise the changes as documented in the attached report.

Cllr Brookes joined the meeting.

Summary of discussion:

- In respect of point 4.5, the Council would safeguard against bad practice by asking all drivers to sign up to the Disclosure and Barring Service (DBS) Update Service. If drivers were to continue to be checked every 6 months as directed by the DfT this would incur additional expense to the driver. By signing up to the Update Service the DBS check would occur automatically. Once this process was moved online reports would be available on a weekly basis to safeguard against bad practice.
- reference was made to the appeal heard by the Loughborough magistrates on 22nd September 2020 in respect of a personal license applicant whose application for a personal license had been refused by the Licensing Sub Committee on 11th December 2019 due to an unspent relevant offence. The reasons for why this appeal was remitted back to be reheard by the Sub Committee were explained.
- Licensing Authorities enforced the Licensing Regime in different ways as authorised by the Licensing and Gambling Act. If the nine authorities in Leicestershire wished to jointly work together so that compliance and enforcement

could be taken against licensees from outside the areas this would require a suitable protocol and agreement.

- the Council was registered with NR3 and uploaded details of any driver that had their license revoked in Charnwood. It was available for all registered local authorities to query when considering license applications. the Council routinely checked the NR3 database when considering applications.
- if the Council were to mandate the installation of CCTV in hackney vehicles and private hire vehicles the Council would become the data controller and be responsible for the data. Currently it was not mandated and left to the judgement of owners and drivers and the Council requested that drivers notify the Council if CCTV was installed. Other councils had made CCTV a mandatory requirement and then reverted back to advisory after receiving Trade feedback. It was noted that taking into account children or vulnerable adults and potential privacy issues would make this a tricky requirement to mandate and would have a significant impact on the work of the Licensing team to administer the process.

RESOLVED

1. That the amended draft Hackney Carriage and Private Hire Licensing Policy at Appendix B is approved prior to consultation with the public and trade;

2. That the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the draft Policy and procedures during the consultation period.

Reasons

1. In July 2020, The Department for Transport (DfT) released 'Statutory Taxi and Private Hire Vehicle Standards' ('the Standards') attached at Appendix A. The DfT expects these recommendations to be given consideration, implemented and adopted within our policy, unless there is a compelling local reason not to. The Council is not expected to adhere fully to it, but to have given consideration to the document and if not able to implement explain why.

2. To ensure that future minor amendments to the Policy, can be made in a timely manner by the Head of Regulatory Services, prior to the final draft being reported back to the Licensing Committee.

Cllr Brookes abstained from the vote as he joined the meeting part way through the consideration of this item.

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.