

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

21ST SEPTEMBER 2020, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. B. L. English, M. Glass, S. A. Hughes, H. D. N. Rone-Clarke, M. Thompson, J. Till and S. A. Webb

Officers: Mrs. V. Brown, Mrs S. Sellers, Mrs J. Gresham and Mr. D. Etheridge

1/20 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor M. A. Sherrey and Councillor C. J. Spencer. Councillor S. A. Webb attended as substitute for Councillor Sherrey.

2/20 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3/20 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON MONDAY 18TH NOVEMBER 2019**

The minutes of the Licensing Committee held on 18th November 2019 were submitted.

RESOLVED that the minutes of the Licensing Committee held 18th November 2019, be approved as a correct record.

4/20 **STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

Members considered a report in relation to the recently published Department for Transport guidance "Statutory Taxi & Private Hire Standards".

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so explained that the guidance

had been issued under section 177 of the Policing and Crime Act 2017. The Council would be under a legal duty to have regard to the Standards in its role as a public authority carrying out licensing functions under taxi and private hire legislation.

The background was that section 177 enabled the issuing of guidance to direct licensing authorities as to how to exercise their functions to protect children and vulnerable individuals. This latest guidance had been prompted to a large degree by the Jay and Casey reports into child sexual abuse and exploitation in Rotherham which had linked the involvement of taxi/private hire drivers to incidents of abuse of children.

The public consultation on the guidance had taken place between February 2019 and April 2019 and following a lengthy period of consideration of the responses, the guidance was issued on 21st July 2020. Members were referred to the text of the guidance which was attached to the report at Appendix 1.

In summary, the guidance (referred to hereinafter as the Standards), set out a number of recommendations to Licensing Authorities relating to the processes and procedures which should be in place for taxi and private hire licensing; there was a clear expectation from the Department of Transport that the recommendations should be implemented.

The members were referred to the list of recommendations at part 3.7 of the report, namely: -

- Criminality checks for licence holders
- Working with the Police
- Sharing information with other licensing authorities
- Dealing with complaints about drivers and operators
- Training for Members
- Criminal convictions and rehabilitation of offenders
- Safeguarding awareness advice, guidance and training for drivers
- Language proficiency
- CCTV in licensed vehicles
- Regulation of booking and dispatch staff
- Record keeping

The members were advised by the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), that the next stage would be for officers to review the existing policies and procedures to establish where changes would have to be made to bring them into line with the Standards. Examples of key policies this process would affect were the fit and proper test, the policy on previous convictions, the licence conditions and vehicle standards.

In responding to questions from members, the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), the following points were noted: -

- That most local authorities, including the District Council, were already implementing the majority of the recommendations, although there might be a few authorities that needed to make improvements. There was still however an exercise to be carried out to review the existing policies and pick up on any changes that might be required.
- With regard to DBS checks, these were currently renewed every three years. There was a safety net in place whereby any offences occurring in between checks should be reported either by the drivers or by the police. Under the recommendations, drivers would be asked to agree to join the DBS update service which would facilitate more regular checking of convictions, the recommended frequency being every six months.
- With regard to recording of complaints, there was already a system in place for these to be recoded and responded to, and a system available to log intelligence reports and look at trends. It was noted that statistics on complaints were reported back to Members via the WRS Board.
- Guidance for passengers was already issued on the Council's website, but officers could look at other options for raising public awareness, including use of social media.
- Implementing the policies across the country would hopefully lead to a more cohesive approach from area to area and this was to be welcomed. One of the objectives was to encourage greater consistency around standards and this would hopefully mitigate the current situation where some authorities imposed less stringent requirements on applicants.
- There were also provisions included to promote cross boundary enforcement activities which could be used to make checks on to drivers operating outside of the geographic area where they had been licensed.
- Work was being carried out nationally and regionally by licensing officers to co-ordinate the approaches being taken in different areas and to try to align policies locally to deliver improved standards. It was noted that there was already a high degree of co-ordination within Worcestershire itself due to shared services being delivered to the six district councils by Worcestershire Regulatory Services

Members welcomed the introduction of the Standards and thanked the Senior Practitioner (Licensing) for his report. A request for Member

training around Licensing to be updated to include the Standards was noted, and officers confirmed that this would be covered in the annual Licensing training.

RESOLVED that the contents of the report be noted.

5/20

VERBAL UPDATE ON THE WORK THAT WORCESTERSHIRE REGULATORY SERVICES HAS UNDERTAKEN SINCE EARLY MARCH 2020 IN RESPONSE TO COVID-19, INCLUDING A SUMMARY OF DECISIONS TAKEN UNDER DELEGATED AUTHORITY - SENIOR LICENSING PRACTITIONER

Members received a verbal report in relation to the work that Worcestershire Regulatory Services had undertaken in response to the Covid-19 pandemic since March 2020 from the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS).

In the initial stages when lockdown was imposed in March 2020 there were challenges in setting up staff to work from home and in making alternative arrangements for licensed drivers to access the team given that government buildings had been closed and it was no longer possible to hold the usual licensing surgeries.

It was necessary to work quickly to introduce new systems to enable applications to be submitted electronically and for customers to be communicated with.

Other steps taken at this stage included: -

- Communicating with licence holders to signpost them to the government support schemes, such as the Self-Employment income Support Scheme.
- Allowing licensed drivers whose licences expired after March 2020 to defer renewal for up to 6 months without being classed as a “new applicant”.
- Regularly publishing advice to licensed drivers on the steps they could take to work safely during the pandemic.

Decision making powers were delegated by the Council to the head of Worcestershire Regulatory Services to enable him to determine taxi and private hire applications which would normally have been referred to the Licensing Sub-Committee. It was noted that whilst those powers remained in place, to date it had not been necessary for any decisions to be taken.

With regard to the mandatory closure of pubs and restaurants, the Licensing officers worked with colleagues from the Environmental Health Team to monitor compliance with the business closure regulations.

Changes were introduced to allow pubs and restaurants more time to pay their annual premises licence fees, and advice was issued on the WRS website to assist those businesses which might be able to adapt to providing take away or delivery services.

Following the decision by the government to start opening non-essential commercial premises, hospitality venues were permitted to re-open from 4th July 2020. Licensing officers worked with both Environmental Health Officers and the Police to visit licensed premises when they re-opened to ensure they were following guidance and operating safely.

The guidance was regularly updated and officers responded to numerous enquiries from business operators and from the public wishing to clarify what businesses could and could not do.

Whilst overall there were very good levels of compliance by businesses wanting to make their premises safe, some complaints were received from the public and this was another area where the Licensing officers had worked with other colleagues to investigate concerns.

In late July the government introduced measures in the Business and Planning Act 2020 to enable "pavement licences" to be issued. The aim was to provide extra outdoor seating capacity on the highway adjacent to businesses which would help with social distancing and boost profitability. The new measures were introduced with very short timescales and officers had to work quickly to process applications.

The same legislation also made changes to allow licensed premises previously restricted to on sales to also offer customers the option of purchasing alcohol to be consumed off the premises.

Members were also updated on the most recent regulations introduced in mid September which imposed a legal duty on businesses to: -

- take the contact details of customers and retain this data to support the NHS Track and Trace Service.
- ensure compliance with the "rule of 6" and that social distancing is maintained between customers.

It was envisaged that there would be further work for the Licensing officers going forward in supporting businesses with changes to regulations and monitoring compliance. Further restrictive measures for licensed premises could be expected to follow nationally, as had already been imposed in areas with "local lockdowns".

Overall, the team had had to cover a much increased workload in the last six months due to the pandemic and rapidly changing regulations.

This had been challenging at times but there had also been good examples of joint working with other colleagues from public health, environmental health and the police,

One unfortunate side effect was that officers had not had time to commence the planned consultation on revising the policy for street collections, but it was hoped that this could now go ahead (see further comments under agenda item 6).

On behalf of the Committee the Chairman thanked the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), for the update and asked that thanks be passed on to the officers at WRS for all their hard work in responding to the pandemic. A number of Members added their comments of thanks, and it was noted that there had been positive feedback regarding support provided by WRS during the pandemic and how helpful staff had been.

In responding to questions from members the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) confirmed that there had been good levels of compliance by businesses with the new operating conditions and safety measures, although the public also had a part to play in following the rules around social distancing.

Where reports of possible breaches were received these were being followed up and monitored. There was a regular exchange of information between WRS and the police. Members of the public wanting to report concerns about licensed premises could contact WRS on the main switchboard number 01905 822799 or email enquiries@worcsregservices.gov.uk .

On the issue of joint working with the police, it was noted that two police officers had been allocated to roles working on licensing issues in North Worcestershire. This extra resource was very much welcomed by officers.

RESOLVED that the verbal update be noted.

6/20

LICENSING COMMITTEE WORK PROGRAMME 2020/2021

The Committee considered the Work Programme for 2020/21.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) discussed the Work Programme with Members and in doing so it was noted that: -

- The review of the Street Collection Policy and Regulations would now be progressed following the delay due to Covid-19.

- The review of the Council's policy on the Guidance Relating to the Relevance of Convictions and Cautions for Hackney Carriage and Private Hire Drivers would form part of the overall review of all policies in response to the Department for Transport Guidance "Statutory Taxi and Private Hire Standards".

RESOLVED that the Licensing Committee Work Programme for 2020/2021 be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 6.58 p.m.

Chairman