

Minutes of a meeting of the **LICENSING COMMITTEE** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Wednesday, 15 March 2023 at 6.30 pm.

PRESENT

J Tyrrell (Chairman)
P A Redgate (Vice-Chairman)

A C Beal
F Biggadike
H J W Bingham

M D Booth
A Casson
G T D Rudkin

G P Scalese
A R Woolf

In Attendance: The Head of Public Protection and the Democratic Services Assistant

Apologies for absence were received from or on behalf of Councillors A C Cronin, H Drury, J L King and C N Worth

12. MINUTES

Consideration was given to the minutes of the meeting held on 1 February 2023.

AGREED:

That the minutes of the meeting be signed as a correct record.

13. DECLARATIONS OF INTEREST

There were none.

14. SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES POLICY

Consideration was given to the report of the Assistant Director – Regulatory which sought approval of the Sex Establishments and Sexual Entertainment Venues Policy as required under the Local Government (Miscellaneous Provisions) Act 1982 (As amended by Section 27 of the Policing and Crime Act 2009).

The Head of Public Protection introduced the policy, and highlighted the following points:

- The Council were not required by law to have a policy and the policy was on a 5-year review cycle.
- There were no recommended changes to the Policy and the only update made were population figures.
- Currently there were no licensed premises under this policy within the District.
- There was a strict application process for this type of licence and any applications would go before a Panel hearing before being granted.
- If Members were inclined to make any major changes to the policy, it would be recommended to send the policy out for consultation.

Members made the following comments:

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- Support the policy as written, with no changes.
- Where did the policy sit in comparison with East Lindsey and Boston policies?
 - The policies were very similar at all 3 authorities as they were based in legislation. There were not any licensed premises within the partnership area.
- What sort of training was undertaken by staff at these premises?
 - Training was not defined anywhere but it would likely include safeguarding and first aid.
- Would any concerns around fake IDs be reported to the Police?
 - The Police were statutory consultees for any applications so they would suggest conditions for a licence.
- Were health checks part of the licence conditions?
 - These were not a licensing consideration.
- The opening hours within Section 10 of the policy didn't seem to be well worded.
 - Premises could only be open to the public at the times listed within their licence conditions.

AGREED:

That the Sex Establishments and Sexual Entertainment Venues Policy be approved.

15. TAXI AND PRIVATE HIRE LICENSING POLICY

Consideration was given to the report of the Assistant Director – Regulatory which asked the Committee to consider the draft taxi licensing policy prior to it being published for consultation.

The Head of Public Protection introduced the draft policy and highlighted the following points:

- It was not a statutory requirement to have a policy, but the current policy was out of date.
- The key differences were:
 - Changes in legislation
 - Safeguarding and training requirements
 - Department for Transport's National Standards, introduced two years ago, were now the statutory framework to build from.

The following parts of the policy had been updated:

- CCTV - Recommended best practice for vehicles be given as advice within the policy but having CCTV in vehicles was not mandatory.
- Vehicle Testing – a compliance test must have been carried out at an approved garage no more than 2 months before an application was submitted.
- Fit and Proper person definition – this had been lifted from the National Standards and could be referred to at future hearings.
- English Language – this section had been taken from the National Standards. The policy included suggested acceptable qualifications to show proficiency with the option to sit a test if they don't meet the criteria.

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- Cautions, convictions and related matters – this section had been updated to state that drivers must notify the council of any warnings, cautions or convictions received within 48 hours, in line with national standards.
- DBS Service – it was compulsory for drivers to subscribe to the DBS update services as per National standards.
- Renewal of Drivers Licences – There were now different requirements for renewal licences and new licences regarding tax checks.
- Immediate suspension/revocation in interests of public safety had been adopted as a policy a few years ago but had now been written into the formal policy.
- Operators – there was now a new requirement for an annual DBS check for operators on a 5-year renewal cycle.
- Booking and Dispatch Staff – more stringent requirements for staff to have a basic DBS check and for operators to have a policy on employing ex-offenders.
- Appendix A – it was recommended that the maximum vehicle age for wheelchair accessible vehicles for renewal be changed from 10 years to 12 years but still subject to an annual condition compliance certificate. Exceptional condition criteria were included within the policy for any departures from the formal age policy for vehicles. No particular detail was given for electric and low emission vehicles as government advice was expected to come forwards on this issue.
- Appendix B – there was a suggested reduction from 75% to 60% for visibility of rear windows on vehicles.
- Appendix E – the national standards had introduced more onerous conditions for details when recording private hire bookings. Additional conditions had been included from the national standards for operators in relation to DBS checks, Booking and Dispatch staff and policies on employing ex-offenders.
- Appendix G – formal convictions policy, previously adopted but now included in the formal taxi policy.
- Appendix J – Driver training – more details included regarding safeguarding training and referrals to DBS and the Police.
- Appendix K – NR3 policy relating to checks on applicants who had previously had a licence revoked, refused, or suspended by another licensing authority.

Members raised the following points:

- The language proficiency requirement was a necessity for the safety of the public.
- CCTV would be to the advantage of the driver and the passenger if it was recommended.
 - If Members wanted to insist on CCTV within the Policy, a separate consultation would be required.
 - There would also be data protection implications.
 - Other authorities who had made CCTV compulsory in vehicles had experienced concerns raised from the trade.
- CCTV could be an issue as it would be unknown as to who would be watching the footage.

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- Would the operators require a policy on how to destroy the CCTV footage after 6 months?
 - No specific policy would be required but all footage should be stored securely and not shared.
- Was there anyway that CCTV could be done with an age limit on passengers so that children could not be recorded through CCTV?
- Why couldn't driver's DBS be checked automatically through the update service?
 - The person had to give their consent to access their DBS and there needed to be a reason to do so.
 - If someone refused consent, a hearing would likely be held to determine if the driver was a fit and proper person.
- If a driver did not meet the language proficiency requirements, would anything be taken further with the Police, for example, regarding suspicions about the validity of their driving licence?
 - There had been no cause to look at this as currently, also there is no language proficiency requirement by DVLA for driving tests.
- How did the proposed limits on tinted windows compare to highway code limits?
 - Only changes to rear windows recommended as these were not regulated by law.
 - Privacy glass would not meet current standards, the standard could be lowered but officers would recommend that the current standard was kept.
- The English language requirements were important, especially for communication in an emergency situation.
- There were concerns around CCTV and data protection and suggestions that it would have to be policed very strictly.
- Were the policies similar across the partnership?
 - There were local differences between the 3 Council's policies, but the National Standards would eventually make all the policies very similar.
- Did we require taxis to have first aid kits?
 - No, but this could be included in the policy.
- Were there any taxis that already had CCTV in them voluntarily?
 - Officers were not aware of any within the District.
- Did all taxi drivers require an enhanced DBS check?
 - Yes, taxi drivers needed an enhanced DBS check, but operators did not.
- Were taxi drivers trained to put wheelchairs in the back of vehicles?
 - It was required that wheelchairs were securely stored, and the policy made training on this compulsory.
- Did all areas make Hackney vehicles wheelchair accessible?
 - No, this was a local decision.
- How often would this policy be reviewed?
 - It would be put on the policy register for a 5-year review cycle, but it would likely be looked at again next year due to national changes.
 - Any minor changes to the Policy would be delegated to the Head of Public Protection, in conjunction with the Licensing Chair.

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- Any significant changes would come back to the Licensing Committee to consider and there would be a recommended 12-week consultation period.
- Were daily checks done on vehicles to check their roadworthiness?
 - The conditions listed for Private Hires mentioned daily safety checks, but this point will be made more prominent within the policy.

AGREED:

That the Taxi and Private Hire Licensing Policy, with additional changes made by the Licensing Committee be approved for consultation.

16. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.

There were none.

(The meeting ended at 7.24 pm)

(End of minutes)