

MINUTES OF LICENSING AND SAFETY COMMITTEE

13 OCTOBER 2020

PRESENT:

Councillors Cade (Chairman), Mrs A'Barrow, Bearne (substitute for Councillor Leigh Hunt), Brader, Miss Dumbleton, Mrs Garcia, Pacey-Day and Mrs Roodhouse

1. MINUTES

The minutes of the following meetings were approved:

Licensing and Safety Committee 10 September 2019; and
Licensing Sub-Committee (General) 4 November 2019, 25 November 2019 and
29 January 2020.

2. APOLOGIES

Apologies for absence from the meeting were received from Councillors Douglas and Leigh Hunt.

3. DECLARATIONS OF INTEREST

There were none.

4. DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 4) concerning a new Hackney Carriage and Private Hire Licensing Policy.

Rugby Borough Council's current Licensing Policy for Hackney Carriages and Private Hire Vehicles was adopted in April 2009 and has since been subject to updates and addendums.

The current policy now requires renewing to ensure it reflects best practice, changes in the regulatory landscape and the future priorities and aspirations of Rugby Borough Council, for example, reducing impacts on air quality and the environment.

Whilst there is no statutory requirement for Rugby Borough Council to have a policy relating to the licensing of hackney carriages and private hire vehicles, or to consult on any such policy, it is considered good practice to have a policy in place. Once in place, there is no statutory requirement to undertake a review of that policy, but as a matter of good practice policies should be kept under review and updated or replaced where appropriate.

A public consultation was carried out between 10 September 2019 and 7 November 2019. Copies of the responses were attached at Appendix B to the report and were considered by the Committee.

The Principal Licensing Officer reported on some of the key changes to the Policy that included:

- Applicants must provide a Disclosure and Barring Service (DBS) certificate which covers an enhanced DBS check.
- All new applicants and existing licensees renewing their licences are required to register for the DBS update service which enables the Council to carry out future annual checks. This registration must continue for the duration period the licence is held.
- All applicants must attend appropriate safeguarding and child sexual exploitation awareness training.
- A separate Private Hire Driver's Licence has been re-introduced in addition to the existing Dual Driver's Licence.
- All new applicants for a driver licence will need to pass the Council's knowledge test. The pass mark would be 85 per cent.
- Private Hire Operators would also be required to pass the knowledge test.
- From 1 March 2021 any new application for a hackney carriage vehicle which is to be licensed for the first time will need to be wheelchair accessible vehicles and must be new ultra-low emission or zero emission capable. These vehicles are capable of being licensed for 14 years.
- From 1 January 2022 all new and existing private hire vehicles will need to be up to three years old Euro 4 petrol or Euro 6 diesel engines. These vehicles are capable of being licensed for 10 years.
- From 1 March 2024 all new and existing or replacement wheelchair accessible hackney carriage vehicles must be new wheelchair accessible vehicles and must be new ultra-low emission or zero emission capable. These vehicles are capable of being licensed for 14 years.
- From 1 March 2024 all existing or replacement saloon hackney carriage vehicles must be new ultra-low emission or zero emission capable. These vehicles are capable of being licensed for 14 years.
- Penalty points has been improved. The aim was for the scheme to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan.

The Committee discussed the draft policy raising questions that were answered by officers.

Some time had passed since the consultation took place, but the Committee were informed there had been no comments received during the interim period and the taxi trade were aware of this meeting and it was unlikely the Policy would have an impact on existing drivers.

A point raised regarding an audio feature for taxi meters to benefit customers with visual impairments would be fed back to taxi meter providers and the situation could be reviewed in the future as technology changes. It was noted that no related issues had been reported.

Members raised concerns regarding licensed drivers from other local authorities operating in the Borough who had not met the stringent checks put in place by Rugby Borough Council.

A lot of work had been carried out in partnership with the police and other local authorities. The hackney carriages in Rugby had the distinctive white and checkered livery making them stand out from other vehicles and private hire drivers could be traced via the operators.

No response had been received to a previous letter sent to the Secretary of State raising the concerns of the Committee. Officers suggested that a follow-up letter be sent.

The Chair thanked officers and committee Members for all their hard work on the draft policy.

RESOLVED THAT –

- (1) The Head of Environment and Public Realm be given delegated authority to make non-material changes to the Hackney Carriage and Private Hire Licensing Policy to correct typos, cross-references and internal inconsistencies; and
- (2) it be recommended to Council that the Hackney Carriage and Private Hire Licensing Policy be considered and adopted.

5. ACTIONS TAKEN IN RESPONSE TO THE COVID-19 EMERGENCY

The Committee received a verbal report from the Regulatory Services Manager, Principal Licensing Officer and the Principal Environmental Health Officer on the work carried out by the licensing and environmental health teams in response to the Covid-19 emergency.

The Regulatory Services Manager reported that the situation was changing rapidly over a significant amount of time and placed on record his appreciation for the way the team had responded to the crisis and for their commitment by working additional hours and cancelling leave. The teams had rapidly adapted to changes in their roles and working with various external partners. A lot of work had been carried out over the past six months. Many officers across the council had played an active part in responding to the situation including the operation of the Foodbank and the Shielding Hub.

The regulatory and public health teams are considered to be public health and safety professional and their roles fitted in well with the new work being carried out. This had taken priority over normal day-to-day duties having an understandable knock-on effect on performance indicators.

The Principal Licensing Officer gave the Committee an overview of the work carried out by the licensing team. Some of the points raised included:

The licensing function is not statutory but essential. The work carried out enables

- business and individuals to work within the law
- Promote licensing objectives
- Support the economy and employment

Examples of work carried out by the licensing team included:

- Dealing with enquiries from licensed premises seeking to make changes that would allow them to adapt and continue to operate.
- Cancellations of events across the Borough.
- Considering the use of digital technology to replace face-to-face interaction where possible.

- Continuing to maintain the licensing function and meet statutory timescales throughout the lockdown period.
- Continuing to keep the public safe and promote the town centre and business recovery. The new pavement licences introduced through the Business and Planning Bill were an example of this. Four applications had been received.
- Provision was made in the Licensing Act 2003 to temporarily permit off-sales and officers worked with business who were seeking that change.
- Enforcement action work had been carried out in partnership with the environmental health team and external partner agencies.

Officers shared information on screen showing regarding the taxi trade and the licensing trade with comparisons against the same period last year. The following points were made:

Taxi trade

- There had been a small drop in the number of renewals compared to last year.
- Advice had been given to drivers on benefits and grants available to help them continue to trade.
- There was only a slight drop in the number of Dual Driver's Licences and private hire licences compared to last year.

Licensing trade

- There had been a slight drop in new premises applications and several applications for licence variations were received. One new business had opened and two had surrendered licences.
- There were currently 387 licensed premises.
- There had been a slight decrease in the number of personal licences to authorise the sale or supply of alcohol.
- Generally, it had been business as usual.

Various

- House to house collection licences had dropped slightly.
- The number of Temporary Events Notices (TENS) had dropped significantly with 23 applications compared to 181 last year.
- Animal Welfare - no new applications had been received but intelligence work had continued.
- Freedom of Information Requests - a similar number had been received. Twelve requests had been dealt with within the timescales.

Most of the work of officers had involved giving advice. The team had adapted its working hours, often into the evening and annual leave arrangements had been subject to cancellation or change. This was a challenging time, but the team remained on hand to offer support and advice.

The Principal Environmental Health Officer gave the Committee an overview of the work carried out by the environmental health team. Points raised included:

- The commercial regulation team had worked throughout the pandemic under the new regime of legislation introduced at the beginning of the lockdown period.
- A cross-county joint regulatory meeting had been set up with colleagues from Public Health, Police and Trading Standards. The group met and

continue to meet twice a week to look at ways of implementing the regulations that had been brought in.

- A lot of time had been spent answering queries and dealing with complaints about licensed premises and businesses and the way they were opening or operating.
- On 4 July licensed premises were permitted to re-open provided they were Covid secure. Work was carried on giving advice, risk assessments or visiting premises.
- All licensed premises were written to with information on how to comply with regulations. Overall businesses had complied.
- The levels of infection in Rugby had risen over the past 3-4 weeks which was a concern. Officers looked at how the spread had occurred and there was little evidence of spread within the hospitality trade. There was a small increase at the end of August and action was taken against premises. Officers worked in conjunction with the affected premises to resolve issues.
- New legislation was introduced at the end of September to include a 10pm curfew. Officers worked with businesses and licensed premises on this, and a number of other obligations, including a limit of 6 persons per booking, the wearing of face masks and signage.
- Breaches would result in enforcement action, and this would include reviewing whether a licence review should be carried under public safety objectives.
- Objections had been submitted for two TENS applications on public safety grounds and the risk of the spread of Covid and these had subsequently been withdrawn.
- Rugby was currently at Tier 1, classed as medium risk. However, that situation could change. If Tier 3 was reached there would be a need to close licensed premises.
- The regulatory service area continued to be busy and officers were working hard.
- Overall businesses were responding well to advice and were compliant.

It was also reported that the Community Safety Wardens had been involved in enforcement work and were currently acting as Covid marshals and the neighbourhood team had dealt with an increased number of nuisance complaints.

Further guidance was awaited from Government on the Covid alert levels.

Complaints from employees regarding workplace safety had been received. These were investigated in conjunction with the appropriate enforcement agency. Officers were able to offer advice to businesses to ensure the right controls were in place.

There had been no reports of taxi drivers testing positive for Covid. Information had been received that drivers were wearing masks and providing hand sanitiser in vehicles. Some wheelchair accessible vehicles had been fitted with screens. A check sheet was in place for drivers to complete before they carry out a school run.

Officers had regular contact with drivers and had spoken to them in person while at the rank.

The Chair thanked the Regulatory Services Manager, Principal Environmental Health Officer and Principal Licensing Officer for all their hard work.

6. MOTION TO EXCLUDE THE PUBLIC UNDER SECTION 100(A)(4) OF THE LOCAL GOVERNMENT ACT 1972

RESOLVED THAT- under Section 100(A) (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

7. DUAL DRIVER'S LICENCE REVOCATION

The Committee received a verbal report from the Principal Licensing Officer on a recent Dual Driver's Licence Revocation.

CHAIRMAN