

GENERAL LICENSING COMMITTEE

TUESDAY, 19TH SEPTEMBER, 2017, 6.00 PM

CROSS ROOM, CIVIC CENTRE, LEYLAND

AGENDA

1 Apologies for Absence

(Pages 3 - 12)

2 Minutes

To confirm the minutes of the General Licensing Committee meetings held at 2.00pm and 6.00pm on Wednesday 11 July 2017 (enclosed)

3 Declarations of Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

4 Exclusion of the Press and Public

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 1: Information relating to any individual.

5 Driver Hearing - Application for a new driver's licence

(Pages 13 - 22)

Report enclosed.

Members of the Press and Public will be allowed back into the room

6	Implementation Update Plan	(Pages 23 - 30)
	Report and appendix enclosed.	
7	Forward Plan 2017/18	(Pages 31 - 34)
	Report and appendix enclosed.	
8	Performance Data	(Pages 35 - 44)
	Report and appendix enclosed.	
9	Updates - Taxi Trade Forum and Consultation Process	(Pages 45 - 54)
	Report and appendices enclosed.	
10	"Out of Town Drivers: Request for support for National Campaign	(Pages 55 - 62)
	Report and appendices enclosed.	
11	Constitutional Reform - Terms of Reference for General Licensing Committee and Panels	(Pages 63 - 76)
	Report and appendices enclosed.	

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Committee Councillors John Rainsbury (Chair), Mike Nelson (Vice-Chair), Jane Bell, Mary Green, Harry Hancock, Ken Jones, James Marsh, Barbara Nathan, David Watts, Paul Wharton and David Wooldridge

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings
6.00 pm Tuesday, 17 October 2017 - Cross Room, Civic Centre, Leyland

Agenda Item 2

General Licensing Committee

Meeting held at 2.00 p.m. on Tuesday, 11th July, 2017 in Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

Present:-

Cllr J Rainsbury (Deputy Mayor) (Chairman), Cllr M R Nelson (Vice-Chairman), Cllr Ms J Bell , Cllr Mrs M Green , Cllr H G Hancock , Cllr K E L Jones , Cllr J D Marsh , Cllr Mrs B A B Nathan , Cllr D J Watts , Cllr P J H Wharton , Cllr D Wooldridge

In Attendance:-

Andy Glover (interim Licensing Manager), Tasneem Safdar (Senior Solicitor) and Dianne Scambler (Democratic Services Officer)

Public Attendance:-

None.

Officers:-

Peter Haywood (Revenues Manager), Chris Ward (Licensing Officer) and Stephanie Fairbrother (Licensing Officer)

Minute No.	Description/Resolution	Action By/Deadline
12	Apologies for absence	
13	Declaration of Interest Councillor Jim Marsh declared a personal interest in Items 3 and 4 on the agenda.	
14	Application for vehicle to be assessed for (I) Fitness for Executive Hire and (II) exemption from Policy requirements on tinted windows. Councillor Jim Marsh declared a personal interest in the next two items and left for remainder of the meeting. The Committee received a report that sought a view as to whether the Committee would consider departing from policy should an application be received regarding the following two points. a) whether it would be willing to licence a Kia Sportage Kx4 for use as a Private Hire Vehicle for executive travel and therefore negating it to display its external plates in accordance with S7.13 of the Licensing Policy and b) with regard to the tinted windows on the vehicle – whether members would wish to depart from the Council's current policy requirements as set out in S7.5 of the Policy The Committee viewed the vehicle and received representations from the owner and the Interim	

	<p>Licensing Manager. Although the vehicle was of a good standard, it was the Committee's view that the make and model of the vehicle was not one of an executive style. The Committee also noted that the Applicants had not engaged with Licensing Officers to request whether such a vehicle would be suitable for executive hire, prior to its purchase. The Committee felt this was unfortunate.</p> <p>With regard to tint levels, when the vehicle was brought in for Council officers to undertake a preliminary check at the end of May 2017 it was established that the vehicle failed the light transmission test (as defined in Licensing Policy). In accordance with the Council's Policy on vehicle tints which requires a light transmission level of 70%, this vehicle would not be suitable for licensing as a Private Hire Vehicle.</p> <p>Ordinarily, if the committee were minded to agree that this would be a suitable vehicle for use without the display of external plates, then they would have been minded to agree an exemption of S7.5 of the Policy. However, as the vehicle has been deemed not to be an executive vehicle, then the Committee would not be minded to provide such an exemption.</p>	
15	<p>Request for an exemption from the Council's Age Policy in respect of a Private Hire Vehicle.</p> <p>A report was submitted regarding an application that had been made to determine whether a Private Hire Vehicle, should continue to be licenced, as the vehicle fell outside the Council's maximum age policy. In accordance with the Council's age policy, it would be too old to be licensed as a Private Hire Vehicle. The applicant attended the meeting and addressed the Committee. The Committee inspected the vehicle and also received representations from the Councils Interim Licensing Manager.</p> <p>The Committee noted that the vehicle was first registered in the UK on 15 March 2007, and was therefore 10 years and 4 months old. The vehicle had been licensed with the Council since 2010 and its current vehicle licence is due to expire on 31 August 2017.</p> <p>The Committee considered that the condition of the vehicle was not exceptional when considering its standard against the Council's Age Policy. Although sympathetic to the applicant's circumstances, the Committee did not feel that there were exceptional circumstances to justify departing from the policy. The Committee RESOLVED: (FOR: 7, AGAINST: 3) to REFUSE the application in line with the Council's Age Policy.</p>	
16	<p>Exclusion of Press and Public</p>	

	RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.	
17	<p>Hearing under statutory “fit and proper” test - Driver A</p> <p>The Committee received a report regarding the fitness and propriety of Driver A to continue to hold a Private Hire Driver’s Licence. The applicant attended the meeting and addressed the Committee. The Committee also received representations from the Council’s Interim Licensing Manager. The Committee RESOLVED (Unanimous): to revoke the driver’s current licence with immediate effect. The Committee did not find Driver A on the balance of probabilities to be a fit and proper person to continue to hold a Private Hire Driver’s Licence in the interests of public safety.</p>	

The meeting closed at 4.30pm.

..... Chairman

Published on Friday, 21st July, 2017

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General Licensing Committee

Meeting held at 6.00pm on Tuesday, 11th July, 2017 in Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

Present:-

Cllr J Rainsbury (Deputy Mayor) (Chairman), Cllr M R Nelson (Vice-Chairman), Cllr Ms J Bell , Cllr Mrs M Green , Cllr H G Hancock , Cllr K E L Jones , Cllr J D Marsh , Cllr Mrs B A B Nathan , Cllr D J Watts , Cllr P J H Wharton , Cllr D Wooldridge

In Attendance:-

Andy Glover (interim Licensing Manager), Tasneem Safdar (Senior Solicitor) and Dianne Scambler (Democratic Services Officer)

Public Attendance:-

None.

Officers:-

Peter Haywood (Revenues Manager), Chris Ward (Licensing Officer) and Stephanie Fairbrother (Licensing Officer)

Minute No.	Description/Resolution	Action By/Deadline
18	Apologies for absence None.	
19	Minutes of the Last Meeting RESOLVED (Unanimously): That the minutes of the General Licensing Committee held on 13 June 2017 be confirmed as a correct record for signing by the Chair.	
20	Declaration of Interests No declarations of any interests were declared.	
21	Annual Report 2016/17 The Committee received a draft copy of the Licensing Section's Annual Report for 2016/17. The Annual Report covered the relevant areas of Hackney Carriage/Private Hire' Licensing Act 2003 (liquor); Gambling and Scrap Metal. However, given the exceptional circumstances of 2016/17, it was considered appropriate and understandable that the draft Report concentrated primarily on the work around taxi licensing. The Report also set out the Committee's workload for the year and emphasised the considerable steps taken by the Committee to modernise its processes and procedures. Members liked the new style of the report and the Chair on	

	<p>behalf of the Committee thanked the officers for all their hard work over the year.</p> <p>RESOLVED (Unanimously):1. Approval of the draft Annual Report for 2016/17.2. Approval that the Annual Report for 2016/17 be presented to Council to promote the good work being undertaken by the licensing team.</p>	
22	<p>Member Training</p> <p>The Committee received a report that summarised training session that had already taken place and asked Members to consider future training initiatives. At previous meetings held in February and March of this year. The General Licensing Committee had received a draft programme of training for members throughout the year. The first session, held on 9 May was facilitated by the Interim Licensing Manager and was intended to assist members in developing their technique for posing questions to applicant/drivers who appeared in front of them at hearings. The session was deliberately scheduled to precede an additional Committee date that had been diarised to deal with a backlog of hearings that had built up over the previous months. In the second session, Members will receive a presentation and have a discussion around other areas of the Committee's responsibilities, for example, scrap metal and late night refreshment licences.</p> <p>A Member Learning Hour had taken place the evening before and Members of the Committee who had attended the session, thanked the officers for providing a good overview of liquor licences. Members suggested a number of training initiatives that included a session relating to the Gambling Act, accompanying licencing officers on their visits to licensed premises, particularly out of hours and undertaking a visit to observe another authorities Committee meeting.</p> <p>RESOLVED (Unanimously):1. That the report be noted.2. That a training session be delivered on the Gambling Act 2005.3. That a visit to a neighbouring authorities Licensing Committee meeting be undertaken.4. That Members of the Licensing Committee be invited to accompany Licensing Officers on their visits to licensed premises.</p>	
23	<p>Licensing Function - Performance Data</p> <p>The Committee received a report that set out all performance data relating to the work of the Licensing Section for the consideration of Members. As part of officers attempts to provide greater transparency about the role of the Committee, performance data has started to be collated and the Committee received information relating to first quarter April to June 2017. Under the Implementation Plan, it is proposed that performance data will be presented to the Committee</p>	

	<p>on a regular basis. The report covered a wide range of enforcement activity, including:</p> <ul style="list-style-type: none"> • Inspections of Hackney Carriage/Private Hire Vehicles; • Applications for licences for Hackney Carriage, Private Hire drivers and vehicles; • Number of hearings heard by General Licensing Committee; • Number of inspections of licensed premises carried out under the Licensing Act 2003; • Number of applications for a licence under the Licensing Act 2003; • Number of applications/enforcement activity under the Gambling Act 2005; and • Miscellaneous applications under other legislation. <p>Members made some suggestions on how the data could be better presented that included the use of colour, comparative targets, the inclusion of an executive summary and use of case studies to provide some context. The Committee also commented that the use of acronyms should be removed from future reports.</p> <p>RESOLVED (Unanimously): 1. That the information be noted. 2. That the Interim Licensing Manager would look improve the look and feel of future performance reports in line with member's suggestions.</p>	
24	<p>“Out of town” drivers: Presence in this borough of driver’s licenced by other authorities.</p> <p>In response to Members concerns around the firm trading as Uber, the Committee received a report that provided information relating to the presence of drivers operating within South Ribble, who have not been licensed by South Ribble Borough Council. The report also sought to identify the legal/practical circumstances when “out of town” drivers may lawfully operate in the Borough; consider the risks that this situation may pose; and set out a range of options for Members to consider on how to combat the situation in the future.</p> <p>Many local authorities have introduced an Intended Use Policy that obliges Hackney Carriage proprietors to declare that they will primarily operate the vehicle as a Hackney Carriage within the area of that licensing authority and the Committee was asked to consider adopting an Intended Use Policy for South Ribble. Members considered that this approach along with changes to the operator’s conditions would strengthen the Council’s position when dealing with this issue in the future.</p> <p>Although licensing officers were confident that Uber was not operating in the South Ribble area, some Members reported that they had been able to book a taxi through this service and asked if the situation could be monitored before more formal action was taken.</p> <p>RESOLVED (Unanimously): To consult on the proposed Intended Use Policy and to bring the results</p>	

	back to the next committee for consideration.	
25	<p>Implementation Plan - Update</p> <p>The Committee received a report that provided Members with an updated version of the Implementation Plan. The Plan is updated on a regular basis and colour coded so that Members can easily see the progress being made. Some timescales had been changed to reflect those matters of the highest priority. However, real progress was being made against the identified targets. Of the 31 targets that had been implemented, 7 were shown as green (completed), 17 as Amber (in progress); with 7 actions yet to be commenced. At the meeting the Interim Licensing Manager reported that more of the actions had been completed since the publication of the agenda.</p> <p>RESOLVED (Unanimously): The report be noted.</p>	
26	<p>Safeguarding Training</p> <p>The Committee received a report advising Members of the current requirements for licensed drivers in relation to Safeguarding. The report also highlighted some of the concerns and difficulties and suggested a way forward. At its meeting in June, the Committee had considered a report on proposed amendments to the Licensing Policy. One of the suggested amendments related to driver qualifications, which led to a discussion on Safeguarding training for drivers and applicants.</p> <p>Officers have recently established that the Lancashire Children's Safeguarding Board offers a module of online training that is available on their website and can be accessed free of charge. The course, entitled Child Sexual Exploitation provides the learner with a basic understanding of the subject along with an overview of the pre-disposing factors, knowledge of the warning signs and what action to take if concerned. Members agreed that this option provided a cost effective and convenient option that would oblige all drivers to possess a suitable understanding of Child Sexual Exploitation. To ensure that the relevant driver completes the test, they will be asked to present ID and complete the online course through Gateway.</p> <p>RESOLVED (Unanimously): 1. That all new applicants and existing licence holders for a Hackney Carriage or Private Hire Driver's Licence satisfactorily complete the online/eLearning course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board. All new applicants will be requested to complete the online course through Gateway and will present ID. 2. That subject to amended wording to reflect the agreed arrangements at 1 above for completion of the online training, the</p>	

	amendment to the Licensing Policy be consulted upon and brought back to Committee for decision at the earliest opportunity.	
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The meeting finished at 6.45pm

..... Chairman

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Agenda Item 5

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of the Local Government Act 1972.

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Agenda Item 6

REPORT TO	ON
GENERAL LICENSING COMMITTEE	19 SEPTEMBER 2017



TITLE	AUTHOR
IMPLEMENTATION PLAN – UPDATE	PETER HAYWOOD

1. PURPOSE OF THE REPORT

This report is intended to provide members with an updated version of the Implementation Plan.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 consider the attached report; and
- 2.2 comment accordingly.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

- 4.1 At its meeting on 21 March 2017, the General Licensing Committee was first presented with a draft Implementation Plan, the purpose of which was to combine into a single document the key outcomes from the various recent reviews into the Licensing function. The Plan would be updated on a regular basis, and was colour-coded so that members could easily discern the progress made.
- 4.2 The minutes of the meeting on 21 March confirm that officers were requested to bring a quarterly update report on the composite Implementation Plan to General Licensing Committee. This report fulfils that requirement, with the latest version of the Implementation Plan attached as Appendix 1.

5. COMMENTARY

- 5.1 The Plan is a live working document and has therefore been amended on a regular basis since version 13 was last presented to members in July 2017. (The latest iteration attached as Appendix 1 is version 16). For instance, in light of resource constraints it has been necessary to change certain timescales in order to reflect matters of the highest priority. However, real

progress continues to be made against the identified targets. The latest version of the report contains 31 actions to be implemented. Of these:

- 14 are shown as green (complete) as opposed to 7 in the July 2017 report to the General Licensing Committee ;
- 14 are shown as amber (in progress) as opposed to 17 in July; and
- 3 are yet to be commenced as opposed to 7 in July.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report. All actions can be met from existing budgets.

6.2 Comments of the Monitoring Officer

There are no legal implications identified in this report.

Other implications:	
• Risk	It is imperative that the improvement plan is implemented, thereby enabling the Licensing Section to continue to improve its process and procedures.
• Equality	None
• HR	None

8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Implementation Plan V17

Appendix 1

Licensing Service Improvement Plan

No	Action	Responsibility	Target Date	Progress	In Progress/Completed
Decision Making					
D1	Forward Plan to be a standing agenda item for each Licensing Committee, to include: <ul style="list-style-type: none"> • Member training • Taxi Forums • New/Revised/Reviewed Policies • Quarterly performance reports 	Licensing Manager	February 2017	Draft Plan produced and to be considered by members at GLC on 21.2.17	Complete
D2	Convictions Policy to be reviewed	Licensing Manager	February 2017	Report drafted and on GLC agenda 21.2.17	Complete
D3	Clarification of process to be followed in determining when a matter should be referred to GLC for consideration of the “fit and proper” test. Development of checklist / proforma to record consultation with Legal Services.	Licensing Manager	March 2017	Adopted at committee on 21.3.17	Complete
D4	Clarification of procedure for emergency action under SO 38	Licensing Manager	March 2017	Report drafted and on GLC agenda 21.2.17	Complete
D5	Update procedures in light of new format for Hearings (first implemented on 18 May). Specifically: <ul style="list-style-type: none"> • New text to be drafted for letters to invite person to (i) interview and (ii) Hearing • Revisit wording on interview template • Consider drafting officer witness statements prior to Hearing 	Licensing Manager	June 2017	Draft amendments / updates produced and circulated for comment. Monitoring Officer confirmed that content of revised interview letter was satisfactory 8.6.17.	Complete
D6	Update the report template for information to be presented to the General Licensing Committee which require a decision on the “fit and proper” test, specifically including, where appropriate, mechanics (eg use of ex parte hearings); format; and inclusion of professional advice and recommendations	Licensing Manager	April 2017	Adopted at committee on 21.3.17	Complete

D7	Implement a policy for the testing of modified vehicles	Licensing Manager	November 2017	Work commenced, practical activity underway, on GLC agenda March 2017. Meeting with Brian Derbyshire of LCC on 30 th March. Draft policy adopted by GLC on 13 June 2017, with a requirement to consult before adoption at committee and subsequently at full council. Consultation will include issue of whether to use LCC as sole testing station. Consultation to commence on 1 Aug 2017	In Progress
D8	Written procedure instructions to be in place for Licensing Officers detailing roles, responsibilities and processes (administrative and enforcement). To include a peer review procedure for decisions taken by Licensing Officers and 10% management checks	Licensing Manager	November 2017	Currently in progress	In Progress
D9	Annual review of the Hackney Carriage and Private Hire Vehicle Licensing Policy and associated appendices	Licensing Manager	November 2017	14 amendments identified to date and presented to June committee when formal consultation with trade was agreed (to be finally adopted at full Council in Nov). Consultation to commence on 1 Aug 2017	In Progress
D10	Complete implementation of s165-167 of the Equality Act relating to the creation of a list of wheelchair accessible vehicles	Licensing Manager	September 2017	21st March committee approved implementation of the Act. Next steps – identify relevant vehicles, medical exemptions and training programme. GLC 3 June 17 – agreed to consult trade on draft exemptions policy, new documentation adopted. Consultation to commence on 1 Aug 2017	In Progress
D11	Review the constitution of hearing panels with a view to moving to 3 or 5 member panels, with a consistent chair, afternoon hearings. Hearing papers to be restricted to members of the panel with consideration given to the recording of hearings	Licensing Manager in consultation with Corporate Governance Manager	November 2017	Initial report to GLC in June 2017 was withdrawn pending further consultation with leadership. Discussed with vice chair and portfolio holder on 3 rd July, who were in agreement. Confirmation on proportionality issue to be obtained from Dem Services, then	In Progress

				portfolio holder to be asked to raise with the leader. A report on moving to 5 member panels is on the agenda for the 19 th Sep GLC	
Strengthening Partnerships					
S1	Re-locate Licensing in closer proximity to Legal Services	Licensing Manager	February 2017	Done	Completed
S2	Hold Taxi Forums on a quarterly basis with members invited to attend	Licensing Manager	June 2017	Included on draft Forward Plan. Need initial discussions with trade. GLC June 2107 - first forum to be arranged for first 2 weeks in July with GLC chair, vice chair and portfolio holder expected to attend (other GLC members invited). Forum took place on 13 th July	Complete
S3	Protocols / practical arrangements (data sharing, relationship building) put in place to meet and share information with partner agencies on a trusted basis. Partners to include: <ul style="list-style-type: none">• the police (fortnightly meetings);• LCC / LADO; and• other District councils as appropriate	Licensing Manager	April 2017	Met with the police in February Andy met with the LADO on 27 April. One outcome was details provided giving direct access to the Lancs Constabulary Disclosure Unit.	Complete
Building Confidence					
B1	Formally record details of pro-active enforcement action for reporting to the Licensing Committee	Licensing Manager	February 2017	Details recorded on LALPAC database and manual records	Completed
B2	A performance monitoring report to be submitted to each Licensing Committee	Licensing Manager	June 2017	Agreement for reporting to GLC from June 2017 meeting onwards in place, to detail enforcement undertaken on a monthly basis from the start of 2017-18. Report for members' initial consideration was on agenda for GLC on 13 June 17 but deferred until July 2017. Reported to GLC on 11 th July	Complete
B3	Review current driver / operator licences against the revised Convictions Policy once that has been approved	Licensing Manager	Begin: April 2017 Concluded: August 2017	Exercise underway and c120 files revisited. Due to be completed by mid September.	In Progress

B4	An annual report will be provided to the Licensing Committee detailing the performance and activity of the licensing function over the previous 12 months	Licensing Manager	June 2017	On the 13 June GLC agenda but deferred until July meeting. Presented to GLC on 11th July	Complete
B5	Council to receive reports from the Chair of the GLC on the Licensing Service and Committee activity (other than quasi-judicial matters)	Licensing Chair	July 2017	Discussed with Cllr Rainsbury 11 April. Peter to speak to Caroline Elwood re scheduling on the Council agenda. Caroline has suggested that the presentation of the annual report to council should be incorporated into the GLC's Terms of Reference. The presentation of the annual report to full Council by the Chair of GLC is included in amendments to the GLC ToRs that are being reported to GLC on 19 th Sep	In Progress
B6	Safeguarding training to be provided to all drivers	Licensing Manager	December 2017	All drivers have been asked to attend safeguarding training, but 27 drivers have failed to attend. One to one training will be provided to these drivers as they renew their licences. Safeguarding information is provided to all new drivers at the point of application. A meeting is planned with an external training provider to consider the possibility of this provider providing driver and safeguarding training. The meeting with Personnel Checks took place, although suggested way forward would require drivers to attend venues across Lancashire. On GLC agenda for 11th July. Consultation commenced on 1 st August regarding using the online Lancashire Children's Safeguarding Board tool as the appropriate training method	In Progress
B7	Implement an operator accreditation scheme	Licensing Manager	March 2018	Report to the March 18 GLC	
B8	Member training plan, including safeguarding training and job shadowing, to be agreed	Licensing Manager	March 2017 & ongoing	Approved at 21 Mar 17 GLC. Training on the hearings process to be provided to members	In Progress

				on 9 May. Agenda item to reflect on this and identify next steps set for 11 July. Consider a committee visit to another council – possible Preston. An approach has subsequently been made to Preston to observe one of their GLC meetings	
B9	Implement a communications strategy, which includes promotion of the complaints procedure	Licensing officer in consultation with comms team	May 2017	Social media is currently being used to raise the profile of taxi licensing. For example, tweets and facebook posts were uploaded to inform the public of the guide dog test purchase exercise. Steph has agreed to take this on board and to liaise with PR	Complete
Service delivery and transformation					
T1	Develop a schedule of pro-active enforcement action to be undertaken by Licensing Officers during 2017-18	Licensing Manager	May 2017	The team has discussed the best way of scheduling enforcement work. They are considering deciding which work to undertake when they meet weekly on a Monday afternoon	Complete
T2	Training and development programme to be created for Licensing Officers	Licensing Manager	April 2017 & Ongoing	Some training needs identified and options for delivery explored. PDRs to be completed on 28 th April with training (including safeguarding and PACE) being included. PDRs have been completed with Steph & Chris both asking for follow up training on PACE.	In Progress
T3	Complete review of Licensing and its preferred location in the corporate structure	Chief Exec	September 2017		In Progress
T4	Review the Licensing Officer job descriptions and person specifications. Consider introduction of formal out of hours working requirement / financial implications.	Licensing Manager	September 2017		In Progress
T5	Improvement plan for other licensing matters to be developed: <ul style="list-style-type: none"> • Gambling 	Licensing Manager	Sept 2017	Member learning hour took place on liquor licensing 10 th July	In Progress

	• Alcohol				
T6	Implement the new version of LALPAC with data converted/input from the previous version	Licensing Manager	October 2017	Testing complete. Live database installed on 24 th April. IDOX consultancy procured to transfer data onto the new database 24-26 Oct	In Progress
T7	Document retention policy to be adopted	Licensing Manager	December 2017		
T8	Assessment of fees and charges to be effective from April 2018	Licensing Manager	January 2018		

Agenda Item 7

REPORT TO	ON
GENERAL LICENSING COMMITTEE	19 SEPTEMBER 2017



TITLE	AUTHOR
FORWARD PLAN	PETER HAYWOOD

1. PURPOSE OF THE REPORT

This report sets out the Forward Plan 2017/18 for the General Licensing Committee.

2. RECOMMENDATIONS

The Committee is requested to:

- 2.1 consider the attached Forward Plan, at the half-way stage of the municipal year; and
- 2.2 comment on its content as appropriate.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire	Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

- 4.1 At their meeting on 21 February 2017, members of the General Licensing Committee agreed to adopt the proposed Forward Plan (which set out a work programme for the Committee during 2017/18). It is intended to bring the Forward Plan to Committee on a standing basis during this year.

5. FORWARD PLAN 2017/18

- 5.1 The latest version of the Forward Plan is attached as Appendix 1. Members will note that it includes certain changes from that previously presented, including the additional workload anticipated in October 2017 (when the outcome of the 6 consultation exercises currently underway will be known).
- 5.2 The end of September marks the half way period during the municipal year, and therefore presents an opportunity to evaluate the work undertaken by the Committee to date. On balance, the preponderance of green in the right hand column can be said to reflect the efforts made by officers and members to raise the profile of the committee, with several key issues (such as fees and charges for 2018/19) still to be addressed.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

6.2 Comments of the Monitoring Officer

This report has no legal implications.

Other implications:	
• Risk	None identified
• Equality	None identified
• HR	None identified

7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Forward Plan

Appendix 1
General Licensing Committee – Forward Plan 2017/18

Standing agenda items:

- Presentation of monthly performance data
- Any matters to be considered under the statutory “fit and proper” test

Schedule of specific matters:

Date:	Items for consideration:	Progress / monitoring (RAG)
21 March 2017	Member training – report on proposed activities for year ahead	
	Proposed Implementation Plan	
	Draft Annual Review of 2016/17 activities	
	Review of governance arrangements – referrals to GLC under “fit and proper” test (mechanics / process, clarification of trigger criteria etc)	
	IVA Policy	
	Fees and Charges	
	Equalities Act (wheelchairs)	
	Implementation Plan	
13 June 2017	Taxi Trade Forum	Report attached but Forum itself deferred to late June pending this report
	Annual Report 2016/17	Was scheduled for June but deferred to July due to heavy June agenda
	Fees and Charges	
	Equalities Act 2010 / wheelchair users	
	Carriage of Assistance Dogs	
	Forward Plan	
	Final Annual Report for 2016/17 activities	Was scheduled for June but deferred to July due to heavy June agenda
	Draft proposals – operator accreditation scheme	Deferred to March 18
	Taxi and Private Hire Licensing Enforcement Policy - review	Brought forward from July
	Uber / out of town drivers	Was scheduled for June but deferred to July due to heavy June agenda
	Performance data	

	Modified Vehicles	
	Licensing Act updates	Was scheduled for June but deferred to July due to heavy June agenda
	Member Training	Was scheduled for June but deferred to July due to heavy June agenda
	Review of Constitution	Deferred for further consideration
11 July 2017		
	Annual Report	
	Annual Review of Hackney Carriage and Private Hire Licensing Policy	Completed in June
	Quarterly review of Implementation Plan	
	Member Training Plan	
	Uber / out of town drivers	
	Performance data	
	Safeguarding training	
19 September 2017	Quarterly review of Implementation Plan	
	Report on consultation / next steps - operator accreditation scheme	Deferred to March 18
	Forward Plan – mid-year review	
	Review of Constitution	
	Performance data	
	Review of recent activities	
	National campaign – out of town drivers	
17 October 2017	Quarterly review of Implementation Plan	
	Consultation outcome - wheelchairs	
	Consultation outcome – assistance dogs	
	Consultation outcome – modified vehicles	
	Consultation outcome – changes to Licensing Policy	
	Consultation outcome – Intended Use Policy	
	Consultation outcome – Safeguarding training	
28 November 2017	Taxi Trade Forum	
23 January 2018	Fees and Charges for 2018/19	
	Quarterly review of Implementation Plan	
20 February 2018	Taxi Trade Forum	
	Annual Review of Convictions Policy	
	Year-end review of Implementation Plan	
	Year-end review of Forward Plan 2017/18 and setting new Plan for 2018/19	

Other topics to be scheduled as more information becomes available:

- Gambling Policy – annual review

Agenda Item 8

REPORT TO	ON
GENERAL LICENSING COMMITTEE	19 SEPTEMBER 2017



TITLE	AUTHOR
LICENSING FUNCTION - PERFORMANCE DATA	PETER HAYWOOD

1. PURPOSE OF THE REPORT

- 1.1 This report sets out performance data relating to the work of the Licensing Section for members' consideration.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the information presented; and
- 2.2 comment on the format and content of the data presented, which has been refreshed to meet concerns expressed by members at the July 2017 meeting.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. BACKGROUND TO THE REPORT

- 4.1 Members will be aware that – as part of officers' attempts to provide greater transparency about the role of the Committee and its contribution to the Council's agenda – performance data has begun to be compiled. Under the Implementation Plan (discussed elsewhere on the Committee's agenda), it is proposed that performance data will be presented to the Committee on a regular basis.
- 4.2 Officers' first attempt at compiling performance data was placed before members at the July meeting of the General Licensing Committee. Members noted the progress made in compiling the data but the following observations are shown in the minutes:

"Members made some suggestions on how the data could be better presented that included the use of colour, comparative targets, the inclusion of an executive summary and use of case studies to provide some context. The Committee also commented that the use of acronyms should be removed from future reports."

4.3 As a result, officers have produced an updated version which attempts to address the concerns expressed above. In particular:

- abbreviations have now been explained in the relevant text;
- diagrams have been inserted to provide context in the form of trend analysis / month by month comparison (e.g see Taxi Applications); and
- examples of premises visited / applications received are given (eg see LA03 applications).

4.4 A copy of the revised performance data (covering the first 4 months of the municipal year up to the end of July 2017) is attached as Appendix 1.

5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

5.1 Comments of the Statutory Finance Officer

There are no financial implications identified in this report.

5.2 Comments of the Monitoring Officer

There are no legal implications identified in this report.

Other implications:	
• Risk	None identified
• Equality	None identified
• HR	None identified

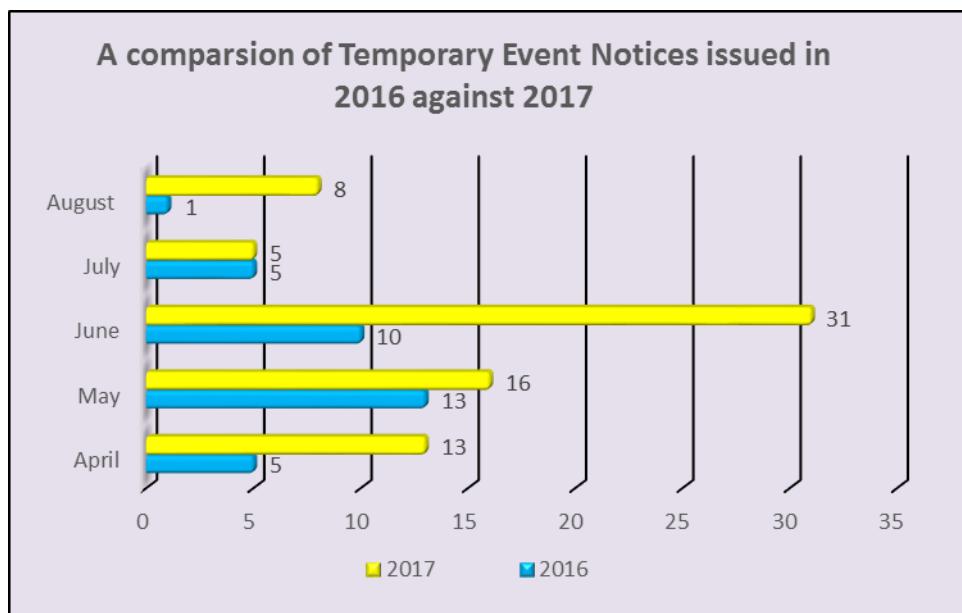
8. BACKGROUND DOCUMENTS

Appendix 1 – performance data for April to July 2017

Appendix 1

Licensing Act 2003 Applications Yr 17 – 18

Type of Application	April	May	June	July	August
New Premises Licence	1	0	3	1	1
Full or Minor Variation	7	2	6	1	0
Vary Designated Premises Supervisor (DPS)	5	2	5	7	9
Transfer Licence Holder	4	1	2	1	1
New Personal Licenses	2	8	6	10	8
Temporary Event Notice (TENs)	13	16	31	5	8



What's new in South Ribble for 2017!?

Beer Brothers Ltd

A family run Brewery based in Walton Summit. Here residents can enjoy Tours of the Brewery and Beer Tasting Evenings!!

The Folly Coffee House

Enjoy an afternoon tea with a bubbly twist at the Cafe on Worden Park. You can now order 'Prosecco Afternoon Teas' or enjoy a cider in the sun....

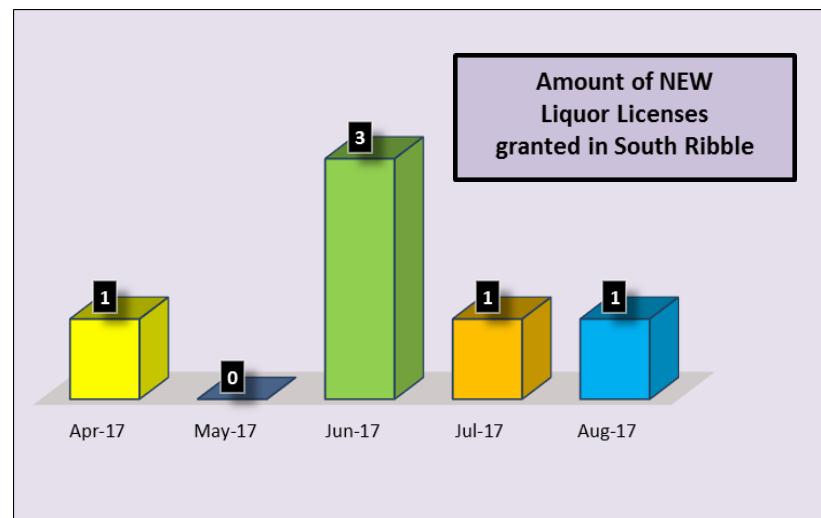
Lime Bar & Lounge, Penwortham

A stylish and sophisticated bar offering light bites and cocktails.

Bon Bons Coffee Bar LTD

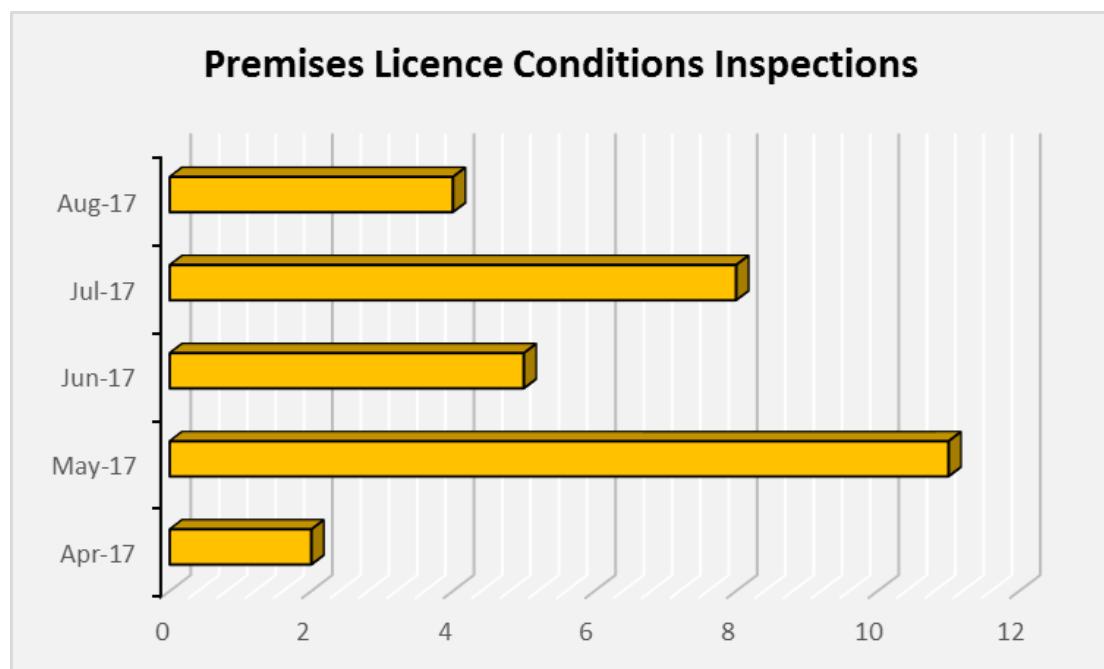
Fancy a cocktail in a tea pot? Then head to Penwortham's new quirky Coffee Bar!

Amount of NEW Liquor Licenses granted in South Ribble



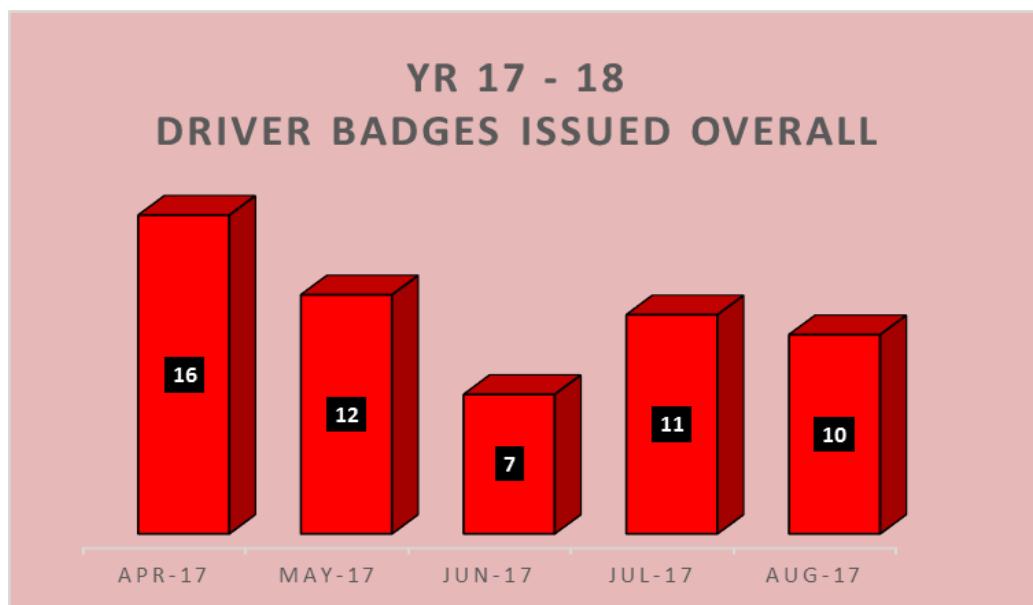
Licensing Act 2003 Enforcement Activity Yr 17 – 18

Renewals Applications	Apr	May	Jun	Jul	Aug
Premises Licence	2	11	5	8	4
Licence Conditions Inspections					
Premises Licence Inspection following a complaint received	1	0	1	4	1
Premises Licence Inspection following a New Designated Premises Supervisor (DPS) application	0	2	2	2	0
Premises Licence New Grant Application Inspection	1	0	3	2	1
Premises Licence Full Variation or Minor Variation Inspection	7	2	6	6	10
Premises Licence Annual Fee overdue enforcement visit	1	0	0	0	8
Late Night Enforcement Exercises	0	0	0	0	1
Test Purchasing Exercises	0	0	0	0	0
No. of Premises Licence Suspensions	0	0	0	0	2
No. of Cases before GLC	0	0	0	0	0
Temporary Event Notice (TENs) Pre-event enforcement Inspection	0	1	2	1	0

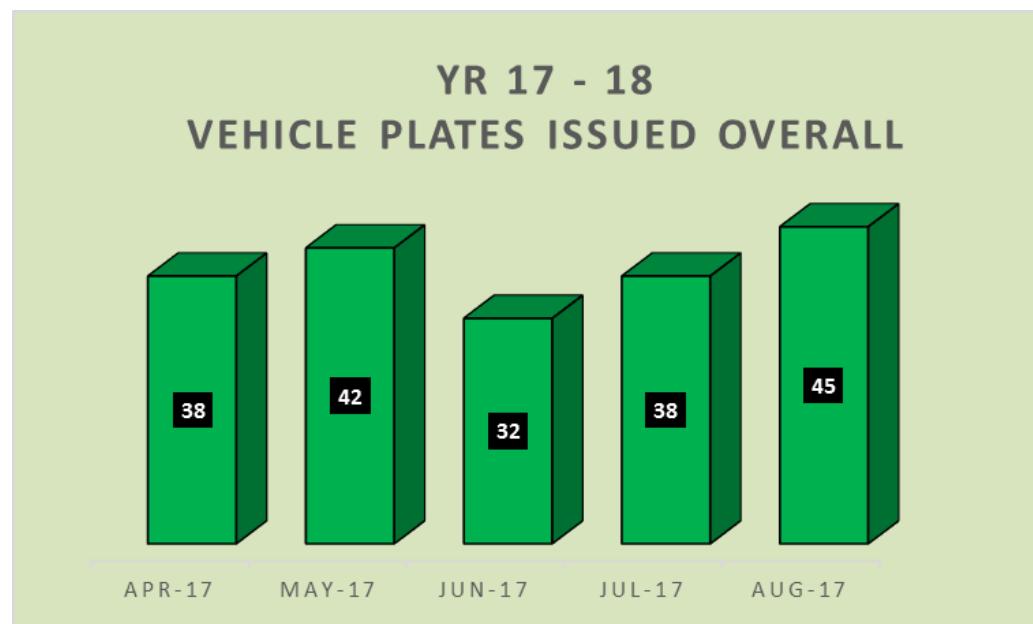


Taxi Licensing Applications Yr 17 – 18

New Drivers	April	May	June	July	August
Private Hire Drivers	1	3	2	1	3
Hackney Carriage Drivers	1	2	3	1	0

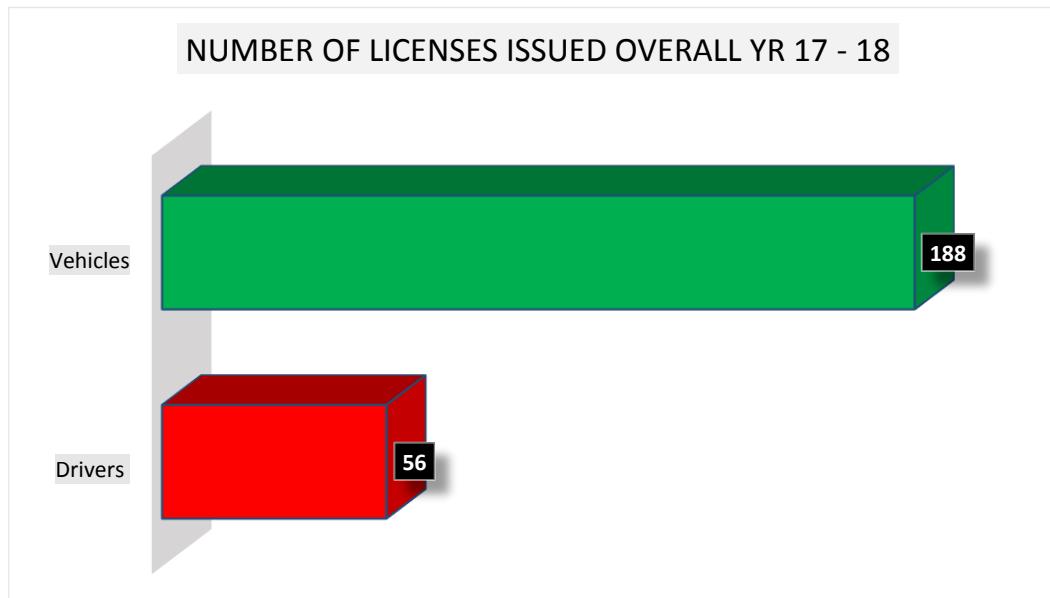
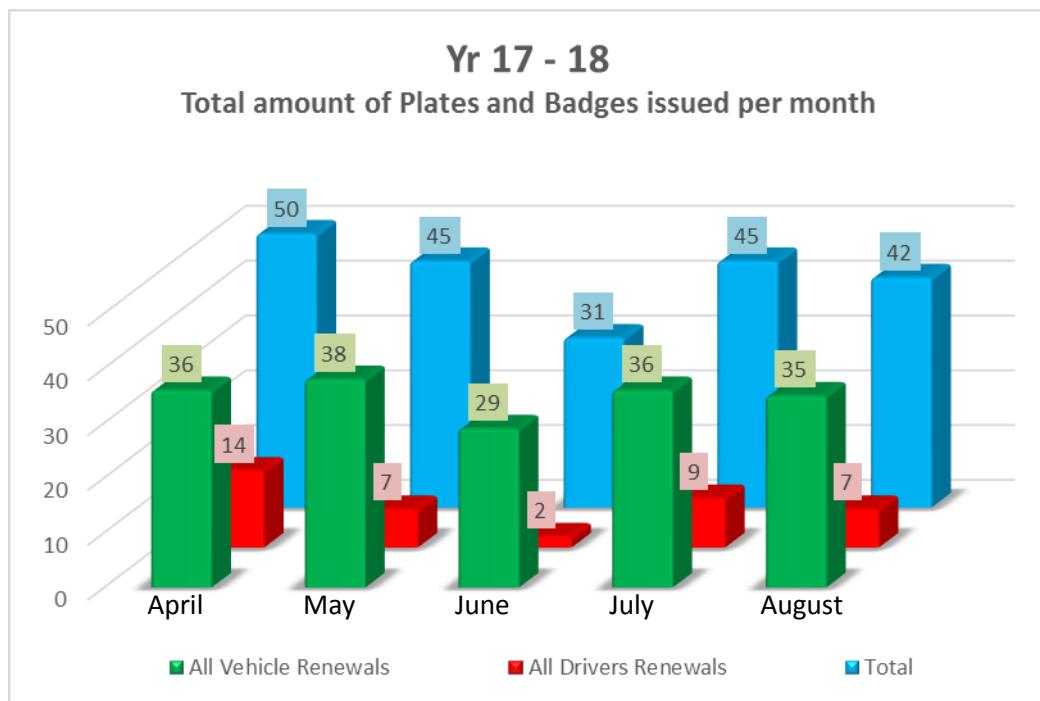


New Vehicles	April	May	June	July	August
Private Hire Vehicles	2	3	3	2	3
Hackney Carriage Vehicles	0	1	0	0	0



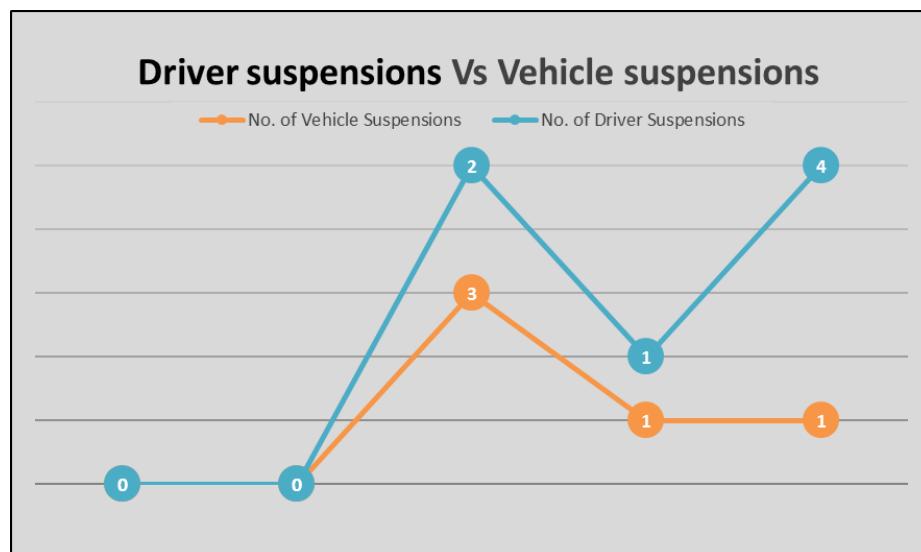
Taxi Licensing Applications Yr 17 – 18

Renewals Applications	April	May	June	July	August
All Vehicle Renewals	36	38	29	36	35
All Driver Renewals	14	7	2	9	7



Taxi Licensing Enforcement Activity Yr 17- 18

Enforcement	Apr	May	Jun	Jul	Aug
Vehicle Inspections	5	1	3	0	0
Test Purchasing Exercises	1	0	0	0	0
No. of Vehicle Suspensions	0	0	3	1	1
No. of Driver Suspensions	0	0	2	1	4
No. of Vehicles with accident damaged presented for inspections	1	0	2	1	0



Decision Making

Decision Making	Apr	May	Jun	Jul	Aug
No. of cases before GLC	0	5	0	3	0
No. of appeals to Magistrates Court	0	0	0	0	0
No. of Standing Order 38	0	0	0	0	0
No. of Immediate Revocations	0	0	0	1	0

Gambling Act 2005 Applications Yr 17 – 18

Application Type	April	May	June	July	August
Small Society Lotteries	2	4	1	0	0
Adult Gaming Centres	0	0	0	0	0
Family Entertainment Centres	0	0	0	0	0
Club Gaming Permit	0	0	0	0	0
Club Machine Permit	0	0	0	0	0
Prize Gaming Permit	0	0	0	0	0
Alcohol Licensed Premises Gaming Machine Permits	0	0	0	0	1
Alcohol Licensed Premises (Notice of Interest)	0	0	0	0	1
Temporary Use Notice (TUNs)	0	0	0	0	0
Temporary Use Notice (TUNs)	0	0	0	0	0
Betting Shops New	0	0	0	0	0
Betting Shops Variation	0	0	0	0	0
Betting Shops Transfers	0	0	0	0	0

Gambling Act 2005 Enforcement Activity Yr 17- 18

Enforcement Activity	Apr	May	Jun	Jul	Aug
Gambling Premises Inspections	0	1	0	0	0
Test Purchasing Exercises	0	0	0	0	0
No of Premises Licence Suspensions	0	0	0	0	0
No of cases before GLC	0	0	0	0	0
Inspections following a complaint - Gambling Premises	0	0	0	0	0

Other Applications Yr 17 – 18

Application Type	Apr	May	Jun	Jul	Aug
Street Collections	4	3	1	1	3
House to House	3	3	4	2	2
Scrap Metal Dealers – Mobile Collectors	0	0	0	0	0
Scrap Metal Dealers – Site Licence	0	0	0	0	0
Caravan Sites	0	0	0	0	0

Other Enforcement Activity Yr 17 – 18

Enforcement Activity	Apr	May	Jun	Jul	Aug
Test Purchasing Exercises	0	0	1	0	0
Inspection following a complaint - Scrap Metal, Mobile Collectors	0	0	0	0	0
Inspection following a complaint - Scrap Metal, Site Licence	0	0	0	0	0
Inspection following a complaint - Caravan Sites	0	0	0	0	0

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Agenda Item 9

REPORT TO	ON
GENERAL LICENSING COMMITTEE	19 SEPTEMBER 2017



TITLE	AUTHOR
UPDATES - TAXI TRADE FORUM AND CONSULTATION PROCESS	PETER HAYWOOD

1. PURPOSE OF THE REPORT

This report is to update members on a range of recent Licensing activity, including the Taxi Trade Forum and the ongoing consultation process on proposed changes to policies / procedures.

2. RECOMMENDATIONS

The Committee is requested to:

- 2.1 reflect on the Taxi Trade Forum held on 13 July 2017 with a view to identifying any possible changes to be adopted at future meetings (paragraph 4.6); and ;
- 2.2 note that the next meeting of the Forum will be held on 26 October 2017; and
- 2.3 note the update on the consultation process, and agree to receive final analysis of the outcomes to the various consultations at the October meeting.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. TAXI TRADE FORUM

- 4.1 On 13 July 2017, a meeting of the Taxi Trade Forum was held at the Civic Centre. This was the first such meeting for several months, and was considered an important step in re-engaging with the licensed trade (whose views and input was sought on a wide variety of Licensing matters which impacted them directly).

The meeting was attended by:

GLC members:

Cllr Mike Nelson (Chair)
Cllr Jane Bell
Cllr Harry Hancock
Cllr Mary Green
Cllr J Mort (Portfolio Holder)

Officers:

Denise Johnson, Director of Development, Enterprise & Communities
Peter Haywood, Revenues Manager
Andy Glover, Interim Licensing Manager
Chris Ward, Licensing Officer
Stephanie Fairbrother, Licensing Officer
Dianne Scambler, Democratic and Member Services Officer

Trade:

3 members of the licensed taxi trade were in attendance.

- 4.2 Officers had worked hard to secure the attendance of licensed drivers, with the details of the meeting being circulated beforehand via social media and with all operators being contacted. It was hoped that more drivers would have been able to attend, but concerted efforts will continue to be made to secure an increased attendance at future meetings.
- 4.3 It was agreed that the minutes of the meeting would be displayed on the Council's website; these can be found via the following link:

<https://www.south Ribble.gov.uk/content/taxis>

A copy of the minutes of the meeting is also attached to this report as Appendix 1 for members' consideration.

- 4.4 The first part of the session consisted of the Interim Licensing Manager giving a presentation on the forthcoming proposed changes to policies and procedures (which the General Licensing Committee had previously agreed should be subject to consultation). The nature of the consultation exercises is discussed later in this report. Much of the remainder of the Forum consisted of a discussion with the trade representatives on issues of importance to them, with the bulk of the dialogue on the topic of qualifications and other procedural matters.

- 4.5 In terms of matters arising from the Forum discussion, the following are of relevance:

- i) during the discussion on driver qualifications, Cllr Nelson undertook to attend the Level 2 BTEC qualification currently offered by Lancashire College at Blackburn in the company of a local operator. Arrangements for their joint attendance at this course are currently being made; and
- ii) due to trade concerns at the perceived unwieldiness of the Council's process for granting licences to applicants, Cllr Nelson undertook to meet with Licensing officers so as to better understand the process (which may possibly be suitable for a future learning session for members of the General Licensing Committee in due course). This meeting took place on 29 August 2017.

- 4.6 In reflecting upon the Forum after the event, officers have identified the following possible areas for discussion with a view to possible adoption at future meetings:

- a) seating arrangements – it may be considered that the theatre-style seating arrangement was too formal and not conducive to discussion. With a small number of attendees in future, it may be preferable to invite them to seat around the table so as to promote dialogue and engagement; and
- b) greater input from the Licensing Officers may also be an aid to discussion of technical matters. Again, it may therefore be helpful to seat the 2 staff around the main table.

- 4.7 A provisional date for the next meeting has now been fixed (5pm on 26 October 2017) and members are asked to note this.

4.8 It has been agreed with the Chair of the General Licensing Committee that – due to Cllr Rainsbury's other commitments during the current year - Cllr Mike Nelson will continue to act as the Chair of the Forum moving forward.

5. CONSULTATIONS

5.1 Members will recall that, at their various meetings since February 2017, a number of proposed changes to policies and procedures have been discussed and agreed to be subject to consultation. These topics include:

- a) Proposed adoption of (i) legislation relating to the transportation of assistance dogs, and a procedure enabling drivers to apply for an exemption from these requirements on medical grounds;
- b) Proposed adoption of (i) legislation enabling the Council to produce a “designated list” of vehicles adapted for the transportation of wheelchair users; (ii) obliging drivers of vehicles on the designated list to provide support and assistance for wheelchair users who use vehicles on the designated list; and (iii) a procedure enabling drivers to apply for an exemption from these requirements on medical grounds;
- c) Proposed adoption of an Intended Use Policy, requiring all applicants for a Hackney Carriage driver’s licence to formally confirm their intention to drive predominantly within the area of South Ribble Borough Council;
- d) Proposed adoption of a testing regime to ensure the continuing roadworthiness of vehicles which have been subject to modification (eg to allow the transportation of wheelchairs). As part of this consultation, views are being sought on whether to allow testing to be carried out by testing stations across the Borough, or to restrict the carrying out of tests to the Lancashire County Council facility at Bamber Bridge;
- e) Proposed adoption of a number (up to 14) possible changes to the current Licensing Policy, covering a variety of areas including driver qualifications, tinted windows etc; and
- f) Proposed requirement for all new applicants to provide proof of satisfactory completion of an online training course on Safeguarding prior to granting of a licence, with a similar requirement being introduced for existing drivers on the 3-yearly renewal of their licence.

5.2 The above consultations have taken place from 1 – 31 August 2017. Members are asked to note that they will receive detailed reports on the outcome of the consultations at their meeting in October 2017, when decisions on whether to forward the proposals to full council for final adoption in November 2017 can be made. (It has not proved possible to bring these reports to members at their September meeting as the consultation period does not elapse until 31 August 2017, this clashing with the officer deadline for the September meeting of the General Licensing Committee).

5.3 Officers are keen to gain as much trade and public feedback as possible on the consultation documentation, and as such a number of measures have been taken to ensure that all interested parties are informed of the consultation exercises and are able to input their views accordingly. These measures include:

- a) all relevant information being displayed on the “consultations” page of the Borough Council website;
- b) letters being sent to all interested parties (including all licensed drivers, proprietors and operators; all current testing stations; and a number of local disability groups) informing them of the consultation exercise. A specimen of the letters sent out to promote the consultation is attached as Appendix 2. The letters also set out where consultees can access information about the matters under consultation, and the various ways in which views can be submitted;

- c) drop in sessions being held at the Civic Centre on 15 and 17 August 2017, when interested parties can receive detailed information on the proposals on a one to one basis and also submit their views directly to those officers in attendance; and
 - d) messages promoting the consultation exercise being circulated via the Council's social media feeds.
- 5.4 Despite the efforts to promote the consultation exercise, on balance few responses were received. However, the drop in sessions can be said to have been a relative success, with a group of interested parties attending the first session:

Date of drop in session	Persons attending
15.8.17	6 drivers, 1 operator
17.8.17	0 attendance

- 5.5 With regard to disability groups, officers have managed to locate and write to a number of organisations which are based exclusively in the borough:

Group	Contact Number	Address
Little Penguins Respite Centre	01257 241 636	Broadoaks Child Development Centre, Balcarres Rd, Leyland, PR25 3ED
Spectrum & me	07793 153 637	St Aidans Church Hall, Station Road, BB, PR5 6QL
Face the Future	n/a	Hallmark Hotel, Leyland Way, Leyland, PR25 4JX
The Lighthouse – Brighten up your Day!	01772 816 727	Hesketh Bank Christian Centre, Moss Lane, Hesketh Bank, Preston, PR4 6AA
TAAG Lancashire	07738 129447	info@taaglancashire.co.uk
Brothers of Charity	?	Dawson Lane, Whittle-Le-Woods, Chorley PR6 7DX

- 5.6 In order to ensure that all feedback about the proposals can be captured and then reported to elected members for their consideration, officers have drawn up formal logs. It is proposed that the content of these logs will be included in the final report to members in October 2017.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

6.2 Comments of the Monitoring Officer

There are no legal implications identified in this report.

Other implications:	
• Risk	It is important that any consultation exercise is fair and open. The purpose of proactively writing out to a wide range of agencies is to ensure that this is the case.
• Equality	Several of the proposed changes to the Licensing Policy have a direct impact on vulnerable service users. Again, attempts have been made to engage with these directly.
• HR	None

8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – minutes of the Taxi Trade Forum

Appendix 2 – specimen letter sent to drivers / proprietors / operators

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TAXI TRADE FORUM
THURSDAY 13 JULY 2017

Present: – Councillor Mike Nelson (Chair), Andy Glover (Interim Licensing Manager), Peter Heywood (Revenues Manager), and Dianne Scambler (Democratic Services Officer)

Members of the Committee Present: Councillors, Jane Bell, Mary Green, Harry Hancock

Other Attendees Present: Councillor Jacqui Mort – Cabinet Member (Public Health, Safety and Wellbeing), Stephanie Fairbrother (Licensing Officer), Chris Ward (Licensing Officer)

The Interim Licensing Manager, Andy Glover, welcomed everyone to the Taxi Trade Forum and introduced the Chair of the Forum, Councillor Mike Nelson who is the Vice Chair of the General Licensing Committee, along with officers of the Licensing Team who were present at the meeting.

It was explained that the Taxi Forum had taken longer than anticipated to arrange and that the intention was to hold them quarterly just after a General Licensing Committee so that matters considered at that meeting relating to the trade, could be fed back and any notice of proposed consultations given. The Forum was a two way partnership and the aim was to build up a good working relationship between the Authority and the Trade.

A lot of information was available on the Council's website for the benefit of the trade and drivers and operators were encouraged to read the Council's licensing documentation that included licensing policy, conditions and by-laws.

It was accepted that it had been a challenging year for everyone involved with Licensing in South Ribble and some changes had already been introduced that would improve on previous practices. A number of additional improvements were currently in the pipeline and the Council wanted to use this forum as a way of clarifying the situation, to give advance warning of changes to processes and highlighting a number of forthcoming consultations.

The Interim Licensing Manager outlined those changes that had already been undertaken that included, a new Convictions Policy and changes to Committee Hearings, in relation to what applications would be considered by Councillors and new procedures that had been implemented by officers to ensure that everyone received a fair hearing.

The trade were then informed of a number of proposed changes to existing policies that would be consulted on that included:

- Supporting vulnerable users through the carrying of assistance dogs and people in wheelchairs.
- Roadworthiness of Modified Licensed Vehicles
- Qualifications
- Safeguarding Training
- Tobacco (smoking and Signage)
- Tints
- Executive Hire (Private Hire)

- Digital/GPS taximeter's
- Seating numbers
- Intended Use Policy

The taxi trade would be written to shortly detailing all proposals and the Chair urged everyone to respond, as any views will be heard by members of the General Licensing Committee before a final decision is made.

In response to the information delivered by the Interim Licensing Manager, representatives of the Trade raised a number of issues.

It was explained that any driver that assisted a member of the public past 1.5metres away from their vehicle required additional insurance and asked for the Council to explore the implementation of a blanket cover for all taxi drivers when considering the changes to policy regarding the supporting of vulnerable users.

Representatives of the taxi trade that were present disputed the need for drivers to undertake the prescribed BTEC qualification, stating that it did not enhance the role of the driver as it was more about a common sense approach rather than learning new skills and knowledge. The cost of the course was £200 and operators found difficulty encouraging prospective drivers to enroll given the cost and course content. As the course related to all matters regarding the driving of a taxi Members were confused as to why the trade considered the course inappropriate and the Chair offered to undertake the course on behalf of the Committee and report back.

Drivers were unhappy that there had appeared to have been no consultation regarding the increased cost of plates and whilst it was explained that the increase had been advertised in the Lancashire Evening Post as was legally required to do so, there was an acceptance by the Council that greater consultation needed to take place in the future.

Other issues that were discussed at the meeting included the length of time it takes to process an application, the age limit placed on cars and problems relating to drivers from neighbouring authorities.

Finally in response to concerns from the trade regarding issues raised in the past the Chair, reiterated the promise that had been made by the Interim Licensing Manager that the team were looking to improve on relations between the Council and the Taxi Trade and urged the representatives present to pass this on to other members of the trade. The Committee wanted to work in partnership with the taxi trade to improve on past performance and develop a great service for the residents of the Borough. The Chair thanked everyone for attending and hoped that more people would be encouraged to attend future meetings.

It was AGREED that a greater notification time for the date for the next meeting of the Taxi Trade Forum would be given and that the Council would look at different ways of advertising this date. A note of this meeting would also be displayed on the Council's website.

DS

Date: 31 July 2017

Your ref:

Our ref: [OUR REF]

Please ask for: Mr A Glover

Extension: 5330

Direct Dial Tel: 01772 625330

Fax:

email: aglover@southribble.gov.uk



[ADDRESS]
[ADDRESS]
[ADDRESS]
[ADDRESS]
[ADDRESS]

Civic Centre, West Paddock,
Leyland, Lancashire PR25 1DH
Tel: 01772 421491
Fax: 01772 622287
email: info@southribble.gov.uk
website: www.southribble.gov.uk

This letter is being sent to all drivers and proprietors of Hackney Carriage / Private Hire vehicles licensed by South Ribble Borough Council

Dear Sirs

RE: Consultation exercises to run throughout the month of August 2017

As discussed at the Taxi Trade Forum held on 13 July 2017, the Licensing Section of South Ribble Borough Council is consulting upon a number of changes to its policies and procedures. As part of this process we would want to engage with all stakeholders and interested parties, including licensed drivers and proprietors.

The consultation exercises will commence on **Tuesday 1 August 2017 and conclude at 5pm on 31 August 2017**. There are a number of topics on which consultation is taking place – these are summarised below:

- 1) Proposed adoption of (i) legislation relating to the transportation of assistance dogs, and a procedure enabling drivers to apply for an exemption from these requirements on medical grounds;
- 2) Proposed adoption of (i) legislation enabling the Council to produce a “designated list” of vehicles adapted for the transportation of wheelchair users; (ii) obliging drivers of vehicles on the designated list to provide support and assistance for wheelchair users who use vehicles on the designated list; and (iii) a procedure enabling drivers to apply for an exemption from these requirements on medical grounds;
- 3) Proposed adoption of an Intended Use Policy, requiring all applicants for a Hackney Carriage driver’s licence to formally confirm their intention to drive predominantly within the area of South Ribble Borough Council;
- 4) Proposed adoption of a testing regime to ensure the continuing roadworthiness of vehicles which have been subject to modification (eg to allow the transportation of wheelchairs). As part of this consultation, views are being sought on whether to allow testing to be carried out by testing stations across the Borough, or to restrict the carrying out of tests to the Lancashire County Council facility at Bamber Bridge;
- 5) Proposed adoption of a number (up to 14) possible changes to the current Licensing Policy, covering a variety of areas including driver qualifications, tinted windows etc; and
- 6) Proposed requirement for all new applicants to provide proof of satisfactory completion of an online training course on Safeguarding prior to granting of a licence, with a similar requirement being introduced for existing drivers on the 3-yearly renewal of their licence.

I would formally invite you to visit the relevant page of the Council's website, which sets out further detail on all the above consultation topics (as well as the various methods of submitting your views). The address of the relevant page is:

<https://www.southribble.gov.uk/consultations>

In addition, the Council is intending to hold two drop in sessions for licence holders and others who may wish to talk through the proposals and get a better understanding of what they entail. These sessions will be held in the Cross Room at the Civic Centre on the following dates:

- 15 August (2.30pm – 4pm); and
- 17 August (10.30am – 12 noon).

Please feel free to just call in if you wish – no prior arrangement is needed.

As licence holders your views are important to the Council, and we look forward to hearing from you during the consultation period.

Yours sincerely



Andy Glover
Interim Licensing Manager

Agenda Item 10

REPORT TO GENERAL LICENSING COMMITTEE	ON 19 SEPTEMBER 2017
Jan 2017	



TITLE	AUTHOR
"OUT OF TOWN" DRIVERS: REQUEST FOR SUPPORT FOR NATIONAL CAMPAIGN	PETER HAYWOOD

1. PURPOSE OF THE REPORT

- 1.1 This report will update members on a national campaign coordinated by Transport for London, with a view to addressing the issues arising from Hackney Carriage and Private Hire drivers who are licensed in one local authority being able to drive legitimately in other areas where they do not hold a licence.

2. RECOMMENDATIONS

The Committee is requested to:

- 2.1 note the details of the campaign promoted by Transport for London (as set out in section 5 below); and
- 2.2 consider the draft letter of support for the campaign (attached as Appendix 2) with a view to determining whether to send this to the Minister of State with responsibility for taxi policy on behalf of the local authority; and
- 2.3 if the decision is taken to send a response to the consultation, determine whether the letter should be signed by the Chair of the General Licensing Committee; relevant Portfolio Holder; or an approach should be made to the Leader of the Council.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe	X	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

- 4.1 Members will recall that, on 11 July 2017, they received a report outlining the various methods by which a driver who is licensed in another local authority may be able to drive legitimately in the South Ribble area. This included detailed discussion of two areas in particular:
 - i) under the Deregulation Act 2015, operators licensed in South Ribble may choose to subcontract a booking to an operator licensed in any other local authority, leading to a driver not licensed by South Ribble Borough Council legitimately taking fares in this Borough; and
 - ii) case law which permits holders of a Hackney Carriage Driver's Licence granted in one borough to act as a Private Hire driver in the area of another. This issue has been

increasingly recognised in recent years as an area of real concern, with the July report identifying a number of perceived risks (especially those arising from a lack of enforcement powers for the host authority).

- 4.4 With regard to the Deregulation Act, the Committee noted the position but chose not to take any further action due to the legitimacy given by statute law. In relation to the problems arising from case law, the Committee acknowledged the concerns arising from the decisions in Newcastle City Council v Berwick upon Tweed Borough Council and Stockton-On-Tees Borough Council v Fidler, Hussain & Zamanian; these cases identified that once a vehicle has been licensed as a Hackney Carriage, it is a Hackney Carriage for the duration of that licence (wherever it is currently located) and can therefore be used for pre-booked (private hire) purposes in any district in England and Wales. The judgments make it clear that it is not an offence for a licensed Private Hire operator to take bookings but then dispatch a Hackney Carriage licensed by a district (or Transport for London - TfL) which is different from that which licences the operator. In order to be reassured that the Borough Council was taking all reasonable steps to discourage this practice, the Committee agreed to consult on the introduction of an Intended Use Policy. This consultation has taken place during the month of August 2017, and a further report summarising the consultation responses will be put before members at their October meeting.

5. NATIONAL CAMPAIGN

- 5.1 Transport for London (TfL) is the body which licenses all Hackney Carriage and Private Hire vehicles on a pan-regional basis across the capital. In August 2014, TfL sent an email to all licensing authorities across England and Wales. A copy of that email is attached as Appendix 1. The email outlines a national campaign which TfL is launching, with a view to addressing the concerns which have arisen in relation to “cross border hiring”.
- 5.2 Cross border hiring occurs when a Hackney Carriage or Private Hire driver licensed in one local authority is legitimately entitled to drive in another local authority, thereby circumventing the ability of local Licensing enforcement staff to take meaningful action against that driver (as this can only be done by Licensing staff from the authority where the licence is held.)
- 5.3 From a TfL perspective, concerns about cross border hiring arise primarily in relation to Uber and the Deregulation Act. For instance, it has been alleged that – in areas where Uber holds an operator licence but finds local licensing requirements to be restrictive – the company will look to get around this by importing vehicles and drivers licensed by London authorities. Under the Deregulation Act 2015, such a practice is perfectly legal.
- 5.4 Whilst noting that members of the General Licensing Committee have expressed concern about Uber, it is suggested that of greater local concern is the case law identified in section 4.4 of this report and the way that some local authorities have sought to exploit this loophole. In either case, the end result is the same – drivers not licensed by South Ribble are able to drive in South Ribble.
- 5.5 In seeking to gather support for their campaign, TfL notes that:

“It seems inconceivable that Government intended taxi and private hire licensees to obtain licences from a local authority with the intention of working 100 per cent of the time outside that local authority.”

The General Licensing Committee is likely to share this view – hence its recent decision to consult on the proposed Intended Use Policy.

- 5.6 The TfL email (signed by the Deputy Mayor for Transport, Valerie Shawcross CBE) goes on to conclude:

"I hope you agree with me that we need an urgent change in the law so that all taxi and private hire journeys should either start or end in the area **for which the vehicle, driver and operator are licensed." [report author's emphasis]**

The Committee may share this sentiment – if this principle were to be adopted, then the problem of “out of town drivers” would clearly be reduced as a far greater local component would be introduced to each journey if it were to remain within the law. The Committee is therefore asked to consider whether it would be appropriate for a supportive response to be sent to Ms Shawcross on behalf of the authority. In anticipation of this, a draft response has been prepared with a view to aiding members’ discussions; a copy of this is attached as Appendix 2. It is accepted that the emphasis of this draft is clearly on the case law scenario set out in section 4.4.above; should members wish any final response to also reflect concerns about the Deregulation Act, this can of course be incorporated.

- 5.4 Finally, should the Committee support the proposal to write to the Minister of State with responsibility for taxi policy, members may wish to consider whether the correspondence should be sent from the Chair of the Committee or the Portfolio Holder. Alternatively, an approach could be made to the Leader of the Council to establish if the letter could be sent in his name.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

7.2 Comments of the Monitoring Officer

SRBC has recently consulted on the proposed Intended Use Policy, with the results of the same to be presented at the October GLC. If the Policy is adopted, then it will provide this Council with some control against those who do not adhere to the same. Nevertheless, as this is a national issue the approach suggested in the report would provide the Government with information to show that it is a real issue which requires addressing.

Other implications:	
<ul style="list-style-type: none">• Risk	There are numerous risks arising from the current position which permits a Hackney Carriage driver who is licensed in one authority to drive as a Private Hire driver in another. Specifically, there is a lack of control for the host authority over such a driver (as he / she is licensed elsewhere). The aim of the campaign which members are asked to support is to make the Government aware that this is a national issue which requires addressing.
<ul style="list-style-type: none">• Equality	None identified
<ul style="list-style-type: none">• HR	None identified

8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – email request from Transport for London
Appendix 2 – draft response for members to consider

Appendix 1

Cross-border hiring of taxis and private hire vehicles

I am writing to you to raise the issue of cross-border hiring of taxis and private hire vehicles (PHVs). Instances of cross-border hiring are growing rapidly across the country. This brings with it associated problems for local licensing authorities but it is a national problem that needs a national solution.

As you may be aware, currently there are no restrictions on where private hire journeys and pre-booked taxi journeys start or finish. As long as the vehicle, driver and operator are licensed by the same licensing authority, and the booking is accepted within this authority, private hire vehicles may operate in any part of the country. In other words, a private hire operator licensed in London can allocate a booking to a private hire driver and vehicle also licensed by Transport for London (TfL) to anywhere in England and Wales. Irrespective of where the journey begins or ends, or where the driver is at the time, this form of cross-border hiring is entirely legal.

It seems inconceivable that Government intended taxi and private hire licensees to obtain licences from a local authority with the intention of working 100 per cent of the time outside that local authority. However, it is clear that there are a significant number of London licensed private hire vehicles that appear to be working solely in areas outside of the capital. The map I have included with this letter shows the hotspot areas across the country where large numbers of London licensed private hire drivers live. TfL has published this map, along with partial postcode data of the home addresses of all taxi and private hire drivers licensed in London on their website (<https://tfl.gov.uk/info-for/taxis-and-private-hire/licensing/licensing-information>) and I urge you to check the data to see what the scale of the issue is in your area.

I have been contacted from across the country by people concerned about vehicles and drivers licensed in London operating in their local area. Technology is enabling this activity on a national scale and this is becoming commonplace around the country.

The problem with this arrangement is that it undermines local licensing regimes. You may be aware of the measures we are putting in place in London to tighten private hire regulations to ensure improved safety and customer service. We are also investing to strengthen enforcement activity within the capital. These efforts – and any regulations you feel are necessary within your local area – will be futile if operators can move to other licensing authorities to avoid these controls. Without changes to cross-border hiring, compliance officers do not have the powers to deal with licensees from other licensing authorities. In other words, you would not have the necessary powers to tackle issues with drivers or vehicles operating in your area if they are licensed in London.

I hope you agree with me that we need an urgent change in the law so that all taxi and private hire journeys should either start or end in the area for which the vehicle, driver and operator are licensed. We are convinced that this needs to be addressed in primary legislation. This would allow flexibility for private hire operators to fulfil passenger requests to make bookings from outside, or to go outside, the area for which they are licensed, provided the passenger destination or origin is within the licensing area. However, it will put an end to vehicles licensed in one area permanently operating within another licensing area, which allows applicants to shop around to take advantage of the most favourable local licensing and enforcement standards.

I would appreciate any support that you could offer to enact this change. I would be grateful if you would consider writing to John Hayes MP, Minister of State with responsibility for taxi policy, setting out the scale of the problems in your constituency.

Yours sincerely,

A handwritten signature in black ink that reads "Valerie Shawcross". The signature is fluid and cursive, with "Valerie" on the first line and "Shawcross" on the second line.

Valerie Shawcross CBE

Deputy Mayor for Transport, London

Appendix 2

The Rt. Hon. John Hayes CBE MP
Minister of State
Department for Transport
House of Commons
London
SW1A 0AA

hayesj@parliament.uk

Dear Sir

Re: Cross-border hiring of Taxis and Private Hire Vehicles

I am writing to you in my capacity as Leader / Portfolio Holder / Chair of South Ribble Borough Council's General Licensing Committee. [DELETE AS APPROPRIATE]

As you will be aware, case law (such as that set out in Newcastle City Council v Berwick upon Tweed Borough Council and Stockton-On-Tees Borough Council v Fidler, Hussain & Zamanian) has had a considerable impact on local licensing regimes. These cases identified that once a vehicle has been licensed as a hackney carriage, it is a hackney carriage for the duration of that licence (wherever it is currently located) and can therefore be used for pre-booked (private hire) purposes in any district in England and Wales. The judgments make it clear that it is not an offence for a licensed private hire operator to take bookings but then dispatch a hackney carriage licensed by a district (or Transport for London) which is different from that which licences the operator.

At its meeting on 19 September 2017, this Borough Council's General Licensing Committee authorised me to write to you in relation to this issue. Specifically, the Council would enquire about the government's plans for a change in legislation to address the problems arising from the current cross-border hiring of hackney carriage / private hire vehicles. This issue is a matter of concern to South Ribble Borough Council as well as a great many councils across the country.

In the Borough of South Ribble, cross-border hiring usually comes in the form of a hackney carriage licensed by a different local authority, which is then lawfully used for private hire vehicle purposes in this district (outside of the area in which it has been licensed to operate). This situation is a cause for concern South Ribble Borough Council has formally adopted rigorous standards to ensure the professionalism of its licensed drivers and protect vulnerable service users. However, we note that there are disparities in conditions on licences imposed by various licensing authorities; a prospective driver may choose to become licensed at a particular licensing authority because it could be considered to have lower standards in driver testing and less rigorous pre-licence checks in comparison to those in South Ribble.

This problem is not merely experienced by this local authority, but it appears to be a national problem. Licensing authorities have no powers to intervene if a driver licensed elsewhere

contravenes any conditions of the licence or provides a poor service to a passenger and the local community. It is also unfair on the local licensed trade within this Borough, as drivers undoubtedly face competition from drivers who may have paid lower licence fees due to fewer checks being completed to ascertain a driver's fitness and propriety – the statutory test to hold the relevant licence.

As with some other local authorities, this Council has worked hard to improve its Safeguarding arrangements in relation to Child Sexual Exploitation (CSE). It is apparent that all licensed hackney carriage and private hire drivers will frequently come into contact with vulnerable members of the community at all hours of the day and night; as such this Council has worked hard to ensure that standards of driver probity are now of a high standard. For instance, the Licensing Convictions Policy has been amended to permit the taking into account of 'soft' intelligence with regards to drivers / applicants. However, such improvements are undermined by a legal framework which permits the cross-border hiring of hackney carriages / private hire vehicles (which then allows drivers over whom this authority has no control to operate on a regular basis in this Borough).

This Council only has legal control over those drivers which it licenses and has a robust approach to any CSE activities. Any driver licensed by an authority other than South Ribble Borough Council falls outside our legal jurisdiction and this authority would therefore be unable to take action against such a driver's license (for example, revocation, suspension or the addition of conditions) should that driver fall below the standards expected of license holders in this Borough.

In addition, many drivers licensed elsewhere but operating in this Borough also have a lack of familiarity with the area. They have not completed the area knowledge test which this authority requires its applicants to undergo and indeed may have no connection to this Borough. The Council has received reports that the language skills and customer service/care skills of hackney carriage / private hire drivers operating in this district but licensed by another authority are often quite poor. This portrays a negative (and false) image of drivers licensed by South Ribble Borough Council, as the wider public does not always understand the technicalities of cross-border hiring and cannot always differentiate between a locally-licensed vehicle and a vehicle licensed by another local authority.

In conclusion, the problem of cross-border hiring is perhaps one of the most acute facing licensing authorities today. An urgent change in primary legislation is needed so that all hackney carriage / private hire journeys should either start or end in the area for which the vehicle, driver and operator are licensed. This would go a long way in addressing many of the problems experienced by local authorities in terms of cross-border hiring.

This authority fully supports the campaign for a change in law to reflect the above and offer any backing to enact this change.

Please do not hesitate to contact the Council if any further information is required.

Yours faithfully

Agenda Item 11

REPORT TO	ON
GENERAL LICENSING COMMITTEE AND LICENSING ACT COMMITTEE	19 SEPTEMBER 2017



Jan 2017

TITLE	AUTHOR
GENERAL LICENSING COMMITTEE AND LICENSING ACT COMMITTEE – REVIEW OF CONSTITUTION AND INTRODUCTION OF MEMBER PANELS FOR HEARINGS OF THE GENERAL LICENSING COMMITTEE	PETER HAYWOOD

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform members of proposals to amend the Terms of Reference, as set out in the Council's Constitution, for both the General Licensing Committee and the Licensing Act Committee. It is also the intention to introduce a more streamlined system for hearings of the General Licensing Committee with the introduction of smaller Sub-Committees.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 the draft Terms of Reference for (i) the General Licensing Committee (Appendix 2) and (ii) the Licensing Act Committee (Appendix 3) are approved and submitted to the Governance Committee on 29 November 2017 for consideration and recommendation to full Council on 17 January 2018; and
- 2.2 members of the General Licensing Committee note the proposed introduction of Sub-Committee Panels of 5 members for hearings on matters within its remit.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

- 4.1 As a result of previous difficulties encountered by the Licensing function, during early 2017 the Council requested that Commissioner Mary Ney (a senior manager at Rotherham Council with considerable experience in the transformation of Licensing services) undertake an independent review of the service. Commissioner Ney visited the Council on 21 – 23 March 2017, when she carried out a range of activities intended to enable her to better understand

the Council's approach to the licensing of Private Hire / Hackney Carriage vehicles, drivers and operators. These included interviews with senior Council officers and members, as well as attending a meeting of the General Licensing Committee on 21 March.

- 4.2 On 23 March Commissioner Ney presented her review of the Council's taxi licensing function to an audience which included members of the General Licensing Committee, as well as other officers and members. Whilst Commissioner Ney found much about which she could speak positively, one of the areas she felt could be made more robust related to the conducting of hearings (where the Committee sits as a quasi-judicial body to determine the suitability of an applicant / driver to hold a licence with this authority under the statutory "fit and proper" test). Commissioner Ney noted that the Committee currently sat as a full committee during such hearings; this could involve up to 11 members sitting in deliberation at any one time.
 - 4.3 Local authorities across the country conduct licensing hearings for taxi-related matters in a variety of ways, ranging from the use of a full committee to delegation to a single senior officer (although the trend is generally towards the use of smaller rather than larger bodies to conduct proceedings). Each system has its own merits, and it is clear that the current South Ribble approach has the advantage of full member involvement in the process, with all members of the Committee playing a part in each decision.
- 4.4 However, it is also considered that the current system has certain disadvantages including:
- the large number of members in attendance makes it hard for the committee to develop and sustain a co-ordinated line of questioning (especially in cases where the driver / applicant may be unwilling to engage or the allegation is of a particularly sensitive nature);
 - the number of members present in a formal environment may intimidate some drivers / applicants and therefore undermine the committee's attempts to gather information from the person in front of them; and
 - larger meetings are administratively unwieldy, requiring a large number of members to attend each hearing session. This problem will be exacerbated by the more proactive approach to Licensing enforcement which the Council has now adopted, with an increased number of hearings more likely in future.

5. EXISTING CONSTITUTIONAL ARRANGEMENTS

- 5.1 A copy of the Council's current Terms of Reference for both the General Licensing Committee and the Licensing Act Committee is attached as Appendix 1. Members may consider this to be brief and not fully reflective of the Committee's wider role and responsibilities.

6. PROPOSED NEW ARRANGEMENTS

- 6.1 In view of the above concerns it is proposed to adopt revised Terms of Reference for both the General Licensing Committee and the Licensing Act Committee. The draft Terms of Reference for the General Licensing Committee and the Licensing Act Committee are attached as Appendices 2 and 3 respectively.
- 6.2 As part of the process of revising the General Licensing Committees' Terms of Reference, it is also proposed to introduce a new and more streamlined system for hearings. It is proposed that in future:
 - hearings should be heard by a Sub-Committee Panel consisting of 5 members only, drawn from the General Licensing Committee;

- in order to ensure consistency of approach across all the hearings which take place, each Sub-Committee Panel should be chaired by either the Chair or Vice Chair of the Licensing Committee;
- other member vacancies on the Sub-Committee Panels would be filled on a rota basis to ensure that all members continue to play a positive role in the practical work of the Committee and contribute to its output; and
- it is suggested that – for matters concerning taxi licensing but not liquor licensing - members (other than the Chair/Vice-Chair of the Panel depending on availability) should be allocated in accordance with political balance.

6.3 In all other respects, the agreed procedures for Sub-Committee Panels of the General Licensing Committee would remain the same as for a hearing at full committee, eg Legal Services will attend and draft the Decision Notice and the Licensing Manager will present details of the allegations.

6.4 This new suggested approach would:

- enable members' attendance at hearings to be pulled together more speedily and flexibly in order to prevent a backlog of hearings building up, as has occurred in the recent past;
- bring the hearing process into line with that of the majority of other licensing authorities, very few of whom are now seen to hold hearings at full committee level; and
- free up the main committees to strengthen their strategic role in the development of policy.

6.5 It is important to note that the above proposal for 5 member panels only relates to the General Licensing Committee and does not extend to the panels convened under the Licensing Act 2003. Section 9(1) of the 2003 Act states that:

“A licensing committee may establish one or more subcommittees consisting of three members of the committee.”

As a statutory requirement, the Council does not intend to alter its current approach and the use of 3 member panels will be retained for the Licensing Act Committee. As with Sub-Committee Panels for the General Licensing Committee, the panels for the Licensing Act Committee will be chaired by the Chair or Vice-Chair of the main committee.

7. TIMESCALES & PRACTICAL IMPLICATIONS

- 7.1 With the agreement of the General Licensing Committee and the Licensing Act Committee, the amended Terms of Reference at Appendices 2 and 3 respectively will be submitted to the Council's Governance Committee, as part of the wider review of the Council's Constitution, at their meeting on 29 November 2017 and to full Council on 17 January 2018 for formal approval.
- 7.2 If the move to Sub-Committee Panels for the General Licensing Committee is confirmed, there will be a need for officers to amend current procedures and documentation accordingly.

8. CONCLUSION

- 8.1 If adopted, the proposal to adopt revised Terms of Reference will update the Council's constitutional arrangements for both the General Licensing Committee and the Licensing Act

Committee. The proposed introduction of 5 member panels for hearings under the remit of the General Licensing Committee would provide a modern and streamlined approach to the conducting of hearings. Whilst the General Licensing Committee's workload in this regard is difficult to quantify in advance, it is undoubtedly increasing and the new structure would provide a more flexible and agile approach.

- 8.2 Members of the General Licensing Committee would still be actively involved through their roles on the Sub-Committee Panels as allocated, as well as retaining an overall responsibility for policy development in an area of key importance for the authority.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

9.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

9.2 Comments of the Monitoring Officer

The Licensing Committee has the power to delegate its functions to a Sub-Committee for hearings. This should enable a more effective and streamlined approach.

Other implications:	
• Risk	The introduction of smaller Sub-Committee Panels could potentially lead to members becoming disengaged from the Licensing process. However, this will be overcome by regular scheduled attendance on Panels (the number of which is likely to increase overall), whilst the overall responsibility for policy development is still retained.
• Equality	None
• HR	None

10. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – existing Terms of Reference

Appendix 2 – proposed Terms of Reference (General Licensing Committee)

Appendix 3 – proposed Terms of Reference (Licensing Act Committee)

Licensing Committee

Appendix 1

1. Licensing Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Committees are responsible for dealing with the Council's Licensing functions, including Taxi Licensing, Liquor Licensing, and Gambling Act applications.

2. Membership

- (a) **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989
- (b) **Membership.** Up to a maximum of x members.
- (c) **Chairing the Committee.** Chairman appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

General Licensing Committee

Taxi and miscellaneous licensing

Functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 but excluding those functions relating to licensing under the provisions of the Licensing Act 2003 and the Gambling Act 2005.

Health and safety

Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer

Licensing Act Committee

Functions relating to licensing under the Licensing Act 2003.

Functions relating to gambling under the Gambling Act 2005.

Functions relating to licensing under the Scrap Metal Dealers Act 2013.

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General Licensing Committee

1. General Licensing Committee

Appointed by Council at the first business meeting of the municipal year.

The General Licensing Committee will sit as a full committee and is responsible for dealing with the Council's taxi licensing and other specific licensing functions.

2. Membership

a) Political Balance

The General Licensing Committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

b) Membership

11 members

c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

The General Licensing Committee will be responsible for overseeing, developing and approving taxi licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) overseeing the processes to determine the application of the statutory "fit and proper" test, and vehicle age policy, to ensure public safety within the Borough;
- b) all functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences;
- c) receiving reports on these matters, and on the functions delegated to the Taxi and Miscellaneous Panels and to officers. To call for a report on any individual case;
- d) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- e) exercising the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Taxi Licensing and Miscellaneous Sub-Committee Panel, on the grounds of its special significance or difficulty;

- f) meeting with representatives of the licensed taxi trades to discuss matters of concern;
- g) setting fees and charges (subject to their formal adoption by full council);
- h) presenting an annual report on the work of the General Licensing Committee to Council; and
- i) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the General Licensing Committee who are re-elected as Councillors shall meet as the General Licensing Committee to exercise any of the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels, or under (e) above, and shall elect a Chair for the meeting.

Excluded from the General Licensing Committee's terms of reference are:

- (a) any functions specifically delegated to the Licensing Act Committee, or those Licensing Act functions statutorily referred to the Cabinet and the full Council (including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy); and
- (b) the functions delegated to the Taxi Licensing and Miscellaneous Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(e) above.

4. Delegation to Sub-Committee - Taxi Licensing and Miscellaneous Sub-Committee Panel

This sub-committee is a Sub-Committee Panel of the General Licensing Committee, appointed by that Committee under the Local Government Act 1972.

The General Licensing Committee has arranged under S101(1) of the Act for the discharge of such of the Council's functions as are within the Sub-committee Panel's terms of reference in Section 5 below.

Certain functions are delegated by the Taxi Licensing and Miscellaneous Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can found in the Constitution.

5. Taxi Licensing and Miscellaneous Sub-Committee Panel - Terms of Reference

Sitting as a Sub-Committee Panel comprising of 5 members (drawn from the full Committee on a politically proportionate basis):-

The Chair of the Taxi Licensing and Miscellaneous Sub-Committee Panel will be the Chair or Vice Chair (depending on availability) of the General Licensing Committee.

The Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

- a) where evidence exists to cast doubt on whether the applicant / driver is a fit and proper person, the Sub-Committee Panel may determine all matters relating to the grant, renewal or review of taxi licences (which, in the interest of clarity, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences), and to suspend or revoke taxi licences in accordance with legislation;
- b) in cases where the Director has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
- c) except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:
 - i) power to license hackney carriages and private hire vehicles;
 - ii) power to license drivers of hackney carriages and private hire vehicles;
 - iii) power to license operators of hackney carriages and private hire vehicles;
 - iv) power to license sex shops and sex cinema and sex entertainment venues; and
 - v) power to grant medical exemption from the obligation to provide support to wheelchair users and/or carry assistance dogs and
 - vi) power to licence scrap metal dealers

Paragraph 5

**Schedule 1B – Local Authorities (Functions and Responsibilities) (England)
Regulations 2000
(Licensing and registration functions (in so far as not covered by any other paragraph
of this Schedule))**

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

1. Power to license hackney
 - (a) as to hackney carriages, the [Town Police Clauses Act 1847](#) carriages and private hire vehicles. ([10 & 11 Vict. c. 89](#)), as extended by section 171 of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and section 15 of the [Transport Act 1985 \(c. 67\)](#); and sections 47, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);
 - (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
2. Power to license drivers of hackney carriages and private hire vehicles. Sections 51, 53, 54, 59, 61 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
3. Power to license operators of hackney carriages and private hire vehicles. Sections 55 to 58, 62 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).

4. Power to grant medical exemption from obligation to transport assistance dogs Sections 168-173 of the Equalities Act 2010
5. Power to grant medical exemption from requirement to provide support for wheelchair users Section 165 and 167 of the Equalities Act 2010
6. Power to determine suitability of scrap metal dealers to hold a licence (site licence or mobile collector) and to set fees as appropriate Scrap Metal Dealers Act 2013
7. Power to license persons to collect for charitable and other causes. Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(31).
8. Power to issue a street trading licence Local Government (Miscellaneous Provisions) Act 1982
9. Power to issue cinema and cinema club licences. Section 1 of the Cinema Act 1985 (c. 13).
10. Power to license sex shops and sex cinemas. The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

Licensing Act Committee

Appendix 3

1. Licensing Act Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Act Committee will sit as a full committee and is responsible for dealing with the Council's Liquor Licensing, Gambling Act and other specified functions.

This is a Committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.

The Council has arranged under Section 7 of the 2003 Act and S101 of the Local Government Act 1972 for the discharge by the Committee of such of the Council's functions, as specified in the Local Authorities (Functions and Responsibilities) Regulations 2000-Schedule 1B as amended, and to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003.

2. Membership

a) Political Balance

The committee is not required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

b) Membership

11 members

c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

Sitting as the Licensing Act Committee, to oversee, develop and approve licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) responsibility for monitoring the operation of licensable activities under the Licensing Act 2003 and the Gambling Act 2005 within the Borough;
- b) receiving reports on these matters and on the functions delegated to the Licensing Act 2003 Sub-Committee Panels and to officers. To call for a report on any individual case;
- c) being consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;

- d) setting fees and charges as required and (subject to Regulations) to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- e) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- f) exercising the functions of the Licensing Act Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Licensing Act Sub-Committee Panel on the grounds of its special significance or difficulty;
- g) presenting an annual report on the work of the Licensing Act Committee to Council; and
- h) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Act Sub-Committee Panels, or under (f) above, and shall elect a Chair for the meeting.

Excluded from the Licensing Act Committee's terms of reference are:

- (a) The functions statutorily referred to the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy; and
- (b) The functions delegated to the Licensing Act Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(f) above.

4. Delegation to Sub-Committee – Licensing Act 2003 Sub-Committee Panel

- a) This is a sub-committee of the Licensing Act Committee, appointed by the Committee under the Licensing Act 2003.
- b) The Licensing Act Committee has arranged under Section 9 of that Act to delegate its day to day decision making on such matters to the Sub-Committee Panel of such of the Council's functions as set out in the terms of reference below.
- c) Certain functions are delegated by the Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can found in the Constitution.
- d) The Sub-Committee Panel shall consist of 3 members and will be drawn from the full Licensing Act Committee on an ad-hoc basis. The Chair of the Sub-Committee Panel will either be the Chair or Vice Chair (depending on availability) of the Licensing Act Committee.

5. Licensing Act Sub-Committee Panel – Terms of Reference

Sitting as a Sub-Committee Panel comprising of 3 members, the Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and Gambling Act 2005, including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

Licensing Act 2003

Except for matters of Policy, to undertake all functions, powers and duties conferred by the Licensing Act 2003 including (but not limited to) the matters set out below:

- a) Power to determine applications for personal licences;
- b) Power to determine applications for premises licences and club premises certificate;
- c) Power to determine applications for variation of premises licence and club premises certificates;
- d) Power to determine applications for transfer of premises licences;
- e) Power to review premises licence and club premises certificates; and
- f) Power to determine police or Environmental Health objections to temporary event notices.

Gambling Act 2005

Where representations on the following applications have been received and not withdrawn, to determine applications:

- a) for premises licences;
- b) for variation of premises licences;
- c) for transfer of premises licences;
- d) for a provisional statement;
- e) for club gaming or club machine permits; and
- f) the cancellation of club gaming or club machine permits.

In addition, the Sub-Committee Panel will:

- g) decide whether to give a counter notice to a temporary use notice;
- h) take "action" under Section 202 where the review is heard by the committee;
- i) exercise its power to register pool betting operating licence;
- j) exercise its power to grant track betting licences;
- k) exercise its power to licence inter-track betting schemes;
- l) exercise its power to grant gaming and betting machine licences;
- m) exercise its power to register societies wishing to promote lotteries; and
- n) exercise its power to issue premises licences and to receive temporary use notices.

In these matters, the decision of a Sub-Committee Panel will represent that of the full Committee.

Paragraph 5

Schedule 1B – Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

- | | |
|---|--|
| 1. Power to register pool promoters. | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(12). |
| 2. Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963(13). |
| 3. Power to license inter-track betting schemes. | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963(14). |
| 4. Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 (c. 65)(15). |
| 5. Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(16). |
| 6. Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976(17). |
| 7. Power to license night cafes and take-away food shops. | Licensing Act 2003 |