

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

Minutes of the Meeting of the Licensing Committee held in a virtual environment on 4th August 2020 at 10.00am.

Present:

Councillors S Gaskin (Chairman), Mrs P L Ackroyd, Mrs B Ashcroft, D Fletcher, H Hall, Ms A Legg, Mrs S McGarry, C Sylvester and Mrs B Toon.

Officers Present:

Mark Rizk (Head of Service), Mrs A Wakefield (Solicitor and Monitoring Officer), Mrs M Wooley (Licensing and Enforcement Manager), Mrs K. Critchley (Licensing Officer) and Mrs M Henchcliffe (Senior Democratic Services Officer).

Apologies for absence were received from Councillor G Allen, R. Faulkner and C. Wileman.

37/20 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

38/20 **URGENT BUSINESS**

There was no urgent business brought forward to the meeting under Rule 12.

39/20 **MINUTES**

The Minutes of the Meeting held on 21st July 2020 were approved and signed as a correct record.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor Mrs P L Ackroyd		
Councillor Mrs B Ashcroft		
Councillor D Fletcher		
Councillor S Gaskin		
Councillor H Hall		
Councillor Ms A Legg		
Councillor S McGarry		
Councillor C Sylvester		
Councillor Mrs B Toon		

40/20 **DELEGATE FUNCTIONS UNDER THE BUSINESS AND PLANNING ACT 2020**

Members received a short presentation on the report on the pavement licences under the Business and Planning Act 2020, circulated prior to the meeting. She also advised Members of the powers under the Act are to be added to the list of Licensing Committee functions for as long as the provisions of the Act remain in force.

Members were requested to consider and give authorisation for all the functions, powers and duties of the Council set out in the Business and Planning Act in respect of pavement licences to the Head of Service responsible for the Licensing functions, the Enforcement Manager and officers within Licensing and Enforcement Teams.

Advice and authorisation was also sought for the set of conditions applicable to the issuing of a pavement licence.

Resolved:

1. That all the functions, powers and duties contained in the Business and Planning Act 2020 in respect of pavement licences be delegated to the Head of Service responsible for the licensing function, the Enforcement Manager and Officers within the Licensing and Enforcement Teams. This will result in applications being dealt with in a timely manner with the Council retaining control over the terms of a licence and its duration.
2. That the set of conditions be approved by the Licensing Committee as suitable for adoption.
3. That the Pavement License fee be set at £82.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor Mrs P L Ackroyd		
Councillor Mrs B Ashcroft		
Councillor D Fletcher		
Councillor S Gaskin		
Councillor H Hall		
Councillor Ms A Legg		
Councillor S McGarry		
Councillor C Sylvester		
Councillor Mrs B Toon		

41/20 **BRIEFING ON THE NEW DFT STATUTORY STANDARDS FOR TAXI AND PHV DRIVERS**

Members received a verbal presentation on the New DFT Statutory Standards for Taxi and Private Hire Vehicle Standards. She reported that the document which came out in July 2020 contained some Statutory Standards and took immediate effect. The document outline the standards to be applied to the licensing of taxi and private hire vehicle by local authorities. The focus of the standards is to protect children and vulnerable adults.

Whilst the Authority already have a robust policy and many of the standards are in place already, the Enforcement Manager covered areas that would require implementing:

1. **Disclosure and Barring Service**

Currently application for drivers are taken and an enhanced DBS certificate are carried out through the Ucheck service, an online application, then the licensing team carry out check on the renewal every three years. New and renewal drivers are encouraged to sign up to the DBS update service. Under the new Standards drivers are required to have a DBS check every six months. The update service can then be utilised by the licensing team to carry out a bi-annual check so drivers which would be cheaper for the driver.

The Standards also advise that vehicle proprietor should obtain a basic DBS disclosure certificate. Although most proprietor are also drivers the licensing team, moving forward will require the basic disclosure for those who are vehicle proprietor only, annually. Licensing procedures will be updated to reflect this change. PH operators are not currently required to a DBS disclosure carried out. The Standards advise that the drivers who apply, and are in possession of an operator's licence will also require a disclosure, and all who are in partners in the business. This would apply annually and the licensing procedures would be updated to reflect this.

2. **Disclosure of Applications that are Refused, Revoked and Suspended**

Working together was a key message in the Statutory Standards. The Local Government Association commissioned the anti-fraud network to develop a national register (known as NRB) of taxi drivers and private hire drivers' licences that were refused or revoked. This could be used by licensing authorities to share and inform on a more consistent basis to mitigate the non-disclosure of the relevant information by an applicant. To date this Council had not signed up on the NRB register, however, the licensing team had received information and have made enquiries on how they could register. The Enforcement Manager reported that they would be registered and would input the trades' information on the register, so they could share information. The cost of the registration with a membership of £1500 per year.

3. **Complaints about Licensing**

The Enforcement Manager reported that the licensing team had set up a database on which they recorded complaints regarding licensing. They also publish the 'stay safe' message on the Council's website, and details of how to complain. Moving forward the licensing team are looking to introduce a link on the licensing web page to enable those who wish to make a complaint can do so more easily. Notices are to be placed in driver's vehicles with information on how to make a complaint to the Council are to be introduced.

4. **Safeguarding Awareness and County Lines Exploitation**

The Standards also state that all local authorities should provide safeguarding advice and guidance and all licensed drivers are to undertake safeguarding training. Currently advice and guidance are issued as part of the driver's application and knowledge test process. Full training for those already licensed are conducted classroom style every three years. The licensing team had arranged to train all 675 drivers prior to the pandemic lockdown and therefore those plans were currently on hold.

The licensing team are also researching on how they could run the training around safeguarding and county line exploitation remotely or by an alternative method. Quotes have been received to move this forward.

5. **CCTV in Vehicles**

The Department of Transport are of the view that CCTV in vehicles could be used in licensed vehicles. Whilst it may never completely remove the possibility of harm to passengers by drivers, it could provide an additional deterrent to prevent this harm and investigative value. CCTV could also provide a safer environment for the benefit of the vehicle's passengers and driver.

The Standards states that all licensing authority should consult to identify if there are local circumstances which indicated that installation of CCTV in vehicles would have either a positive or adverse net effect on the safety of taxi and private hire users, including children and vulnerable adults, taking into account the potential privacy issues.

The Enforcement Manager reported that the licensing team were looking at how they would consult with Members, the taxi trade and other agencies, and whether or not to use CCTV in all vehicles.

6. **Booking and Despatch Staff**

Private Hire drivers are not the only direct contact that private hire users have with the private hire operators, e.g. the person taking the booking and despatching the vehicle. This position could be exploited by those seeking to exploit children and vulnerable adults. The Enforcement Manager reported that it was therefore appropriate that those staff do not pose a risk to anyone. The Standards states that licensing authority should be satisfied that private hire operators could demonstrate that all staff that have contact with the public and oversee the despatching of vehicles do not pose a risk to the public.

Therefore the authority operator's conditions would require amending to include a condition for granting an operator's licence. It would be required that the operator to keep a register of all staff that would take bookings or despatch vehicles. Conditions would also be required to include operators to have sight of a basic DBS disclosure for these staff, and that they are compatible with the Council's policy on employing ex-offenders. Staff should also be required to advise the operator of any convictions while they are employed in their role.

Conditions would also be amended so that operators would be required to provide evidence that comparable protection are applied by the company that they outsource any function to. Further conditions would also be amended so that the licensing authority would require operators to provide their policy on employing ex-offenders in the role of taking bookings and despatching vehicles.

7. **Record Keeping**

Section 56 of the Local Government Miscellaneous Act 1976 requires private hire operators to keep records of journey. The licensing authority's conditions relating to bookings would require amending to include the name of the person taking the booking and the individual despatching the vehicle. These records should be kept for at least six months.

8. **Enforcing the Licensing Regime – Joint Operation of Officers**

The Enforcement Manager reported that when the needs arise licensing authority should jointly authorise officers from other authorities for compliance and enforcement action.

An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement to which the officer are employed by and the issuing of the licence.

Prior to the pandemic the Enforcement Manager had been working jointly with colleagues from South Derbyshire and North West Leicester to prepare a report for the Licensing Committee to consider joint authorisation. She confirmed that she would continue to progress this and would be bringing it to the Licensing Committee shortly.

An opportunity for questions followed.

NOTED

Chairman