

Licensing Committee

Wednesday, 4th September, 2019

6.00 - 7.30 pm

Attendees	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Diggory Seacome, Angie Boyes, Mike Collins, Roger Whyborn, Dennis Parsons and Simon Wheeler
Also in attendance:	Louis Krog (Licensing Team Leader), Jason Kirkwood (Senior Licensing Officer), Vikki Fennell (Legal Officer), Judith Baker (Minutes)

Minutes

1. APOLOGIES

Apologies were received from Councillor Harman.

The Chairman welcomed the new Senior Licensing Officer.

2. DECLARATIONS OF INTEREST

There were none.

3. PUBLIC QUESTIONS

There were none.

4. MINUTES OF THE LAST MEETING

These were signed as a true record.

A member asked whether Plan B had been required, with reference to Item 6. The Licensing Team Leader confirmed that it had not.

5. MINUTES OF SUB COMMITTEE MEETINGS

These were signed as a true record.

6. SAFEGUARDING - TAXIS AND PRIVATE HIRE

The Chair thanked the officer for an excellent report.

The Licensing Team Leader explained that the report sets out to review objectively taxi safeguarding policies, to make sure that these are watertight and robust from CBC's point of view. He also thanked the Senior Licensing Officer for a comprehensive piece of work, and invited members to take a view

and raise any questions and comments – no formal decision is required at this point. He said that comments from GCC and the police are still to come.

The Senior Licensing Officer talked members through the report, highlighting issues as follows:

- CBC has robust standards and promotes good practice in most respects of licensing;
- public safety has grown in prominence over the years, with high-profile cases demonstrating the connection between taxi drivers engaging in or facilitating criminal activity; parliamentary working groups are looking into this, prior to drafting statutory guidance, to be implemented at some point in the future. CBC is being proactive in reviewing its own practices;
- CBC has a taxi policy, involving robust application, monitoring and enforcement measures, and works closely and collaboratively with other councils; regarding private hire, it is easy and legal for companies to have bases in two different areas and be creative in how drivers are licensed – it is important that standards are raised with all neighbouring councils, and NR3 register, set up on the back of promoting good practice, is now being formalised;
- the report sets out current practices, and considers what actions can be taken to improve safeguarding, with or without changes to Taxi Policy.

During the officer's report, the following points and questions were raised by members:

A member suggested it would be logical to apply the whistle-blowing procedure [Action 13] to planning as well – the officer agreed that this is a sensible idea for any decision-making process. Another member said that in both licensing and planning, it would be interesting to know whether or not officers have an interest that they would have to declare if they were members. The Licensing Team Manager said that CBC has a corporate whistle-blowing procedure in place which may just need to be tweaked slightly. The Chair confirmed that SLT has requested the Committee gives strong consideration to areas of the safeguarding policy which can be included in CBC's corporate policy.

A member asked whether building on current relationships and improving liaison with other Gloucestershire licensing authorities [Action 16] will give rise to GDPR issues. The officer confirmed that councils are well-versed in GDPR and only share data in line with that, and that NR3 formalises what a lot of councils were doing previously. Any sharing of data would have to be supported by policy, legally, and in compliance with GDPR. The Senior Licensing Officer said that CBC uses the national database for revocations, refusals etc, though Stroud and Tewkesbury do not. Once the safeguarding policy is in place, it will be taken to GLOG to look at standardising safeguarding processes and improving data sharing across all of Gloucestershire's councils.

A member agreed that requiring taxi drivers to pay £13 a year to DBS [Action 1] would ensure CBC's ability to check on drivers' police records, though the officer added the caveat that the council would need to request a minimum number of checks each year to maintain its use. He drew attention to the importance of consistency in decision-making through common policy and shared training . A member was concerned that committee decisions aren't always consistent and that the authority of members could be substantially reduced. The officer said that, in his experience, members give fair hearings and make good decisions, taking account of individual drivers and their circumstances, and explaining why if they ever depart from policy. The Licensing Team Leader confirmed that the policy may be strengthened but the delegation will not change – officers recognise the value of members' decision-making.

A member welcomed the suggestion of complaint information on display [Action 3] and CCTV in all licensed vehicles [Action 4], but said it must be consistent across all vehicles, and will have additional costs for drivers and CBC. The officer confirmed that some vehicles already have CCTV, which is very useful in the event of a complaint, and that GLOG require CCTV in all vehicles with school contracts. A member expressed concern that CCTV denies people the fundamental human right to a private life, and would be very uncomfortable about mandating it.

The officer said the actions have been laid out and members are welcome to add any further points. The report will be brought back for further discussion in December.

The Chairman thanked officers and made the following points:

- policy must focus on safeguarding the elderly and vulnerable adults as well as children;
- can CBC look at IOL-accredited courses in safeguarding for members and officers? More training for members would be beneficial, subject to cost;
- management of complaints should be free from direct political influence, and through staff management route;
- liaising with the trade has been very challenging in the past;
- London has run a good safety campaign – 'an unlicensed taxi is just a stranger's car' – which could be used here?;
- complaint information could be included in the fare card without a cabinet decision;
- IoL recommendations on convictions policy and CCTV need more debate.

A member asked about dogs – both guide-dogs and pets. The officer said that drivers are legally required to carry assistance dogs unless they have medical exemption, but not to take a household pet. Another member asked about restraining dogs within taxis; the officer said this is ultimately up to the owner – the advice is that they sit in the rear footwell, but there is no official guidance.

A member returned to the subject of CCTV in taxis, and the issue of privacy – does a taxi count as a private space? Some individuals may not want to be filmed for all sorts of reasons, and CCTV may make it difficult for them to travel by taxi; he asked if there can be any discretion for passengers, and also pointed out that while CCTV for vehicles carrying children should be by default, the film footage needs to be carefully controlled. Officers confirmed that this is a particularly contentious issue, and the subject of national debate; draft strategy guidance proposes a national mandatory requirement for CCTV in all taxis which may become policy though there are objections. It is a complex matter and will be discussed further in the future.

A member expressed confusion that the Committee is not being asked to decide or recommend anything this evening. The Chairman explained that if members are happy with the options for improvement not requiring any changes to taxi policy, they can suggest that the licensing team starts to incorporate these into the service delivery plan; their views are invited on the changes that would require changes to taxi policy and will ultimately be incorporated in CBC corporate policy. The Licensing Team Leader confirmed that no decisions or recommendations are required; members' input is invited, and the amended report will be taken to full licensing committee in December before being taken to cabinet and adopted early in the new year. The report will be in a more complete state in December, but members will still be able to amend it should they wish.

The member suggested that discussion on the conviction policy and CCTV will mean a very long meeting in December. Returning to the matter of CCTV, he asked if passengers should have the right to request it be turned off. The Chairman suggested that, given the challenges and continuing national debate on CCTV, it might be worth focusing on the actions which can be implemented without any policy change, and deciding which action requiring cabinet intervention members want to review. He suggested that Action 2 (conviction policy) and Action 4 (CCTV) should be parked, pending further debate and more information. The officer confirmed that discussions through GLOG will give more idea of any cross-county consensus on a conviction policy – it will be good to get this locally, and agreed if this is in slight divergence from national policy; more will be known in December.

A member suggested an interim report in November, rather than a long, complicated document two days before the meeting. He asked if the report could be circulated further in advance.

A member said it would put people's minds at rest, if CCTV is likely to be mandatory or there will be an option to switch them off for good reason, if the public can be assured that the data on the camera will not be accessible to anyone, including the driver – could a compact and recyclable hard drive be fixed to the car which is handed into the council once a month and only accessed by an official? The officer confirmed that in some areas, only the police or licensing authority have access to the CCTV footage; the Licensing

Team Leader said that, legally speaking, if the council mandates CCTV, it will be the data controller and holder, and would need to think about how to set standards, what kit is used etc.

The Chairman suggested that, as this will require government or cabinet decision to change policy, it need not be part of the paper that comes forward and should be parked. An officer said licensing committee would want full input on Actions 2 and 4; members concurred, and were generally happy with the other actions set out in the report.

7. REVIEW OF PREVIOUS DECISIONS

None.

8. ANY OTHER BUSINESS

The Licensing Team Leader gave verbal updates on a number of policy issues; Members have already had input into some of these, and will have input into others in the future.

i. Outcome of the street trading policy consultation and changes to the policy as a consequence

Following a Cabinet report and consultation, a new street trading policy will be introduced, with some minor amendments and two major ones:

- The sale of real fur – most people support a ban for street trading on markets etc, though there will be issues concerning identification of real/fake fur, and enforcement. Cabinet will give a steer, though the onus will probably be on the trader, with the Council following up with enforcement action where necessary;
- Single-uses plastic – CBC has made a commitment to look at this, but the issues are complex and further work is needed to formulate a policy.

The new policy is likely to go to Cabinet in October.

ii. Draft evening and night-time economy strategy

This is on the agenda for Cabinet, and is in the remit of Licensing Committee as the group that steers and implements strategy. It comes on the back of CBC winning an award for its management of the night-time economy. It is not a long document but more input and steer is invited; Members are encouraged to read it and comment.

iii. Progress on A-board policy review

Members will remember a long discussion about this – including enforcement resource, planning etc – and licensing officers have done a lot of work looking at the options, initially considering a planning approach to be the way forward. This is not straightforward, however, and will need realignment of the planning policy. The current thinking is

that some improvements can be made to the current process – for example, simplifying the enforcement process, looking at more delegations, re-drawing the boundaries to focus more on conservation areas and the town centre and treating those outside with less urgency – though members may not like this approach. It is complicated, and officers are trying to find a practical way through. They will bring the matter back to Licensing Committee in November, as the decision-making body – Members may prefer to stick with the policy and ban.

A member commented that there has never been total consensus about A-board policy and it needs to be streamlined. He feels that applications shouldn't come to Committee if wildly outside policy, but that in exceptional circumstances an applicant should have the right for a Committee decision, or ward members have the right to call them in on a similar basis to Planning Committee. Automatic renewal would also save time, unless new objections have been received. He understands the importance of the town centre, but feels that people do what they like in some areas and are never challenged, despite their A-boards being potential trip hazards – this needs to be taken seriously.

The Licensing Team Leader confirmed that there is special control within conservation areas and a statutory duty to deal with what's happening there; a clearly dangerous obstruction elsewhere should be dealt with, though resource is limited. The matter needs to be thought through, with input from Members as to whether there is an appetite for more control.

A member asked why the three verbal reports could not have been written and circulated a week ago – it is difficult to engage and easy to miss what the officer is saying without any opportunity to read it and research any important issues in advance. The Licensing Team Leader explained that the verbal reports are simply updates for information, and that no decisions are required. The member proposed to request an end to verbal reports – for a committee to be effective, officers should provide everything in writing.

9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

There were none.

10. DATE OF NEXT MEETING

4th December 2019.

David Willingham
Chairman