

Full Licensing Committee

Wednesday, 24th June, 2020
2.00 - 5.00 pm

Attendees	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Diggory Seacome, Mike Collins, Roger Whyborn and Jo Stafford
Also in attendance:	Vikki Fennell (One Legal) and Louis Krog (Licensing Team Leader)

Minutes

- 1. APOLOGIES**
Councillors Harman, Wheeler, Boyes and Fisher.
- 2. DECLARATIONS OF INTEREST**
There were no declarations of interest.
- 3. PUBLIC QUESTIONS**
There were no public questions.
- 4. MINUTES OF THE PREVIOUS MEETING**
There were some minor points raised by Councillor Collins, the Chair signed the minutes.
- 5. RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE**
The Chair explained the process to the applicant.

The Licensing Team Leader then presented the report. It was explained that the applicant had convictions that had not been declared on the application for his license renewal.

The options that were available to the committee were given as follows:

- 1.4.1 grant the applicants renewal application with no further action taken, if you are satisfied he remains a fit and proper person;
or
- 1.4.2 grant the applicants renewal application but issue him with a formal written warning;
or
- 1.4.3 refuse to grant his renewal application, if you are not satisfied that he is a fit and proper person.

The applicant then put his case and explained what happened to give him a criminal record. He was at a family party and had too much to drink – he was not driving his car however he was a passenger. When he arrived home there

was a policeman waiting for him. He may have accidentally knocked into the policeman. He also developed bruises that he reported to the police. As he was intoxicated he could not recall exactly what he had done but he may have pushed his wife and eldest son.

He confirmed that the matter went to court and he was sentenced to 45 hours community service and received a charge of £142.

Member Questions:

- Please can you confirm who was driving the car.
- Why were the police waiting for you when you got home and do you know who called them.
- Has an incident like this happened to you before or since?
- Are you a regular drinker and how do you ensure that you don't drink and drive?
- When the matter went to court how did you plead.

The applicant responded by confirming that his wife was driving the car and he did not know who called the police. He has never been involved in an incident like this before or since. He confirmed that he is not a regular drinker and he never has a drink when he knows that he will be going on duty as a driver. When the matter went to court he pleaded guilty.

Member Debate:

- Members felt that they were being asked to believe that it was a misunderstanding. Either the applicant didn't know what he was doing on his application or he purposely left the details out. However, ignorance was not an excuse for not following the rules. There seemed to be a problem with communication as English was not the applicant's first language – Members felt that the applicant would need to improve his communication skills regardless.
- Members were somewhat concerned that as a licensed driver he was drunk, however there was some mitigation by the report that was supplied by Starline on the applicant's behalf. Members were disturbed that the applicant had failed to declare the offence both at the time it happened and upon renewal, particularly as the questions on renewal were very clear.
- The applicant's difficulty to communicate in English was raised as a problem, however it was not unusual to have taxi drivers in front of the committee for this reason. The applicant seems to have learnt his lesson from the incident as 2.5 years have passed without incident so this may have been a one off.
- Assistance is always offered to an applicant when English isn't their first language. The Licensing Team Leader confirmed that there is an English test that every applicant has to take if English isn't their first language.
- Members recognised that there were worst offences and 45 hours community service represented the lowest level of sentencing, if the offence had been more serious then the sentence could have been imprisonment. They felt that it was an isolated incident and that the

report from the employer was a mitigating factor. It is not uncommon in an incident as this to grant the renewal with a formal written warning.

Applicants final right to reply

The applicant thanked the Members for their time and hoped that he would be able to continue to work. He assured the committee that this would never happen again.

The matter then went to the vote

1.4.1 – grant the application with no further action

For: 0

Against : 6

Unanimous

1.4.2 – grant the application with a formal written warning

For: 5

Against: 1

Carried

The meeting then adjourned for 10 minutes to reconvene at 15.10.

6. PARTITION SCREENS IN LICENSED VEHICLES

The Licensing Team Leader presented the report.

In response to Members' questions, the Licensing Team leader responded that 1000 people were consulted which included drivers and MOT stations. Gloucestershire County Council were happy with the proposal that screens were not made compulsory in vehicles as some companies and insurers were not happy with the modification. He confirmed that a passenger can refuse to get into a vehicle if they are not happy that the vehicle does not have a screen.

The matter then went to Member debate:

- It was recognised that it might not always be appropriate for a driver to wear PPE and screens are a favourable option as it is shown to be in shops. Given the lack of direction from central government they felt that it was acceptable for screens to be voluntary. .
- Ensuring that the screens are safe in case of an incident or accident was important. BME minorities appeared to be more vulnerable to Covid therefore it was important that the option was given for the installation of a screen..
- Due to the lack of guidance being provided regarding the wearing of masks it seems important that drivers are given a choice.
- 51 responses from 1000 letters did not represent a high return and 35 of those 51 were opposed to installing screens which gave an indication of the view of the trade.

- As there is such a large amount of apathy from the drivers it would be heavy handed to make it compulsory, however we should be aware of the minority groups.
- If there was a neutral approach to this issue then maybe we need to provide evidence that the screens are more effective as protection for the drivers than the passengers.
- Members acknowledged that the driver was the one most at risk and that a neutral approach to the matter was probably the best one; any evidence that there is regarding this should be presented by the Cabinet Member.

**RESOLVED (unanimously) THAT
Cabinet be recommended to adopt the draft policy at Appendix A.**

7. BRIEFING NOTE : LICENSING RESPONSE TO COVID-19

The Licensing Team Leader introduced the briefing note.

Members then raised the following points:

- Sports Clubs have been forced to close their doors and the profits from the bar have been lost which will equate to a third of their income. There is concern that when lockdown is lifted the clubs won't be able to open as they won't be there. What are we doing to assist them?
- Did taxis get the MOT extension that was offered to all vehicles when lockdown was in place?

The Licensing Team Leader replied by confirming that taxis had the same exemption as everyone else but now lockdown is easing drivers are now being encouraged to get them done when there is an opportunity to do so.

- The Chair then wished to comment that licensing had done an excellent job both by being redeployed and working from home. He went on to say that enabling a café culture throughout the town over the summer would help with restrictions. We need to help businesses recover without upsetting the residents. Licensing as a committee should be enabling recovery. Gloucestershire County Council have given encouraging replies with regard to Purple Flag. We are awaiting confirmation from Central Government regarding what help we can receive. Currently disappointed with the criticism and lack of support from the local MP. Recovery is so important and Gloucester City Council have done YouTube broadcast and webinars to assist businesses, we need to do everything we can to help businesses and it needs to be available in the public realm.
- Other Members then gave their thanks to the Licensing team for all their hard work during this difficult time.
- The matter of the increased amount of A-boards on the highway was bought up for discussion, especially the increased amount on Bath

Road. There was understanding that due to the current circumstances that there should be some relaxation due to businesses being at a disadvantage at the moment. Whereas it was agreed that there should be a relaxation in the policy there was a question raised regarding when the relaxation would end.

The Licensing Team Leader explained that as enforcement had been redeployed there was relaxation in enforcement but that is no longer the case. If a premises does not have a street front you maybe allowed an A board for a short time. It was also explained that the relaxation would only be at 6 months for the moment and it started on 23/06/20.

8. REVIEW OF PREVIOUS DECISIONS

There were none.

The Licensing Team Leader drew Members attention to the Recovery Newsletter that is being produced and suggested that they register for this online and details will be sent to them regarding this.

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

None.

10. DATE OF NEXT MEETING

2 September 2020.

David Willingham
Chairman