

# Public Document Pack

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**Date:** Monday, 24 October 2022

## **\*\* Physical Meeting.**

Dear Sir or Madam

### **The Licensing Committee – Tuesday, 1 November 2022, 11.00 am – Kenn Room**

A meeting of the Licensing Committee will take place as indicated above.

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

To: Members of the Licensing Committee

Councillors:

Andy Cole (Chairperson), Peter Bryant, Caroline Cherry, James Clayton, John Crockford-Hawley, Hugh Gregor, Ann Harley, Nicola Holland, Stuart McQuillan, Ian Parker, Robert Payne, Marcia Pepperall, Mike Solomon, James Tonkin and Roz Willis.

**This document and associated papers can be made available in a different format on request.**

## **Agenda**

### **1. Public Participation (Standing Order 17)**

To receive and hear any person who wishes to address the Committee. The Chairperson will select the order of the matters to be heard. Each person will be limited to a period of five minutes. Public participation time must not exceed thirty minutes.

Requests and full statements must be submitted in writing to the Assistant Director Governance and Monitoring Officer, or to the officer mentioned at the top of this agenda letter, by noon on the day before the meeting and the request must detail the subject matter of the address.

### **2. Apologies for absence and notification of substitutes**

### **3. Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the Chamber in respect of a declaration, he or she should ensure that the Chairperson is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

### **4. Minutes 14 March 2022 (Pages 5 - 8)**

14 March 2022, to approve as a correct record (attached)

### **5. Matters referred by Council, the Executive, other committee etc. (if any)**

### **6. Mid-year Report for the Administration and Enforcement of all Licensing Regimes (Pages 9 - 14)**

Report of the Director of Public Health and Regulatory Services (attached)

### **7. Urgent business permitted by the Local Government Act 1972**

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting". If harm can be demonstrated, then it is open to the Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

## **Exempt Items**

Should the Licensing Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

“(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.”

Also, if appropriate, the following resolution should be passed –

“(2) That members of the Council who are not members of the Licensing Committee be invited to remain.”

### **Mobile phones and other mobile devices**

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The Chairperson may approve an exception to this request in special circumstances.

### **Filming and recording of meetings**

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairperson. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson or the Assistant Director Legal & Governance and Monitoring Officer's representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

### **Emergency Evacuation Procedure**

#### **On hearing the alarm – (a continuous two tone siren)**

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

**Do not** stop to collect personal belongings.

**Do not** use the lifts.

**Follow** the green and white exit signs and make your way to the assembly point.

**Do not** re-enter the building until authorised to do so by the Fire Authority.

**Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co**

## Minutes

of the Meeting of

## The Licensing Committee

**Monday, 14 March 2022**

New Council Chamber - Town Hall

Meeting Commenced: 11.00 am

Meeting Concluded: 11.20 am

### Councillors:

Andy Cole (Chairman)

Stuart McQuillan  
Ian Parker  
Robert Payne  
Marcia Pepperall  
James Tonkin  
Roz Willis

**Apologies:** Councillors: Caroline Cherry, John Crockford-Hawley and Ann Harley.

**Absent:** Councillors Peter Bryant, James Clayton, Hugh Gregor, Nicola Holland and Mike Solomon.

**Officers in attendance:** Sara Saunders (Solicitor and Senior Legal Advisor), Hazel Brinton (Democratic Services Officer), Sioux Isherwood (Principal Environmental Protection & Licensing Officer) and Kellie Trego (Senior Licensing Officer).

### LIC4 Declaration of Disclosable Pecuniary Interest (Standing Order 37)

None.

### LIC5 Minutes 16 November 2021

**Resolved:** that the minutes of the meeting be approved as a correct record.

### LIC6 End of Year Report for the administration and enforcement of all licensing regimes

The Director of Public Health and Regulatory Services' representative reported on the administration and enforcement of all licensing regimes undertaken by the council.

She presented her report, which detailed the licensing activities undertaken within the financial year 2021/22 in relation to the functions and responsibilities carried

out by the North Somerset Licensing Team and amendments to draft revisions after public consultation of the Licensing Policy under the Licensing Act 2003 and the Statement of Principles under the Gambling Act 2005.

In presenting her report, she noted the removal from the Licensing Policy of the Cumulative Impact Area currently in operation but that this could be reinstated with supporting police evidence should the need arise. She added that the Taxi and Private Hire Licensing Policy was still valid, so no review had been necessary but that there had been a large increase in applications from drivers who live out of the area.

The Director of Public Health and Regulatory Services' representative brought members' attention to the consultation responses received on the draft Statement of Principles under the Gambling Act 2005 particularly in respect of safeguarding issues.

### **Licensing Act 2003**

Members asked questions and received clarification on the previously reported increase in drug use including spiking incidents; the number of instances of public disorder, the Ask for Angela domestic abuse campaign and the use of a sponsored salaried taxi driver near to the Mavis bus on Fridays and Saturdays.

### **Taxi and Private Hire Licensing Policy**

Clarification was sought and received on the numbers of applications that may come to a hearing particularly in relation to drivers who live outside of North Somerset

### **Gambling Act 2005**

Members sought and received clarification on the use and timing of risk assessments and safeguarding for children, the extent of the coverage of the Statement of Principles under the Act and the use of extensions to fee dates.

In concluding discussions, it was

### **Resolved:**

(1) to note the outcomes and challenges to the administration of Licensing regimes undertaken by the North Somerset Council Licensing Team in this financial year

(2) to note the changes to the draft revisions of the Licensing Policy under the Licensing Act 2003 and the Statement of Principles under the Gambling Act 2005 following public consultation

It was further

**Recommended to the Council:** that the revised Licensing Policy under the Licensing Act 2003 and the revised Statement of Principles under the Gambling Act 2005 be adopted by the Council at its meeting in April 2022.

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Chairman

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## North Somerset Council

### Report to the Licensing Committee

**Date of meeting: 1<sup>st</sup> November 2022**

**Subject of report: mid-year report for the administration and enforcement of all licensing regimes**

**Town or parish: all areas**

**Officer/member presenting: Director of Public Health**

**Key decision: no**

### Recommendations

Members of the Committee are invited to note some of the outcomes and challenges to the administration of Licensing regimes undertaken by the North Somerset Council Licensing Team in this financial year.

#### 1. Summary of report

This report provides a summary of some of the main activities carried out by the Licensing Team so far within the financial year 2022/2023 and also highlights the continued pressures and difficulties experienced through the recovery phase since the Coronavirus pandemic.

#### 2. Policy

2.1 Statutory and Local policies have been agreed by the Council as follows:

- Licensing Act 2003 –statement of Licensing Policy (2021-2025)
- Sex Establishment Policy
- Taxi & Private Hire Licensing Policy (2021-2023)
- Gambling Act 2005 – statement of principles (2022-2024)
- Street Café Policy (2020-2024)
- Street Trading Policy (2020-2024)
- Film Classification Policy (2020)

These policies direct the Licensing Authority in the discharge of its responsibilities under the legislation it administers and enforces.

A full review of the Taxi & Private hire policy will commence in early 2023 with the outcomes of a public consultation and draft revisions being presented to this Committee in November 2023.

#### 3. Licensing Act 2003

3.1 The hospitality trade has continued to struggle since the easing of pandemic restrictions with many unable to find sufficient and suitable staff.

The impact of energy price rises, together with fewer customers feeling able to afford meals and nights out is also having a significant effect on businesses.

- 3.2 On average there are around 10 licences surrendered or suspended annually where a business has closed or been unable to pay the licence fee.

There have been five already in the last month and a noticeable increase in late payments which may result in further closures.

- 3.3 The concern for the Licensing Authority; and likewise other regulatory authorities, is that hospitality businesses will start to take short-cuts leaving them at risk of non-compliance. Incidents of fridge's being switched off periodically; reduction in trade waste collections; reduction in employment of glass collectors, door staff and cleaners, have all been noted nationally and raise concerns for public safety.
- 3.4 The Licensing team hold monthly meetings with other responsible authorities and, through use of the "Traffic Light" system, continue to identify and engage with businesses of concern, and to support them back to compliance through joint visits, action plans and enforcement actions where necessary.
- 3.5 Immediately prior to the pandemic, on average the group were dealing with around 3 or 4 "Amber/Red" premises at a time. At the most recent meeting this was noted as having increased to 17 across the district with a steady increase month-on month.
- 3.6 Licensing officers have embarked on a revised compliance visit schedule and aim to audit as many premises as possible in the coming months to offer support where they can, and to better understand the picture across the area. This will inform future risk-rating of premises and allow limited resource to be directed in the most appropriate way.
- 3.7 At a time of continued pressure on limited resources, the continued collaboration with internal regulatory teams and strong partnership working with external agencies such as the Police & Fire Service is invaluable and enables a targeted and impactful multi-agency approach.

#### **4. Taxi & Private Hire**

Since the pandemic there has been a significant drop in the number of licensed taxi drivers nationally with the Department for Transport noting in their [Taxi and private hire vehicle statistics](#) a reduction of some 9.5%. North Somerset has a residual drop of 10.5% which equates to around 64 drivers.

- 4.2 Their report gives a useful breakdown of the national picture and allows a comparison for the North Somerset area. The table below highlights some of the areas worthy of comparison:

	National	NSC
National decrease in drivers	9.5%	10.5%
Number of vehicles per 1000 population	1.9	0.2
Number of Hackney Taxis (% of fleet)	22%	23%
Wheelchair accessible taxis (% of fleet)	50%	4.5%
Wheelchair accessible Private hire (% of fleet)	2%	6.8%

- 4.3 Encouraging new drivers into the trade has proven difficult at a time of higher fuel costs, far fewer trips being taken by taxi and the availability of easier delivery and driving jobs. To try and maximise the numbers applying, the Licensing team held an open day for prospective drivers. This was well received and attended with groups of applicants able to undertake suitability tests and to meet with prospective Operators whilst gaining information and assistance with applications. There are now 131 applications in progress and a reassuring increase in enquiries.
- 4.4 Entry requirements are now in line with the Department for transport [statutory taxi and private-hire vehicle standards](#) and the [taxis and private hire vehicles safeguarding and road safety act 2022](#) meaning that the public can be reassured that their driver has been subject to background criminal record, medical and driving licence checks; has undertaken local area knowledge and driving tests, and has been made aware of safeguarding issues. There are often criticisms of the entry level requirements, given the drop in applicants, but this Licensing Authority wishes to put passenger safety and public protection first.
- 4.5 The next policy review is due in 2023 and there is an increasing awareness of the need to address the climatic impact of vehicles, their emissions and fuel consumption. Focus will be given to mitigating these effects, whilst progressing toward a more sustainable and greener criteria for licensing.

A move to a more environmentally friendly method of physical taxi plate production and disposal through 2023 will also see the team reduce their carbon footprint.

- 4.6 The Licensing Authority is aware that demand for accessible vehicles is not currently well met and will look through policy review to address this through vehicle entry requirements and suitability criteria.

## **5. General service summary**

- 5.1 Whilst officers have seen a reduction in Covid related work, the demand for interventions and support has remained high. The commitment from the whole team to meet statutory deadlines and to provide technical advice and guidance through working long and often unsocial hours is to be commended.
- 5.2 Licensing Officers have revised and restarted a programme of proactive premises visits, often with the support from Police Licensing and Neighbourhood team colleagues.

- 5.3 Officers have identified a number of licences suspended through either non-payment or simply the closure of the premise and are working with premises to get licences reinstated, overdue fees collected and the administrative tasks associated with licence changes completed.
- 5.4 The Licencing team have been able to accommodate significantly more taxi entry tests over the last few months to build on the number of drivers obtaining licences. The application process remains under review to make it straightforward and timely.
- 5.5 Dedicating an officer exclusively to taxi compliance continues to be invaluable. A number of proactive compliance inspections have been undertaken with Operators to ensure their deployment of drivers and vehicles is correct and record keeping is in line with legal requirements.

Ad hoc vehicle inspections and joint enforcement exercises with Road traffic Police, other Local authority licensing teams and agencies such as DVSA, and the Environment Agency have again proved useful tools for identifying non-compliance and improving the standards and safety of licensed vehicles.

- 5.6 The team have been pleased to see the return of many of the larger outdoor events this year with new events emerging for 2023. It is hoped that these events are profitable for the organisers, are safe and well-regulated and bring much needed income and variety of offer to the area. Officers look forward to administering and attending these in due course.
- 5.7 A planned migration to a replacement case management system for use by all of the Regulatory Services is currently underway. This comes with additional resource demands on officers to initially configure and test the system, but will allow many application processes to be more easily accessible online and reduce the administration requirements on applicants and officers alike.

It is hoped that this will produce efficiency savings that may offset increases in the cost of running licensing regimes, and minimise the need for fee increases at a time when the cost of living rises are already affecting ability to apply.

## **6. Consultation**

There have been no consultation exercises since the last meeting.

## **7. Financial implications**

- 7.1 The Authority continues to use suspension powers for non-payment of fees. Recovery of outstanding fees is vital to ensuring maximum cost recovery for the provision of the Licensing service.

However, in the current climate, many businesses are acknowledged to be experiencing financial difficulties and arrangements are being made where possible to permit extensions to fee dates and the introduction of payment instalment plans. This has again been welcomed by licence holders but has added a significant level of administration for officers.

## **8. Costs**

Costs for the administration of licensing regimes, monitoring of compliance of permissions, and the policies that accompany them are off-set against the fees charged to applicants. The cost associated with delivering each licence regime is regularly reviewed to ensure full cost recovery and correct construction of levied fees.

It should be noted that there will again be a financial risk to the Authority in this financial year due to the additional costs incurred through the period of the pandemic, and possible under-recovery of fees.

Temporary legislation issued through the pandemic relating to pavement cafes has again been extended by a further year with a view to more permanent changes in late 2023. The capping of fees nationally will again impact on the level of fee income obtained and there is a risk to the Authority of under recovery of costs in this area.

## **9. Funding**

The team continues to review the costs of each licensing regime to ensure the appropriate fees are levied to maximise cost recovery for the Local Authority.

A full review of the fee structures is proposed ahead of the new financial year to protect cost recovery for the Council and to ensure applicants are fairly charged.

Whilst inflationary and general price rises are noted in supplier costs for items such as taxi plating and badging materials, it is hoped that these can be absorbed within efficiency savings, IT systems and processes rather than through a marked increase in fees.

## **10. Legal powers and implications**

10.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders such as the Police, Crime & Disorder Partnerships, and the Driver and Vehicle Standards Agency (DVSA), towards the promotion of any licensing objectives.

10.2 In undertaking its licensing function, the Licensing Authority has regard to various primary legislation and statutory guidance issued alongside.

10.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making.

## **11. Climate change and environmental implications**

There are no climate change or environmental implications identified within this report.

However, with our continued commitment to addressing the climate emergency, future policy reviews will incorporate changes to the admissible vehicle type, age and fuel usage. There is an aspiration to move to lower emission vehicles and to encourage electric vehicles where possible. It is hoped that grant funding and incentivisation can be sought to assist with this initiative.

## **12. Risk management**

Regularly reviewing licensing policies and practices reduces the risk to the Authority.

Using a risk-rated approach to both proactive and reactive enforcement allows the team to focus resources in problem areas, promoting public safety.

Ensuring MoU agreements are in place with external partner agencies also helps to strengthen roles and responsibilities surrounding Licensing work.

## **13. Equality implications**

There are no equality issues identified as part of this report.

## **14. Corporate implications**

No corporate implications noted as part of this report.

## **15 Options**

Members are asked to :

1) Note the updates regarding the Licensing Service.

### **Author**

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