

Minutes

of the Meeting of

The Licensing Committee

Tuesday, 7 March 2023

Kenn Room

Meeting Commenced: 11.00 am

Meeting Concluded: 12.00 pm

Councillors:

Andy Cole (Chairman)
Peter Bryant
Stuart McQuillan
Ian Parker
Robert Payne
Mike Solomon
James Tonkin

Apologies: Councillors Caroline Cherry, John Crockford-Hawley, John Ley-Morgan Roz Willis

Absent: Councillors James Clayton, Ann Harley, Nicola Holland, Marcia Pepperall

Officers in attendance: Sara Saunders (Solicitor and Senior Legal Advisor), Sioux Isherwood (Licensing Service Lead), Andrew Cross (Consultant in Public Health) Kellie Trego (Senior Licensing Officer), Michèle Chesterman (Committee Services Senior Officer), Harriet Isherwood (Committee Services Support Officer)

LIC10 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda item 3)

None

LIC11 Minutes 1 November 2022 (Agenda item 4)

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

LIC12 Year-end Report for the Administration and Enforcement of all Licensing Regimes (Agenda item 6)

The Director of Public Health and Regulatory Services' representative presented the report on the year-end report for the administration and enforcement of all licensing regimes. The report provided a summary of some of the main activities carried out by the Licencing Team so far within the financial year 2022/2023 and

presented policy revisions for discussion ahead of public consultation.

General Updates

Licensing Act 2003

Members were informed that the increased number of larger outdoor events such as music concerts, food festivals and markets planned for 2023 had been welcome. Whilst it created significant resource demand for what was a small regulatory team, it was a positive sign that the area was attracting organisers and providing a varied and vibrant selection of events.

Members noted that considerations towards the upcoming protect duty (Martyn's Law) would be a significant area of work for the team over the coming months for all outdoor events and for licensed premises as a whole.

Taxi and Private Hire

It was noted that the number of applicants had been steadily increasing over the past few months with a recovery in the number of licensed drivers and vehicles.

Members discussed the increase in the number of 'app based' operators nationally and the failure of legislation to keep pace with technical advances with applicants continuing to apply for licences and then work outside the district. Where neighbouring authorities had raised their entry requirements, applicants approached other areas with a view to becoming licensed more easily. The Licensing Authority were keen to retain the current entry standards to ensure that those drivers who did obtain licences in North Somerset were safe and suitable. Lowering the standard or waiving entry criteria might encourage less suitable drivers to the area and undermine the level of public safety the team strived to ensure.

General Service Summary

Members were informed that officers within the Licensing Team had continued to provide invaluable support to applicants, current licence holders and colleagues. Also, that the commitment to out of hours working, multi-agency initiatives and visits, together with their positive 'can-do' attitude had allowed the team to successfully process so far this year in excess of 4000 licences and permits, respond to 3200 enquiries and carry out almost 300 visits.

Members discussed the planned migration to a replacement case management system for use by all the regulatory services which was placing significant resource demands on officers but would allow many applicant processes to be more easily accessible online and reduce the administrative requirements on applicants and officers. It was hoped that this would realise efficiency savings that may offset increases in the cost of running licensing regimes and minimise the need for fee increases.

Members noted that with effect from March 2023 North Somerset was offering pre-application advice which was chargeable (scaled approach – small – large event).

Officers circulated a **comparison of Licensing Policies** in the local area.

Members asked questions and received clarification on the following issues: whether the authority would consider running a Disability Awareness Course (South Gloucestershire Council); Admissions Standards not being included on Euro 6; details on Safeguarding Training; dress codes for taxi drivers; EV column not being ticked under emissions; how often CCTV was serviced, where installed.

Policies for Renewal:

Sex Establishment Policy

Members were informed that although still considered fit for purpose, the current policy had not been refreshed for some time. The revision included legislative updates, clearer content, and clarification in wording to indicate that while the Licensing Authority would not 'usually' accept, each case would be treated on its own merits giving flexibility to divert from policy where there was good reason.

Members' attention was directed to the draft copy of the revised policy at Appendix 1 which included a summary of the venues each premises would require a licence for.

The policy related to applications in respect of sex cinemas, sex shops and sexual entertainment venues.

The current policy wording did not allow for any establishments applying for waivers as they did not require a licence.

A discussion took place on the term 'significant degree' in the legal definition of a sex shop and what this meant - North Somerset would look at each shop on its merits.

Taxi & Private Hire Policy

Members were informed that the policy was last reviewed in 2021 following the introduction of statutory taxi and private hire vehicle standards, which required licensing authorities to use their licensing powers to protect children and vulnerable adults.

Members noted that the introduction of more vigorous background and criminal record checks for vehicle owners and operators in addition to drivers, which required all licence holders to undergo entry tests, medicals, and safeguarding awareness sessions; and by the application of a robust criminal convictions policy in line with the proposed standards the Licensing Authority had been able to reassure that those entrusted with passengers were safe and suitable to do so.

Members discussed actions taken by the licensing authority in relation to addressing the environmental impact of vehicles permitted for licence. It was recognised that there was a financial impact on vehicle owners to provide cleaner and newer vehicles and the policy revision sought to permit the continued licensing of existing vehicles, with a view to improving standards as new vehicles

were presented for licence.

Currently vehicles over 8 years old were licenced with no terminal date. The proposal was to reduce the initial age of vehicles to 5 years and cease the licence for vehicles at 10 years old regardless. Vehicle owners with current licences would continue but newly licenced vehicles at 8 years would only have 2 years left to run. It was noted that a third of vehicles were over 5 years old. The policy was due to come into effect in January 2024.

Members discussed whether after the current limit of 5 attempts at the Knowledge Test drivers should be allowed to re-apply after a break of 6 months for them to acquaint themselves with a good understanding of the test. The knowledge test was just one element of the information to be submitted for a taxi licence and drivers were not able to apply until they had all the information to hand.

Members were informed that the proposal in the guidance notes was that drivers would be given material to learn which would be significantly more than they needed in the test. Requests to sit further tests (after 5 attempts) would be based on a case-by-case basis in consultation with licensing. The reason being the cost encountered by some applicants who were submitting 10-12 tests at a cost of £40 per test.

Members asked questions and sought clarification in relation to the used car market availability and whether there were less taxi drivers as a result; whether leather seats were a requirement for taxi licences (changed to substantial material in the new policy); whether there was a requirement for a UK licence (a driver needed a licence in the designated list and had to convert the licence within a year); whether dementia training was included in the training (yes).

Members were informed that the two policies for renewal (**Sex Establishment Taxi & Private Hire Policy**) would be going out for public consultation and re-submitted to the Licensing Committee in October 2023 and following on from that Full Council in December 2023.

In the concluding discussions, it was:-

Resolved:

(i) that the revisions to the policies be considered;

(ii) that the outcomes and challenges to the administration of Licensing regimes undertaken by the North Somerset Council Licensing Team so far this financial year be noted.

Chairperson
