

MINUTES
OF THE MEETING OF THE
LICENSING COMMITTEE
MONDAY, 12 OCTOBER 2020

Held virtually at 7.00 pm and live streamed on the
Rushcliffe Borough Council YouTube channel

PRESENT:

Councillors R Walker (Chairman), B Bansal, N Begum, B Buschman, R Butler,
L Healy, L Howitt, R Mallender, J Stockwood, J Walker, J Wheeler and
G Williams

OFFICERS IN ATTENDANCE:

G Carpenter
P Harris
H Tambini

Environmental Health Manager
Senior Licensing Officer
Democratic Services Manager

APOLOGIES:

Councillors S Bailey and G Dickman

1 Declarations of Interest

There were no declarations of interest.

2 Minutes of the meeting held on 13 November 2019

The minutes of the meeting held on 13 November 2019 were declared a true record and signed by the Chairman.

3 Revised Hackney Carriages and Private Hire Licensing Vehicles Policy 2020-2025

The Environmental Health Manager presented the report of the Executive Manager – Neighbourhoods, requesting the Committee to consider the Council's reviewed and updated Hackney Carriages and Private Hire Licensing Policy 2020-2025. The Committee was reminded that the Policy had been updated in November 2019, and subsequently approved by Council. It had been hoped that no further amendments would be required until the Policy's review in 2025; however, the Department of Transport had recently issued new statutory guidance, which was considered to be significant enough that the Policy required revision. The Committee was asked to approve the policy changes, to allow a one-month consultation to take place, prior to the Policy being submitted to Council for adoption on 3 December 2020.

The Senior Licensing Officer highlighted the key changes to the Policy, which included:

- New provisions relating to whistleblowing enabling Licensing officers to be confidentially informed of a safeguarding issue;

- Inclusion of information relating to the use of Common Law Police Disclosure to obtain details on an applicant if they had been arrested, bailed, not charged or suspected of being involved in an offence (previously the Notifiable Occupation Scheme);
- A new provision for the inclusion of the “Harm Test” to identify whether an applicant had currently or previously been involved in violence where harm had been caused to a child or vulnerable adult;
- Amendments to the existing requirements for all drivers to undertake a knowledge test orally/reading or other to show they could communicate with the passenger;
- Amendments to safeguarding requirements to ensure that all drivers undertook Safeguarding Vulnerable Passengers training, which could be carried out by the Council or by an approved contractor. The Council used a charity called the Blue Lamp Trust, which provided this course at no charge to the authority. Safeguarding refresher training was being delivered across Nottinghamshire. This training would be mandatory for all renewing drivers including disability awareness and training for the Hackney drivers on loading wheelchairs;
- A new provision relating to a new code of conduct when working with vulnerable passengers;
- Broadening the types of vehicles that could be licensed to include stretch limousines and other adapted vehicles;
- Amendments to the requirements in respect of “fit and proper” persons;
- A new provision relating to staff working on bookings and dispatch who would now be required to be Disclosure and Barring Services (DBS) checked if they came into contact with the public or over the phone. This was intended to reduce the risk of grooming of vulnerable persons or the sharing of sensitive information to criminals. There was also new requirements for operators to keep records of bookings;
- A new provision requiring operators to have a policy on the employment for Ex-Offenders specifically for the type of work to be undertaken; and
- The Department of Transport was requesting Councils to consider mandating the fitting of CCTV within all licensed vehicles. Currently there are only two English Councils who had mandated a CCTV system. It was intended that this proposal be included in the consultation following Committee approval and, if after that it was considered to be feasible, it would be brought before the Committee again next year.

A member of the Committee questioned how the new “Harm Test” would be

monitored and what proactive measures could be put in place to ensure compliance. The Senior Licensing Officer advised that regular DBS checks were undertaken on all drivers. Officers were also reliant on notification from the Police, and given the good relationship already in place, it was hoped that once this new provision went live in the New Year that the lines of communication would already be well established.

The Chairman sought clarification on the new provisions related to dispatching, and questioned the current levels of compliance and record keeping by operators. The Senior Licensing Officer confirmed that current processes appeared to be robust as the majority used mobile apps, which already were traceable, and the majority of operators appeared to be compliant.

A member of the Committee asked about the provision for wheelchairs in Hackney Carriages, and questioned how social distancing measures were limiting and affecting operators.

The Senior Licensing Officer confirmed that all Hackney Carriage vehicles were equipped to accommodate wheelchairs. The Council was trying to make the public more aware that taxis were available to wheelchair users. The Blue Lamp Trust also undertook free courses to help drivers learn how to use the equipment in their vehicles to ensure compliance. In respect of social distancing, the Committee was advised that the majority of taxi drivers were carrying on as usual; the main impact had been having less business after 10pm due to the earlier closing time.

The Environmental Health Manager advised that enforcing social distancing in taxis rested with the Police. Given the close relationship fostered with the Police, it was hoped that any concerns they had would be raised with officers in the first instance.

It was **RESOLVED** that the Policy be approved, to allow further consultation, and following that, it be recommended for adoption by Council on 3 December 2020.

4 **Licensing Update**

The Environmental Health Manager provided the Committee with a verbal update in respect of the impact of Covid-19 on Licensing Services since the beginning of 2020, and the Senior Licensing Officer gave a brief presentation to cover the following issues:

- A monthly breakdown of the number of licensing applications received from October 2018 to October 2020;
- A breakdown of the various types and numbers of processed applications;
- Pavement licenses; and
- Impact of Covid-19.

The Environmental Health Manager referred to the impact of Covid-19 and confirmed that this had significantly affected not just Licensing but Environmental Health Services as a whole. Since the pandemic began, 268

new regulations had come into force and that was continuing on a weekly basis as the situation changed. The impact on the service had been considerable and officers from all agencies were working hard to support businesses as best they could. The approach was always to consider enforcement action as a last resort and to engage, educate and encourage people to comply with regulations in the first instance. However, it had been necessary to take enforcement action for some instances of ASB over the summer, and by working with partner organisations the situation had been handled very effectively. A business premises in West Bridgford had also been closed, due to its failure to comply. Officers would work with that business to support it and to ensure that in the future, it could open again safely. Given the change in status today for the county to Tier 2, it was likely that this would have further ramifications for businesses. The Council was continuing to provide regular updates on its website with information and FAQs to support local residents and businesses.

A member of the Committee questioned how a new taxi company could apply to work in the city or county and the Senior Licensing Officer confirmed that anyone could approach the Council and a rigorous process was always undertaken to ensure the suitability of anyone applying to work in the taxi trade.

A member of the Committee questioned why it had taken so long to take enforcement action against the premises in West Bridgford before it was closed. The Environmental Health Manager advised that the process for closing a business was extremely complex and delegated authority for closure directions rested with the County Council. The Borough Council provided the evidence; however, it did not have the power to close a business that responsibility lay with the Director of Public Health and the Chief Executive at the County Council. A business would only be closed if it was considered that the non-compliance represented a serious and imminent risk to public health; if it did not, then other means would be used to deal with the breach.

A member of the Committee thanked officers for their hard work over the past months and sought reassurance that everything was being done to reassure residents that all due diligence was taking place and communities were safe. The Environmental Health Manager referred to the significant work being undertaken by all officers and sought to reassure the Committee that everything possible was being done to cover Covid-19 related matters. The Committee was advised that it was a concern that during this difficult time, the day-to-day work of the team was being affected, and it was a significant challenge to ensure that everything was being covered.

A member of the Committee asked if officers could seek help from other local authorities if that was required and the Environmental Health Manager advised that if a major outbreak related to one premises occurred, then additional resources would be made available.

The Chairman asked if there had been any significant increase in complaints related to noise for HMO properties and the Environmental Health Manager advised that although there was no data available to suggest any increase in complaints regarding HMOs, the number of complaints regarding noise in general had risen significantly since the spring, with more people staying at home for longer period of time.

The meeting closed at 7.51 pm.

CHAIRMAN