

## LICENSING COMMITTEE

8 July 2021

Present: Councillor G Saffery (Chair)  
Councillor M Devonish (Vice-Chair)  
Councillors S Feldman, A Grimston, P Hannon, M Hofman,  
A Khan, A Saffery, J Stiff, D Watling and R Wenham

Officers: Licensing Manager  
Senior Licensing Officer (AY)  
Business Compliance Officer  
Senior Solicitor  
Democratic Services Manager

### 1 **Apologies for absence**

Apologies for absence had been received from Councillors Crout, Mauthoor, Smith and Stanton.

### 2 **Disclosure of interests**

There were no disclosures of interest.

### 3 **Minutes**

The minutes of the meeting held on the 8 March 2021 were submitted and signed.

### 4 **Review of Environmental Health and Licensing Compliance Policy**

The committee received a report of the Business Compliance Officer which set out the framework of the review of the existing Environmental Health and Licensing Compliance Policy.

The Business Compliance Officer provided an overview of the committee report and highlighted some of the changes to the existing policy. It was noted that the policy's name would be changed to Community Protection Compliance Policy. He referred to paragraph 6.10.6 which covered the suspension and revocation of licences related to hackney carriage and private hire drivers. This had been amended to allow for a suspension period longer than two days as set out in the

existing policy. He advised that in paragraph 6.11.2 a 'Rent Payment Order' should have read 'Rent Repayment Order' and would be amended in the draft version out for consultation. The consultation would take place from 12 July to 23 August. A report would be presented to the committee at its next meeting on 30 September for final approval.

In response to a question about the consultation comments, the Business Compliance Officer advised that all comments would be fully considered.

Councillor Khan asked about the consultation process and how the taxi trade would be enabled to take part. He questioned whether translations would be available and if the drivers understood their right to give views.

The Business Compliance Officer stated that the team would ensure they engaged with the taxi trade and trade associations. They would be sent information about how they would be able to take part. He would ensure they were fully aware of the consultation and any potential implications for the trade. Unfortunately due to the pandemic the team would not be able to do the drop-in sessions, which had been held in previous years. Surveys had been used on some occasions to ask specific questions, but this method would not be as effective for this consultation.

In response to a further question from Councillor Khan about wider community consultation, the Business Compliance Officer advised that the consultation would be running for six weeks. He acknowledged that residents may have some comments about the revised policy. The initial documents would be ready for consultation from 12 July. The service would ensure it did everything it could to gather views from everyone.

Following a question from Councillor Devonish about the translation of the policy into other languages the Licensing Manager commented that previous versions of this policy had not been translated but other policies had and was something that could be considered.

The Business Compliance Officer responded to a question from Councillor Feldman about the increase of environmental crimes. He explained that this policy set out an overarching approach and was not about individual Acts. The Licensing Manager added that the policy set out all the tools available and the most appropriate would be used to ensure compliance.

RESOLVED –

that the Community Protection Compliance Policy 2021-2026, set out at appendix 1 to the report, be approved for public consultation.

## **Urgent amendment to the Environmental Health and Licensing Services Compliance Policy 2016 – 2021**

The committee received the report of the Business Compliance Officer which requested an urgent amendment to the current policy.

The Business Compliance Manager explained the reason for the urgent change which was outlined in the report. The team needed an appropriate response should drivers fail to comply with requirements. The amendment was included in the version the committee had just approved for consultation.

Following a question from Councillor Hannon, the Business Compliance Officer advised that the suspension would not be related to an offence but the requirement for documents to be submitted to the service, e.g. MOT certificates or insurance details. It was important the council considered the public's safety. Generally the suspension period would be for a short time.

In response to a subsequent question from Councillor Khan, the Business Compliance Officer informed the committee that currently the options were a suspension for two days or for the licence to be revoked. The service worked with the drivers as much as possible. Due to the high number of checks currently in place a proportionate penalty was needed.

The Licensing Manager added that under the current arrangements there was no guarantee a vehicle was safe. There were cases where the team had been unable to contact a driver and therefore officers were unclear whether the driver or vehicle were safe. The suspension could be lifted immediately when the team received the relevant documentation. Drivers were given every opportunity to comply and contact the council. They were sent reminders well in advance of expiry dates, emails were sent and they were contacted by phone. The team did everything possible to encourage and support the trade. If a licence was revoked for failure to produce a check then there was no way back. A suspension could be lifted immediately.

Members agreed that safeguarding and the protection of the public was an important matter. The rules and regulations were there to keep people safe.

Councillor Khan referred to the draft amendment set out in the recommendation. He noted in paragraph 6.10.6 the phrase 'attitude of the licence holder' had been used. He felt this was very subjective and could be deemed negatively. He felt it need to be changed.

The Licensing Manager explained it referred to the general compliance of the driver during their previous licence application or renewals.

The committee discussed the terminology and agreed the word 'conduct' should replace 'attitude'.

RESOLVED –

that paragraph 6.10.6 be amended in accordance with the recommendation in the report and as amended by the committee, with immediate effect, until the Compliance Policy revision is agreed.

## **6 Review of Town Centre Street Trading Policy**

The committee received the report of the Senior Licensing Officer which set out the officers' recommendations on the renewal of the policy and the consultation process to be followed.

RESOLVED –

1. that the approach of implementing a specific commercial street trading policy for the town centre be agreed.
2. That officers go out and consult upon the draft policy attached to the report and consult on this policy in the manner laid out in the report. Consultation on the policy would start after the July committee and run until mid to late August. The results of the consultation and the final policy and equalities impact assessment would be considered by the committee in September 2021.

## **7 Gambling Act 2005 - Statement of Principles 2022-2025**

The committee received a report of the Senior Licensing Officer which set out officers' proposals on the policy's review and the consultation.

The Senior Licensing Officer brought to members' attention the recommendations set out in the report. Recommendation 3.2 was not required at this stage of the process and had been removed. He informed members that officers would review the results of the consultation and bring any proposed amendments to the next meeting for consideration. The draft policy had been amended to take account of the latest guidance and all amendments were set out in the report. The report also set out the statutory bodies that had to be consulted.

Councillor Hannon noted that the Government was in the process of reviewing the Gambling Act and questioned the timing of the council's review.

The Senior Licensing Officer explained that the Government's White Paper was looking at the Gambling Act as a whole, some of which was not the responsibility of the local authority. The council's policy had to be reviewed before 6 January 2022. The final version would be presented to the committee and then forwarded to the October Council meeting to ensure it met the legal deadline. It was possible to review the policy at any time and the team would do this once the new law had been laid down. The team would also monitor any Gambling Commission advice.

RESOLVED –

that officers consult upon the draft policy attached to this report. Consultation on the draft policy would start after the July committee, running for 6 weeks from 14 July until 25 August 2021. The results of the consultation and the final policy and equalities impact assessment would be considered by the committee in September 2021.

## 8 **Licensing Act 2003 - Annual Report**

The committee received the report of the Senior Licensing Officer which provided an overview of the operation of the Licensing Act 2003 in the borough.

The Senior Licensing Officer informed members that the report was for information. He highlighted some of the key aspects of the last year including the support the team had given to businesses during the pandemic. The number of applications had been significantly impacted during the last year, many of them having been submitted prior to the first lockdown. It had been possible to hold hearings remotely and the team had followed the guidance from the Institute of Licensing and the council's Group Head of Democracy and Governance. The team would continue to monitor the licensing trade over the next few months to ascertain the impact from the pandemic. During the year the team had provided advice on how premises could change their licences in line with the guidance at that time or how to apply for a Temporary Event Notice. Further changes were expected, including relaxations. The team awaited any details and would continue to support businesses over the months ahead.

The chair thanked the team for the support they had provided over the last year.

RESOLVED –

That the Licensing Act 2003 Annual Report be noted.

Chair  
Licensing Committee

The Meeting started at 7.00 pm  
and finished at 8.00 pm