

9 October 2019

Committee	Licensing
Date	Thursday, 17 October 2019
Time of Meeting	2:30 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES To approve the Minutes of the Licensing Committee meetings held on 21 March and 28 May 2019; the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 15 July and 16 September 2019; and the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 5 August 2019.	1 - 15
5.	LICENSING GENERAL UPDATE To consider the updates in respect of: responses to the public consultation on the revised Hackney Carriage (Taxi) and Private Hire Policy; the Taxi Licensing Task Group; the changes to the Houses in Multiple Occupation regime; implementation of the Animal Welfare Regulations; the Licensing Audit Action Plan; and the Hackney Carriage Tariff.	16 - 32
6.	SEPARATE BUSINESS The Chairman will move the adoption of the following resolution: That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
7.	SEPARATE MINUTES To approve the separate Minutes of the meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 15 July and 16 September 2019.	33 - 39

DATE OF NEXT MEETING
THURSDAY, 13 FEBRUARY 2020
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, J K Smith, R J G Smith, C Softley, R J Stanley, M G Sztymiak and M J Williams

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 21 March 2019 commencing
at 2:30 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor J Greening

and Councillors:

K J Berry, G F Blackwell, J E Day, A J Evans, P A Godwin, R M Hatton, A Hollaway
and H A E Turbyfield

LIC.17 ANNOUNCEMENTS

- 17.1 The evacuation procedure, as noted on the Agenda, was taken as read.
- 17.2 The Chair welcomed the new Senior Licensing Officer to the meeting and extended his thanks, on behalf of the Committee, to the temporary Licensing Officer who would be leaving at the end of the month.

LIC.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 18.1 Apologies for absence were received from Councillors G J Bocking, R Furolo, A S Reece, M J Williams and P N Workman. There were no substitutions for the meeting.

LIC.19 DECLARATIONS OF INTEREST

- 19.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 19.2 There were no declarations made on this occasion.

LIC.20 MINUTES

- 20.1 The Minutes of the meeting held on 18 October 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

LIC.21 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

- 21.1 The report of the Head of Community Services, circulated at Pages No. 8-80, asked Members to approve the draft revised Hackney Carriage and Private Hire Policy for public consultation following the Working Group's review.
- 21.2 The Chair indicated that he had also chaired the Working Group which had met on three occasions since it had been established by the Licensing Committee at its meeting on 18 October 2018. A lot of good work had been done to address some of the discrepancies between Tewkesbury Borough Council's Hackney Carriage and Private Hire Policy and the policies of Cheltenham Borough and Gloucester City Councils whilst also ensuring that Tewkesbury Borough Council retained its own identity. Representatives from the hackney carriage and private hire industry had been invited to attend the second meeting and one of the attendees had commented that he had never been asked to attend a Working Group meeting before which the Chair felt demonstrated that the Council's principles of public engagement worked well. The Environmental Health Manager went on to explain that, in order to make the policy clearer and more user-friendly - for Officers, Members and the taxi industry itself - the revised policy had been split into four separate documents, attached at Appendices 1-4. Members were informed that any references to the Head of Service/Head of Place would be amended to the Senior Licensing Officer who was the decision-maker. The main proposed changes were set out within the Officer report and he welcomed any questions.
- 21.3 A Member drew attention to Page No. 68, Paragraphs 5.11 and 5.13 of the policy which made reference to a premises licence and temporary event notice respectively and she indicated that these seemed to be taken from the wrong policy. In response, the Senior Licensing Officer explained that taxi and private hire drivers were able to provide alcohol in their vehicles, for instance, in a limousine catering for hen or stag parties, and, in order to do so would require either a premises licence or a temporary event notice at the premises where the alcohol was actually sold e.g. the driver's home. The Member thanked the Officer for the explanation and indicated that this needed to be clarified in the policy. A Member queried whether the policy allowed use of classic cars for a taxi service and confirmation was provided that this was covered under novelty vehicles; whilst the policy did give examples, a decision on what constituted a novelty vehicle was ultimately left to the discretion of the Senior Licensing Officer.
- 21.4 A Member drew attention to Page No. 20, which set out guidelines on the relevance of convictions, and noted that incidents had to be reported within a 24 hour period. She expressed the view that it should specify who this had to be reported to e.g. the Police or the local authority. The Environmental Health Manager undertook to look at the wording around this to ensure there was clarity. With regard to the requirement for operators to retain records for six months, as referenced at Page No. 78, Paragraph 2.13 of the policy, a Member questioned whether this was likely to be reviewed in light of the child sex abuse cases associated with taxi drivers which had been reported nationally. The Environmental Health Manager felt this was a very valid point and indicated that he would take legal advice on this following the meeting.
- 21.5 In response to a Member query as to how long an applicant needed to reside in the area before being granted a private hire driver's licence, the Senior Licensing Officer explained that applicants could be from anywhere in the country, they did not have to be a resident of Tewkesbury Borough and it would be unlawful to refuse an application for that reason; however, private hire operators must have a base within the borough. On that basis, the Member questioned whether it would be prudent to introduce a knowledge test given that applicants may not be familiar with the area they were working in. The Environmental Health Manager confirmed that this had been discussed by the Working Group and hackney carriage drivers were required

to take a knowledge test but this was largely because fares were calculated on a meter and charges were based on mileage; private hire drivers did not generally have meters and agreed a price prior to the journey. As the majority of drivers now used satellite navigation they did not need to rely on their own knowledge to reach a destination. An informal assessment was carried out when speaking to potential drivers to ensure their English was of an appropriate standard, and this aspect had been strengthened in the revised policy, but it was not intended to introduce a requirement for private hire drivers to undergo a specific knowledge test. A Member pointed out that, due to the rural nature of the borough, it was possible that drivers would know one area particularly well, e.g. Bishop's Cleeve or Tewkesbury Town, but not necessarily other places within the borough. A Member questioned if anything could be done to prevent operators from using their drivers' addresses as their own registered address in order to obtain a licence to operate within the borough. In response, the Senior Licensing Officer recognised that this was an issue for the licensing trade as a whole but, unfortunately, there was very little that could be done. Operators were required to provide an address which was used by the licensing authority for correspondence and to inspect records etc. however, in terms of the latter, as records tended to be electronic, it was not always necessary to attend the property to physically view them. A Member questioned whether operators were required to register their addresses for business use and was informed that the licensing authority would always advise applicants to seek consent from the planning department to register as a business address but there was no mechanism to ensure that happened and failing to do so did not necessarily mean that a licence would be refused. The Environmental Health Manager indicated that, in his experience, if the business was being run from what was essentially an office in a property then planning permission was not required. Notwithstanding this, if ancillary activities impacted upon the community – for instance noise at unsociable hours, mini-buses parked on the road and taxis parked on the public highway – this was something which could be discussed with operators and it was noted that Officers had a good relationship with the existing operators in the borough.

21.6 The Environmental Health Manager advised that, subject to approval by the Committee, it was intended to carry out a full public consultation and any comments received during that period would be brought back to the Committee for consideration. Having considered the information provided and views expressed, it was

RESOLVED

That the draft revised Hackney Carriage and Private Hire Policy be **APPROVED** for public consultation subject to the following:

- Page No. 20 – Relevance of Convictions – clarification to be provided as to who incidents should be reported to;
- Page No. 68 – Paragraphs 5.11 and 5.13 to be amended to clarify how a premises licence and temporary event notice were relevant to the Hackney Carriage and Private Hire Policy; and,
- Page No. 78 – Consideration to be given as to whether to extend the length of time operators were required to keep records in light of child sex abuse cases associated with taxi drivers which had been reported nationally.

LIC.22 REVIEW OF STREET TRADING POLICY

- 22.1 Attention was drawn to the report of the Head of Community Services, circulated at Pages No. 81-112, which asked Members to approve the revised Street Trading Policy following public consultation.
- 22.2 The Environmental Health Manager explained that, at the Licensing Committee meeting on 18 October 2018, it had been agreed that a wider public consultation be carried out on the revised draft Street Trading Policy to seek views regarding the inclusion of a requirement for an enhanced Disclosure and Barring Service check as a pre-requisite to being licensed as a street trader. Given that no comments had been received as a result of the public consultation, it was proposed that the revised Street Trading Policy be approved.
- 22.3 A Member queried how the consultation had been carried out and was advised that the first stage had involved writing directly to the existing street traders; the revised draft policy had subsequently been published on the Council's website alongside the existing policy. It was

RESOLVED That the revised Street Trading Policy be **APPROVED** following public consultation.

LIC.23 GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

- 23.1 The report of the Head of Community Services, circulated at Pages No. 113-134, set out the Tewkesbury Borough Council Gambling Act 2005 Statement of Principles 2019-22. Members were asked to approve the Statement for publishing.
- 23.2 Members were advised that it was a requirement of the Gambling Act 2005 that the Council publish its Statement of Principles every three years. It was noted that Gloucestershire County Council had been undertaking local area profiling which would feed into the Statement of Principles and the Senior Licensing Officer had been working with the County Council to establish what changes needed to be made. As such, it was proposed that the current Statement of Principles be re-published for 2019-22 pending a more detailed review later in the year taking account of the revised local area profiles. Assurance was provided that any changes would be brought back to the Committee for consideration. Accordingly, it was

RESOLVED That the Tewkesbury Borough Council Gambling Act 2005 Statement of Principles 2019-22 be **APPROVED** for publishing as set out at Appendix 1 to the report.

LIC.24 LICENSING GENERAL UPDATE

- 24.1 Attention was drawn to the report of the Head of Community Services, circulated at Pages No. 135-138, which provided an update in respect of the significant changes to Houses in Multiple Occupation licensing and implementation of the Animal Welfare Regulations 2018. Members were asked to consider the report.
- 24.2 The Chair felt it was important to note that the inspection and processing of applications arising from the Animal Welfare Regulations had been significantly more time-consuming than the previous regime with the issuing of a licence proving to take six to seven hours of Officer time compared to two to three hours previously. The Environmental Health Manager explained that all existing licences were required to be converted under the regime - as well as licensing new animal activity - and this was a significant piece of work which needed to be done in a timely fashion alongside other licensing work, such as the inspection of food premises. Since the publication of the Committee report, the number of

applications for licensable animal activities had risen to 44, of which 36 had been inspected and two re-visited with 23 licences having been issued to date. The Council was the first in the county to refuse an application, which it had done the previous day, and a second refusal was anticipated once the report had been written up. The impact assessment of the regulations suggested that there would be an increase in the amount of regulated activities and it was intended to formulate a plan to publicise the changes in the community.

- 24.3 A Member questioned whether the Council had a provision for licensing exotic animals, such as pythons, which might be taken to school fetes etc. and she queried whether the licence was granted by the local authority from where the animal was based or in the area where the event was taking place - she was concerned as to who monitored their welfare particularly following the reports of pythons being abandoned in another part of the country. In response, the Environmental Health Manager advised that these animals were covered by the Dangerous Wild Animals Act 1976 which was very stringent in terms of the specialist conditions that were needed. They were also covered in part by the Animal Welfare Regulations in terms of the display of animals, for instance, mice should not be kept next to cats as this could induce stress. The legislation was unclear in places, because it was new, and had generated a lot of discussion among the countywide licensing group. It was recognised that animals may be housed within Gloucestershire but performing in another area, or vice versa, and generally the regulations were intended to prevent unnecessary suffering to animals so action could be taken provided the owner was known to the licensing authority.
- 24.4 A Member sought confirmation as to the number of registered dog breeders in the borough and the Environmental Health Manager undertook to circulate this following the meeting. Another Member queried why two licences had been turned down and was advised that the new regulations came with statutory guidance from Defra which required an inspection to be undertaken and a series of questions to be answered in order to give an overall score; in both cases the inspection had resulted in a very high score therefore it would have been neglectful to grant a licence. In response to a query as to what had happened to the animals, Members were advised that there was a 28 day window for an appeal and operations could continue during that time. The Environmental Health Manager explained that inspections were currently being undertaken by two Officers but eventually would be carried out by individual Officers, once everyone was accustomed to the new legislation. The Officers' report was signed-off by the Senior Licensing Officer and Environmental Health Manager and, once a decision had been made, Officers went back to explain the decision to the operator; in the case of the refusal, the operator had not taken up this offer and had instead chosen to end the business so they had missed the opportunity to discuss what action would have been needed to bring it up to standard, although this information was contained within the inspector's report which was given to them with the decision notice. A Member questioned whether pet shops were included under the Animal Welfare Regulations and confirmation was provided that this was the case and they were given a star rating. There was a register which could be inspected by the public in order for them to make an informed judgement – for fairness, this would not be available on the website until all of the relevant premises had been inspected, however, the information could be requested from Officers in the interim.
- 24.5 With regard to Houses in Multiple Occupation, Members were advised that, since the introduction of the changes on 1 October 2018, 11 applications had been received with four licences currently being processed and a further two properties being investigated. It had previously been anticipated that there could be up to 100 new Houses in Multiple Occupation across the borough but only a fraction of landlords had come forward to date and discussions with neighbouring authorities had suggested that they were experiencing a similar pattern. Whilst it may be that

the original amount had been overestimated, it was also possible that landlords were failing to come forward, as such, it was intended to run a targeted campaign over the coming months in order to try to identify licensable Houses in Multiple Occupation across the borough. It was noted that a successful prosecution had been brought against a landlord for four charges which included poor housing conditions – this was a concern as a landlord failing to come forward to register a House in Multiple Occupation may also be less likely to ensure that housing conditions were of an appropriate standard.

- 24.6 A Member questioned how Houses in Multiple Occupation could be identified and was advised that press releases had been issued at the end of 2018 to raise awareness locally and the changes had also received some coverage in the national press; landlord associations were another way of publicising the legislation although it was recognised that not all landlords would be members of an association. The Environmental Health Manager explained that it was important to strike a balance between encouraging people to report suspected Houses In Multiple Occupation and managing Officer workloads in terms of the time spent investigating those reports; however, assurance was provided that there would be regular reminders on social media to reinforce the message once the initial bulk had been investigated. The Chair indicated that a Member Update had been circulated asking Councillors to report any suspected Houses In Multiple Occupation to the Licensing Team.

- 24.7 It was

RESOLVED That the updates in respect of changes to the Houses In Multiple Occupation regulatory regime and implementation of the Animal Welfare Regulations 2018 be **NOTED**.

LIC.25 LICENSING AUDIT ACTION PLAN

- 25.1 The report of the Environmental Health Manager, circulated at Pages No. 139-150, provided an update on progress made against the actions arising from the internal audit of the licensing function. Members were asked to consider the report.
- 25.2 Members were advised that the majority of actions contained within the plan had now been completed with the exception of two, as set out at Page No. 140, Paragraph 2.2. of the report. The first related to the cost recovery of fees associated with animal boarding establishments and it was noted that a new charging scheme was being developed following the introduction of the Animal Welfare Regulations. The second was the requirement to carry out inspections of licensed premises and introduce risk ratings and the Environmental Health Manager explained that it had been intended to incorporate the risk rating visits into the food inspection programme; however, two of the Officers who were qualified to carry out those inspections had left the authority meaning that an external contractor had been used to ensure that the food inspection programme was achieved and it would not have been appropriate for them to carry out licensing inspections. Members were advised that the Senior Licensing Officer had been tasked with working with the Principal Environmental Health Officer to incorporate the licensing risk rating inspections into the 2019/20 food inspection programme. The Environmental Health Manager reassured Members that, whilst there was no formal inspection programme, premises were inspected as and when necessary and Officers worked very closely with the Police so any incidents which did arise in the interim would be quickly dealt with.

- 25.3 A Member drew attention to Page No. 145, Action 3.2 which required the safeguarding policy requirements to be implemented. She noted that the report referred to safeguarding training courses for taxi drivers being run in March/April and November/December 2019 and she sought clarification as to whether these had already been run or were scheduled for the forthcoming year. The Environmental Health Manager confirmed that the training courses had taken place with eight sessions held in March/April and November/December 2018, rather than 2019 as stated in the report. He advised that any drivers who were still required to undertake the training would receive a letter giving them a month to attend a training course; it was noted that Gloucester City and Cheltenham Borough Councils both ran regular courses which they could attend. It was subsequently

RESOLVED That the progress made against the Licensing Audit Action Plan be **NOTED**.

The meeting closed at 3:23 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 28 May 2019 commencing at 6:15 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

G F Blackwell, C L J Carter, P A Godwin, M L Jordan, J W Murphy, P W Ockelton, C Reid,
J K Smith, R J G Smith, C Softley, M G Sztymiak and M J Williams

LIC.1 ELECTION OF CHAIR

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor G J Bocking be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor G J Bocking be elected as Chair of the Licensing Committee for the ensuing Municipal Year.

LIC.2 APPOINTMENT OF VICE-CHAIR

2.1 Councillor G J Bocking took the chair and invited nominations for Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor E J MacTiernan be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor E J MacTiernan be appointed as Vice-Chair of the Licensing Committee for the ensuing Municipal Year.

The meeting closed at 6:20 pm

any responsible authorities during the consultation period, three representations had been received from residents - two in objection and one in support - and these were attached at Appendix E to the report. The Sub-Committee was asked to determine the application either by granting the application as requested; modifying the conditions of the licence; or rejecting all, or part, of the application.

4.3 A Member queried whether a noise assessment had been undertaken and was advised that this was a condition of the original licence and had been carried out in January 2019. No concerns had been raised and the Environmental Health Manager indicated that there was a close-boarded fence and a three metre acoustic barrier which is what he would expect to see. The Member went on to question whether there had been any complaints about noise at the premises and was advised that complaints had been made by a resident in proximity to the boundary of the establishment but they could not be substantiated. The Environmental Health Manager understood that people went out into the pub garden to have a drink and, whilst a certain level of noise was to be expected as a result of that, a number of different mitigation measures had been put in place to minimise disruption including moving the benches closer to the establishment and erecting signage etc. Discussions had also taken place with the applicant about the provision of a noise management plan which could be shared with staff. The original complainant had not requested a specific noise assessment but there was an open offer for one to be carried out if and when that was required in the future.

4.4 The applicant was invited to present his case. He explained that the application had originally been submitted some time ago but had been resubmitted for technical reasons on 14 June. He confirmed that the application had been submitted correctly and had been publicised in accordance with the law. He advised that he was experiencing problems with a neighbouring resident who did not want a pub next door despite the fact that his house had not even been built when the pub had started trading so he had purchased the property in the knowledge that would be the case. He stressed that the pub was primarily a food establishment and was often closed by 2200 hours. It generated very little noise as the majority of patrons were over 60 and there was no late night music with the exception of a disco on New Year's Eve which ceased at 0030 hours. He pointed out that the neighbour had complained about numerous things including a light on the chimney breast which had been moved to the bottom and tilted as a result but could not be removed entirely for health and safety reasons. The applicant felt he had done everything he could to address the concerns and indicated that he had been trading for 30 years without any other issues. He had moved the location of the benches in the garden area but he could not stop people from having a conversation there. In terms of smoking – which had also been raised as an issue by the complainant – on the rare occasion people did smoke in the garden, the direction of the winds meant that smoke would not even reach the garden of the neighbouring property. He stressed that if there was a problem, he would address it straight away but he did not feel that was the case.

4.5 A Member sought clarification as to whether there was a designated smoking area and was advised that people tended to congregate at the front door where there were two or three benches and vary rarely moved into the garden area – when they did they only popped outside and then came straight back in. This area was 20 or 30 feet away from the neighbour's garden so it should not cause a problem. A Member noted that the garden area would be vacated by 2200 hours and he queried where people would smoke after that time. In response, the applicant confirmed that he had offered to limit the use of the garden area as a concession, as such, nobody would be allowed in that area beyond 2200 hours and any smokers would need to go just outside the door. He indicated that there was rarely anyone outside at that time anyway, even in the recent hot weather. A Member questioned how this was policed and was advised that the applicant or his wife, or

the pub manager or their staff, were in and out of the garden all of the time and everyone was fully briefed on the arrangements – on one occasion when there had been a couple in the garden there had been no problem whatsoever when staff had asked them to move inside. A Member suggested that the area could be chained off and the applicant indicated that he had already erected signs saying “respect the neighbours” etc. but he also intended to put up additional signage to state that the grassed area must be vacated by 2200 hours – these signs had been ordered so it would just be a case of erecting them. He reiterated that the tables had been moved to within five metres of the side of the pub building.

- 4.6 The local Ward Councillor indicated that Norton was very lucky to have the establishment and the village had fought hard for it. At the last Parish Council meeting he had attended, comments had been made about noise from the road but nothing about the pub. The pub car park was always full when he drove past in the evenings and was of a very high standard which should be welcomed in his opinion. The applicant clarified that the premises licence did not allow the pub to open all day; it opened at 1100 hours, with food served from 1200 hours to 1500 hours when it closed before re-opening at 1730 hours, serving food until 2100 hours - the pub was generally empty by around 2130 hours, or 2230 hours on a Saturday night.
- 4.7 The Senior Licensing Officer reminded those present that anyone could apply for a review of the premises should any problems occur; the fact that a decision would be made by the Sub-Committee today did not preclude residents from applying for a review or contacting the Environmental Health department to investigate any future noise complaints. In response to a query as to whether it was possible for the same person to complain, the Senior Licensing Officer reiterated that anyone could apply for a review at any time and anyone could make a complaint but they would not be accepted if they were frivolous or vexatious. The Environmental Health Manager explained that, in terms of the outstanding complaint, the applicant had put in place mitigation measures to address this and there was an open offer for Environmental Health to go back and carry out an assessment. If a statutory nuisance was established then a noise abatement notice could be served but there was no evidence that was the case at this stage.
- 4.8 The Chair invited the applicant to make any final comments. The applicant indicated that, as well as being the owner of the premises, he was also a Norton parishioner and wanted the pub to be successful for that reason.
- 4.9 The Chair indicated that the Sub-Committee would retire to make its decision.
- 4.10 When the meeting reconvened, the Chair advised that, having considered the application, all of the evidence presented, the representations made by all parties, the licensing objectives, the national guidance and the Council’s own licensing policy, it was

RESOLVED That the variation of the premises licence be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 11:02 am

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Monday, 5 August 2019

Premises: The New Dawn Inn, Tewkesbury Road, Norton, Gloucester, GL2 9LR.

Applicant: Martin John Hand

Application for the variation of a premises licence under Section 34 of the Licensing Act 2003.

Present: Councillors G J Bocking (Chair), J W Murphy and R J G Smith.

Other parties addressing the Sub-Committee: Councillor M J Williams – Ward Councillor.

SUMMARY OF REPRESENTATIONS

1. No responsible authorities made representations in relation to the application.
2. Three representations were made by other persons in relation to the application – one in support of the application and two in objection.

THE APPLICATION

The applicant had not applied to change any of the licensable activities or times from those on the existing licence but new conditions were proposed as follows:

1. An incident book shall be maintained at the premises in which shall be recorded the time, date and circumstances of all refusals of entry, refusals of sale or removal of persons from the premises, along with the name or a description of the individual.
2. All windows and doors at the premises shall be kept closed, other than for normal or emergency access and egress, for the duration of any period in which live music or recorded music (other than incidental, background music) is being played.
3. A CCTV system will be maintained at the premises operating throughout the opening times of the premises and with a facility to digitally download footage. Recordings will be kept for a minimum of 14 days and will be available to authorised officers upon reasonable request.
4. A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, passport or a photographic driving licence.
5. The licence holder will submit and maintain a noise management plan (NMP) setting out how noise from the premises and customers will be mitigated. The plan shall be maintained thereafter and updated as necessary to reflect any changes likely to impact on the acoustic environment.
6. All fixed external lighting should be positioned in such a way as to not cause nuisance to neighbours.

7. In relation to the outside area marked on the plan as GRASSED AREA AT THE FRONT OF THE PREMISES:

- This area will be vacated by 22:00 hours.
- Clear and legible notices will be displayed in this area reminding customers to keep noise to a minimum and to respect the neighbours.
- A maximum of 5 tables and 20 chairs will be positioned in this grassed area. Where a picnic-style bench table is being used, this shall count as 1 table and 4 chairs. Furniture in this area will be positioned within a distance of 4.2 metres from the wall of the premises.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the national guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following additional condition:

1. The noise management plan must be agreed with the Environmental Health department and this plan must be made available to neighbours, if they wish to see a copy.

REASON

The Sub-Committee was satisfied that all of the conditions attached to the licence would promote the licensing objectives.

All interested parties were reminded that, should the applicant fail to meet the licensing objectives, any interested party could report matters to the licensing authority and the applicant and the licence could be the subject of a review. Further, any noise complaints should be communicated to the Environmental Health department for them to investigate. There was a right of appeal to the local Magistrates Court within 21 days of the decision.

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Monday, 16 September 2019 commencing at 10:30 am

Present:

Chair

Councillor E J MacTiernan

and Councillors:

P W Ockelton and J K Smith

LSB/B.6 ELECTION OF CHAIR

6.1 It was proposed, seconded and

RESOLVED That Councillor E J MacTiernan be appointed as Chair for the meeting.

LSB/B.7 ANNOUNCEMENTS

7.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.8 DECLARATIONS OF INTEREST

8.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

8.2 There were no declarations made on this occasion.

LSB/B.9 SEPARATE BUSINESS

9.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.10 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

10.1 The Sub-Committee refused an application for a private hire driver's licence.

The meeting closed at 11:20 am

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	17 October 2019
Subject:	Licensing Update
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

The draft revised Hackney Carriage (Taxi) and Private Hire Policy was put out to public consultation between 3 June and 26 August. Seven responses were received from members of the public, private hire drivers, operators and a neighbouring licensing authority. The main comments related to age of vehicles, wheelchair access, enforcement and the relevance of convictions. A meeting has been arranged with an operator to discuss their comments further.

Gloucestershire County Council's Economic Growth Joint Committee has convened a Taxi Licensing Task Group. The intention of this group is to consider a common approach and standards across the County. It is intended that this group will report in early 2020.

A total of five Houses in Multiple Occupation (HMO) have now been licensed following revision of the definition of an HMO. A further HMO has been identified, the landlord has refused to license it, so a prosecution file has been sent to One Legal.

A total of 61 applications for new licences have been received under the new Animal Welfare (Licensing) Regulations. Of these 10 are currently in progress, four have been refused or a refusal has been recommended, and 47 have been granted.

The animal welfare charging scheme and licensed premises risk assessment, remain the two outstanding actions from the Licensing Audit Action Plan.

There have been no representations regarding the Hackney Carriage Tariff, it is therefore proposed to keep it the same until 31 October 2020.

Recommendation:

- 1. To NOTE the responses made in relation to the public consultation on the revised Hackney Carriage (Taxi) and Private Hire Policy.**
- 2. To be aware of the Countywide Group currently considering opportunities for aligning standards and policies across the County.**
- 3. To NOTE progress in relation to implementation of the revised definition of Houses in Multiple Occupation and the Animal Welfare (Licensing) Regulations.**
- 4. To APPROVE no change to the Hackney Carriage Tariff.**

Reasons for Recommendation:

No representations have been received in relation to the Hackney Carriage Tariff and there have not been any significant economic changes that would warrant changes to the tariff.

Resource Implications:

There are no significant resource implications arising from this report.

Legal Implications:

There are no legal implications in relation to this report.

Risk Management Implications:

None.

Performance Management Follow-up:

The comments received during the consultation will be considered, together with the outcomes of the countywide group, and the Hackney Carriage (Taxi) and Private Hire Policy amended accordingly. The amended Policy will be brought back to the next Licensing Committee for approval.

Environmental Implications:

None.

1.0 RESPONSES TO THE PUBLIC CONSULTATION ON THE REVISED HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY

- 1.1 Tewkesbury Borough Council has the responsibility to regulate Hackney Carriage and Private Hire trade under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 The Council's regulatory position is set out in Tewkesbury Borough Council, Hackney Carriage (Taxi) and Private Hire Policy 2016-2019, revised 6 December 2016.
- 1.3 The Council has committed to review this Policy every three years.
- 1.4 The revised Policy was circulated for public consultation for a period of 12 weeks between 3 June and 26 August 2019.
- 1.5 In response to this consultation, the Council received responses from one local resident, five operators/drivers and one other licensing authority. A summary of these responses is attached as Appendix 1.
- 1.6 One Operator requested a further meeting to discuss the proposals. This is currently being arranged for a mutually convenient time in November.

1.7 Following the meeting with the operator, consideration will be given to the responses received and the Policy amended as necessary. This will be with a view to presenting an amended Policy to the Licensing Committee in February.

2.0 TAXI LICENSING TASK GROUP

2.1 As a result of an action arising from Gloucestershire County Economic Growth Joint Committee a countywide Taxi Licensing Task Group was set up and had its first meeting on Monday 7 October 2019.

2.2 The purpose of this group is to consider opportunities for a consistent approach to taxi licensing across Gloucestershire County.

2.3 Representing the Council on the Task Group are the Licensing Committee Chair and the Senior Licensing Officer.

2.4 The group first met on 7 October 2019 (minutes awaited). The group agreed that a consistent approach is both desirable and achievable and the different licensing authorities already work together in many ways, for instance the Gloucestershire Licensing Officers' Group (GLOG), which meets quarterly to discuss matters arising locally and nationally, changes in licensing law and best practices. The Task Group has agreed to meet again (date to be confirmed).

3.0 HOUSES IN MULTIPLE OCCUPATION

3.1 Following the change to the definition of a house in multiple occupation in October 2018, the Council initially received enquiries from an additional nine landlords. Of these six have either withdrawn or not qualified as HMO's in terms of the new definition.

3.2 The remaining three properties have been licensed.

3.3 Following a complaint regarding the condition of a property, an unlicensed HMO was identified. The landlord was provided with the opportunity to license the property, however has failed to do so. A prosecution file has been presented to Court and the Council is awaiting confirmation of a trial date.

4.0 ANIMAL WELFARE (LICENSING) REGULATIONS

4.1 A total of 61 applications have been received relating to animal activities as prescribed in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Of these 47 have been approved and issued, 10 are currently in progress and four have been refused or a refusal has been recommended.

5.0 LICENSING AUDIT ACTION PLAN

5.1 An updated version of the licensing audit action plan is attached as Appendix 2.

5.2 There are two outstanding actions on the plan. Revisions are currently being made to the Animal Activity licensing charging scheme. It is intended to have a revised scheme completed by end of November to be introduced in January 2020.

5.3 The risk rating of licensed premises has been programmed in to be completed by April 2020.

6.0 HACKNEY CARRIAGE TARIFF

6.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.

6.2 The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish

6.3 The current tariff was last approved by the Licensing Committee on 14 June 2018 and is attached as Appendix 3.

6.4 No representation has been made by the trade or members of the public for a change to the current tariff.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Hackney Carriage (Taxi) and Private Hire Policy 2016-2019.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None arising out of this report.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 None arising out of this report.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would be unlawful in accordance with the Equality Act 2010. Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities. Therefore, the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or similar mobility aids.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: Hackney Carriage (Taxi) and Private Hire Policy.

Contact Officer: Environmental Health Manager

01684 272117 gordon.buchanan@teWKesbury.gov.uk

Appendices: Appendix 1 – A summary of responses received to the consultation to review the Council’s Hackney Carriage (Taxi) and Private Hire Licensing Policy.

Appendix 2 – Licensing Audit Action Plan.

Appendix 3 – Hackney Carriage Tariff Card.

A summary of the responses received to the consultation to review the council's Hackney Carriage (Taxi) and Private Hire Licensing Policy

A total of 7 responses were received:

- 1 local resident
- 5 licensed Tewkesbury Borough Council operators or drivers
- 1 neighbouring licensing authority

Local resident:

- Concerned that as a wheelchair user she finds it difficult to get an accessible taxi or PHV in Tewkesbury, particularly in the evenings.
- Concerned that her friend can't get a taxi to visit her in her care home, because her friend has a dog and taxis / PHVs often refuse to take dogs if they are not assistance dog.

TBC operators/drivers:

- Concerned that adoption of an enhanced fitness test for taxis and PH vehicles will result in higher charges from the testing stations.
- Concerned that executive-style vehicles in immaculate condition will no longer be able to renew their licence because they are over 10 years old.
- An operator that deals solely with Glos County Council contracts to transport children has expressed concern that any age limit on vehicles will force them to replace a large proportion of their fleet of specially-adapted, but older, vehicles, and has proposed that such vehicles should be exempt from any age limits.
- An operator has commented that any change in requirements which will force drivers and operators to replace their cars should be given at least an April 2022 deadline to enable them to do so.
- An operator has expressed concerns about having nominated testing stations which may result in delays in booking appointments and restricted choice.
- The same operator has requested a meeting to discuss these issues.
- A driver is concerned about the proposal to introduce nominated testing stations which will lead to delays in bookings which can result in the driver being unable to work.
- A hackney carriage (HC) driver is opposed to the requirement that all HCs will be wheelchair accessible (WAV) because there is not enough HC work available. In order to continue to be HC under the new proposals, he will need to purchase a WAV, but instead he would choose to become PH instead of HC.
- A PH operator who runs a one-vehicle specialist limousine service is concerned that he will be unable to operate if the 14 year age limit is introduced, because his limousine is over 14.

Other licensing authority – Cheltenham Borough Council

- Full response attached.

Response to Tewkesbury Borough Council's Policy review - hackney carriage (taxi) and private hire licensing

This is Cheltenham Borough Council's response to Tewkesbury Borough Council's hackney carriage (taxi) and private hire licensing policy review.

Context

It is important for Cheltenham Borough Council to provide a brief context to its consultation response so that Members and officers at Tewkesbury Borough Council are clear on the importance of some of the issues referenced in this response.

As a result of a number of factors such as weak national legislation and the deregulation of a number of restrictions previously placed on hackney carriage (taxi) and private hire licensing, Cheltenham Borough Council has found itself in a position where a substantial number of Tewkesbury Borough Council licensed private hire vehicles and drivers now predominately, in some cases exclusively, work in the Cheltenham Borough Council district.

The implications of this for Cheltenham Borough Council have been:

1. The high standards that Cheltenham Borough Council sets have been diluted since Tewkesbury Borough Council's licensing policies have not yet been brought in line with, at least, national best practice.
2. Cheltenham Borough Council has had to prosecute Tewkesbury Borough Council licence holders for illegally plying for hire in Cheltenham.
3. Cheltenham Borough Council has no regulatory control over Tewkesbury Borough Council licence holders despite them working predominately, in some cases exclusively, in Cheltenham. This has caused difficulties, including tensions with the local trade, difficulties with dealing with public concerns and complaints, and issues with implementing local initiatives, for example, improving air quality in Cheltenham.
4. Some safeguarding concerns relating to Tewkesbury Borough Council licence holders working in Cheltenham. There have, for example, been cases where Cheltenham Borough Council has revoked licences but the licence holders have subsequently obtained licences from Tewkesbury Borough Council and returned to work in Cheltenham.

It is in reference to this context that Cheltenham Borough Council considers it important that it contributes to this policy review in order for Members and officers at Tewkesbury Borough Council to be clear on the implications of their decision making on Cheltenham, its residents and visitors.

Finally and for the avoidance of doubt, this response is made on behalf of Cheltenham Borough Council's Licensing Committee with input and advice from officers.

Hackney Carriage & Private Hire Policy - Document 1 of 4, Regulatory Guidelines

Para 1.4 Cheltenham Borough Council strongly disagrees with the statement that *"The aim of the licensing regime to which these policy document guidelines relates is not to punish the applicant twice for an offence, where criminal action has already been taken, (which includes a conviction or caution), but to ensure that public safety is not compromised."*

This statement is fundamentally wrong and implies that in circumstances where a licence holder or applicant has had a criminal history and where they have been punished for this through the courts, Tewkesbury Borough Council will consider the criminal sanction as sufficient and the licence holder or applicant sufficiently rehabilitated and fit and proper as a result.

This would be wrong. Taxi and private hire licence holders are exempt from the provisions of the Rehabilitation of Offenders Act and as such their criminal history will remain relevant for the purpose of licensing, notwithstanding any criminal sanctions.

Para 2.2 Cheltenham Borough Council does not agree with the statement that *"Whether someone is a 'fit and proper person' to hold a licence is ultimately a matter of common sense."*

Cheltenham Borough Council is of the view that whether a person is "fit and proper" is a matter of fact determined against set criteria. The policy document should be used to set these criteria taking into account legislation, best practice and government guidance.

Section 3 "Guidelines on the relevance of convictions" - General comments on the proposed:

1. Para 3.2 It may be helpful to define what constitutes a "serious crime". Furthermore, the statement that *"a current conviction for serious crime need not be permanently barred from obtaining a licence"* seems at odds with the policy itself, for example, Sex and Indecency Offences & Exploitation Offences where the proposed policy states *"...a licence will not be granted."*

Evidence of "good character" in relation to "serious crime" appears to Cheltenham Borough Council to be inappropriate. Serious crime should be viewed as a serious matter in relation to taxi and private hire licensing, and the assessment as to the fitness of a licence holder or applicant should be more onerous in cases of serious crime.

2. (K) Vehicle construction of use offences – Appears that this is a duplication of the listed Hybrid Traffic Offences that makes reference to construction and use offences.

3. (N) Spent Convictions – Convictions in relation to taxi and private hire licensing are exempt from the provisions of the Rehabilitation of Offenders Act and therefore never considered spent.
4. The “Guidelines on the relevance of convictions” lacks information on how the council will deal with non-conviction related matters such as allegations, serious complaints or cases where concerns remain but where the criminal threshold has not been met. Since taxi and private hire licensing is determined on the civil standard it is possible for Tewkesbury Borough Council to still act notwithstanding.

Safeguarding is important in taxi and private hire licensing and Cheltenham Borough Council is of the view that this part of the policy should be strengthened in this regard. Tewkesbury Borough Council may wish to refer to the Institute of Licensing’s [Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) and the Government’s recent draft [Taxi and Private Hire Vehicle Licensing: Protecting Users](#).

Section 6 “Complaints Investigation Procedure”

This section seems to imply that complaints of a minor nature will not be investigated (“Complaints of a minor nature may be dealt with by telephone or visit. **All complaints of a serious nature will be investigated.**”)

Whilst a lighter touch approach to a “minor” complaint may be appropriate, the policy should also recognise that a number of “complaints of a minor nature” may raise questions about the fitness of a licence holder and this should require more robust action.

As a general observation, the proposed complaints investigation procedure appears to be unnecessarily long (up to 14 days just for a response) particularly if the nature of the complaint is serious in nature. Cheltenham Borough Council is of the view that complaints of a serious nature should be investigated and acted on in a more expedient manner in the interest of public safety.

Hackney Carriage & Private Hire Policy - Policy Document 2 of 4, Hackney Carriage Driver and Vehicle Rules

New Applications - 1.1 A - Cheltenham Borough Council recommends that the driving licence requirement be changed to a full **UK** driving licence. The proposed rule will allow the use of non-UK driving licences such as international driving permits etc. These will show no history of driving offences in the UK, which poses a risk.

Disciplinary Action – 3.6 – “...refer a driver or operator to the Council’s Licensing Sub-Committee...”
Tewkesbury Borough Council may wish to also include vehicle licence holders in this, since vehicle licence holders are not always also licensed drivers / operators.

Medical Criteria – 3.12 – Is the reference to “...a medical every 5 years on renewal of the drivers licence...” correct as 3.11 states that “A Drivers licence shall remain in force for up to 3 years.”

Vehicle Age and Testing – 3.35(A) - Cheltenham Borough Council is of the view that a 10 year age limit on new vehicles to be licensed is inappropriate. Vehicles that are 10 years old will be manufactured to Euro Emission 4 standards which Cheltenham Borough Council considers to be too low a standard.

Cheltenham Borough Council has adopted an Air Quality Management Area encompassing the entire borough. With this, the council has adopted an air quality action plan detailing measures the council will adopt to improve air quality in the borough. As previously referred to in this response, a large number of Tewkesbury Borough Council licensed private hire vehicles work predominantly or exclusively in Cheltenham. Under these circumstances, a large fleet of licensed vehicles constructed to a relatively low emission standard is detrimental to Cheltenham Borough Council's efforts to improve air quality in the borough. Cheltenham Borough Council would recommend a minimum standard of Euro Emission 5 (applied to most new registrations from 1 January 2011) for vehicles to be licensed on the first occasion by Tewkesbury Borough Council.

As a general observation, a 10 year rule for new vehicles to be licensed for the first time is not consistent with national best practice. Most licensing authorities cease licensing vehicles at around this age.

Hackney Carriage & Private Hire Policy - Document 3 of 4, Private Hire Driver and Vehicle Rules

New Applications - 1.1 A - Cheltenham Borough Council recommends that the driving licence requirement be changed to a full **UK** driving licence. The proposed rule will allow the use of non-UK driving licences such as international driving permits etc. These will show no history of driving offences in the UK, which poses a risk.

Medical Criteria – 3.11 – Is the reference to "...a medical every 5 years on renewal of the drivers licence..." correct as 3.11 states that "A Drivers licence shall remain in force for up to 3 years."

Vehicle Age and Testing – 3.32(A) - Cheltenham Borough Council is of the view that a 10 year age limit on new vehicles to be licensed is inappropriate. Vehicles that are 10 years old will be manufactured to Euro Emission 4 standards which Cheltenham Borough Council considers to be too low a standard.

Cheltenham Borough Council has adopted an Air Quality Management Area encompassing the entire borough. With this, the council has adopted an air quality action plan detailing measures the council will adopt to improve air quality in the borough. As previously referred to in this response, a large number of Tewkesbury Borough Council licensed private hire vehicles work predominantly or exclusively in Cheltenham. Under these circumstances, a large fleet of licensed vehicles constructed to a relatively low emission standard is detrimental to Cheltenham Borough Council's efforts to improve air quality in the borough. Cheltenham Borough Council would recommend a minimum standard of Euro Emission 5 (applied to most new registrations from 1 January 2011) for vehicles to be licensed on the first occasion by Tewkesbury Borough Council.

As a general observation, a 10 year rule for new vehicles to be licensed for the first time is not consistent with national best practice. Most licensing authorities cease licensing vehicles at around this age.

Literacy and Numeracy Test (Private Hire Knowledge Test) - 5.9 - Cheltenham Borough Council is of the opinion that the Private Hire Knowledge Test should be strengthened. We note that the test

includes “Basic map reading”. This seems odd, as usually the purpose of a knowledge test is to assess geographical knowledge of the relevant licensing district/area. If the assessment is basic map reading, it seems to defeat the entire object of the knowledge test.

Furthermore, Cheltenham Borough Council would also question the suitability of a basic map reading assessment as part of the fitness assessment of licence applicants. Without an adequate topographical knowledge of the area where they are licensed, private hire licensed drivers will need to refer to mapping tools which may cause unnecessary delays and/or prolonging of journeys. This too is not consistent with national best practice.

Hackney Carriage & Private Hire Policy - Document 4 of 4, Private Hire

Operator Rules

No comments to make

Other comments

- 1. Gloucestershire Economic Growth Joint Scrutiny Committee - Licensing Review Proposal**
Cheltenham Borough Council would like to draw the attention of Tewkesbury Borough Council to the Gloucestershire Economic Growth Joint Scrutiny Committee’s proposal to harmonise taxi and private hire licensing procedures across the county. This work will have an impact on the future licensing policies adopted.
- 2. Joint enforcement powers**
Cheltenham Borough Council would welcome consideration of joint enforcement powers as part of this policy review. Enforcement officers employed by Cheltenham Borough Council have very limited powers to deal with issues resulting from Tewkesbury Borough Council licensed drivers and vehicles operating in the borough of Cheltenham. Cheltenham Borough Council considers this necessary in the interest of public safety and protection.

Submitted by Louis Krog, Licensing Team Leader for Cheltenham Borough Council.

Dated: Thursday, 11 July 2019

Licensing Audit Action Plan

27

Rec No	Recommendation/ Action	Responsible Officer	Target Date	Status	Progress To Date
1	<p><u>Licensing Act in General</u> Copies of licences issued should be retained</p> <p><u>Premises Licences</u> -A review of current premises licences and debtors should be undertaken to ensure that all annual payments have been raised</p> <p>-The debtor report issued to Licence's should be issued at least 28 days prior to the debt invoice being raised, amendments to this report by licences should be undertaken promptly and reported back with the relevant licence application reference within this timescale.</p> <p>-Debtors invoices (included annual invoices) raised in connection with Licences should clearly demonstrate the licence application reference</p> <p><u>Personal Licences:</u> -A review of personal licence information of the councils website should be undertaken to ensure that it is up to date with current practices and additional information is provided in relation to notifiable offences</p>	Environmental Health Manager (EHM)	April 2018	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>Copies of all licences are idoxed and attached to the uniform record.</p> <p>A debtors report is sent from finance to tech admin every Friday Tech admin check who has paid and who has not. Those that have not paid are contacted and the debt chased up. Where the debt is not paid licence is suspended.</p> <p>For premises licences, fees that are not paid will result in licences being suspended.</p> <p>Invoices contain reference number</p> <p>Councils website has been updated</p>

	<p><u>Temporary Event Notices</u> -The website and online forms should be updated to provide definition on what is a premises user</p> <p>-A process should be established to monitor the number of events operated by a premises user. In this connection the TENS submitted via Cotswolds Markets should be reviewed in order to ensure compliance with this requirement.</p>			<p>✓</p> <p>✓</p>	<p>Councils Website has been updated</p> <p>Instruction given relating to entering information onto Uniform correctly. If information entered correctly then Uniform automatically highlights the number of Temporary Events that relate to particular individual.</p>
2	A proximity check should be demonstrated for street traders operating close to prime site.	Environmental Health Manager	January 2018	✓	All street trading applications checked against prime sites when received.
3	<p>-the 6 monthly LOLER certificates needs to be provided to the council on a regular basis.</p> <p>the safeguarding policy requirements should be implemented (see safeguarding audit 2016/17)</p>	Environmental Health Manager	April 2018	<p>☹</p> <p>☺</p>	<p>A more extensive review of the Taxi Licensing Policy is currently being undertaken. The requirement to submit LOLER certificates will be included in revised policy.</p> <p>Safeguarding Training Courses for Taxi Drivers were run in March/April. The majority of Taxi drivers received this training. There was a small number that were not able to make the original dates. These drivers were advised that further training would be run later in the year for new drivers and they would be able to do the training at this time. Further training dates are being planned for November 2019. Discussions are also currently taking place with Cheltenham Borough Council with regards to developing a training day which will include Safeguarding training, equalities training, wheelchair access training etc. It is anticipated this will be available in the first quarter of 2019.</p>

	Payments receipted should be at the current fee rate			✓	All payments are at current rates. A review of Taxi fees is currently ongoing to ensure full cost recovery. This will be completed by the end of November
4	<p>-The website information should be updated to provide details on the home visits undertaken by the EHOs and the change in the veterinary procedures.</p> <p>-To update the home visit check sheet to include confirmation of the number of units to ensure the correct fee has been received</p> <p>-To check that all animal licences are renewed at the beginning of each year and undertake the appropriate enforcement action for non-renewals</p> <p>- A review of the fees to ensure full cost of the service including the home visits has been taken into consideration.</p>	Environmental Health Manager	September 2018	<p>✓</p> <p>✓</p> <p>✓</p> <p>☺</p>	<p>Website has been updated</p> <p>The home visit check sheet will be updated to reflect this</p> <p>Animal licences that are not renewed are contacted to establish if they are still operating. Where they are then fees chased, advised of enforcement action where continue to operate without licence.</p> <p>New animal welfare regulations have just come into force. A fees and charging scheme is currently being developed to reflect the new enforcement regime.</p>

5	<p>-The receipt date of the application for all licence types should be correctly reflected within the Uniform system</p> <p>-All consultees should be listed for each licence type</p> <p>-In respect of animal boarding visit dates and officer details should be recorded within Uniform</p> <p>-Outstanding balances should be reviewed to ensure that these are not error entry lines</p> <p>-the trading times of a Street trader should be correctly entered into Uniform.</p>	Environmental Health Manager	January 2018	✓	<p>Instruction has been given regarding the correct input of data onto uniform. Random checking is carried out by EHM and Principle EHO</p> <p>All outstanding balances have been reviewed. Any balances that accumulate in this financial period will be pursued and the licence suspended where payment not received.</p> <p>All street trader entries on uniform have been reviewed and are reflect trading times.</p>
6	<p>A staged approach will be adopted to the reconciliation process. Initially annual licence's will be checked against the general ledger and then further licences will be added once the format of the reconciliation process and officers understanding of the general ledger have been established.</p>	Environmental Health Manager	April 2018	✓	<p>Officers have now been given training and access to the general ledger and can now input directly onto it.</p>
7	<p>-A programme of inspections for licenced premises will be carried out in the 2018 calendar year.</p> <p>-Based on the inspections, a risk assessment will then be performed and entered into the uniform system.</p>	Environmental Health Manager	April 2019	☹	<p>Due to reduced resources throughout this year, it has not been possible to begin the programme of inspections. As part of the current service review a Senior Licensing Officer will be recruited. It is expected that this post will be filled by end Dec 2018. At which point an inspection programme will be put in place.</p>

8	Service requests such as noise complaints that can be associated with a licenced premises should be dealt with through the licencing module.	Environmental Health Manager	April 2018	✓	<p>All service requests relating to licensed premises are attached to that premises through the service request module or logged on as standard service requests. When risk assessments carried out history of complaints will be readily available to be considered when scoring. The risk scoring will be on the licencing module. It is useful to log noise complaints onto Uniform under the service requests module as this allows noise complaints to be broken down using existing codes. To add these complaints to the licencing module is to add another procedure for no real benefit.</p> <p>A random sample of licensed premises will be audited to confirm that complaints are registered against them and this information is readily available for risk assessing.</p>
9	An online facility for the public to report licensable complaints should be provided.	Environmental Health Manager	June 2018	✓	Website has been updated in order that licensed premises can be report through "Report It"

STATUS KEY

	Action is progressing well and on target to achieve completion date/within agreed budget (if applicable) etc.
	Action has some issues or delays but is likely to achieve completion date/within agreed budget (if applicable) etc.
	Significant risk to not achieving the action or there has been significant slippage in the timetable.
✓	Action is complete.
	Action not yet commenced. (may not yet be programmed for action)

AUTHORISED FARE CARD

To be displayed prominently in each Hackney Carriage

LICENCE NO: *

VEHICLE REG. NO: *

FOR THE CARRIAGE OF * PASSENGERS

If a fare has not been agreed in advance, a driver is entitled to engage his meter at the point of hire.

Mileage

Rate 1 – For hiring between 7am and 11pm every day excluding Sundays and Public Holidays

a) For the first 660 yards (603.5 metres approx.) or part thereof.....£2.60

b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....25p

Waiting time – for each 1 minute or part thereof.....35p

Rate 2 – For hiring between 11pm and 7am Monday to Saturday and all day on Sundays and Public Holidays.

a) For the first 660 yards (603.5 metres approx.) or part thereof.....£3.60

b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....30p

Waiting time – for each 1 minute or part thereof.....35p

Additional Charges

For each passenger over 1 per journey or part thereof.....50p

For each item of luggage carried in the luggage compartment of the vehicle.....25p

(up to a maximum of £1)

For each bicycle carried.....50p

For each animal carried.....50p

(No charge may be made for carrying assistance dogs, wheelchairs, walking frames or any other similar mobility aids)

Conditions of Hiring

1. The charges printed are the maximum permitted to be charged for each journey within the Borough of Tewkesbury.

2. Intoxicated or troublesome persons carried at the driver's discretion.

Check the tariff and the total sum demanded with the taximeter.

In the event of any dispute please ask for a detailed receipt showing the taxi licence number and driver's badge number.

In case of a complaint, please write to: The Licensing Officer, Tewkesbury Borough Council, The Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.

Email: licensing@tewkesbury.gov.uk

IT IS AN OFFENCE TO CAUSE OR PERMIT ANY ALTERATION TO THIS CARD.

Document is Restricted

Document is Restricted