

11 November 2020

<b>Committee</b>	Licensing
<b>Date</b>	Thursday, 19 November 2020
<b>Time of Meeting</b>	2:30 pm
<p>This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.</p> <p>Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the <a href="#">Agenda publication</a> page immediately prior to the commencement of the meeting.</p>	

## Agenda

**1. ANNOUNCEMENTS**

**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.

**4. MINUTES**

1 - 4

To approve the Minutes of the meeting held on 13 February 2020.



**5. LICENSING UPDATE**

5 - 13

To receive an update on the impact of COVID-19 on the licensing service, to approve an extension to the current hackney carriage tariff and to approve the project plan which details proposals for a full service review.

**DATE OF NEXT MEETING****THURSDAY, 18 FEBRUARY 2021****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, M G Sztymiak, M J Williams and R J Stanley

**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.

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Thursday, 13 February 2020 commencing at  
2:30 pm**

### **Present:**

Chair  
Vice Chair

Councillor G J Bocking  
Councillor E J MacTiernan

### **and Councillors:**

G F Blackwell, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid, J K Smith,  
R J G Smith, M G Sztymiak and M J Williams

### **LIC.10 ANNOUNCEMENTS**

10.1 The evacuation procedure, as noted on the Agenda, was taken as read.

### **LIC.11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

11.1 Apologies for absence were received from Councillor C Softley. There were no substitutions for the meeting.

### **LIC.12 DECLARATIONS OF INTEREST**

12.1 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.

12.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
P W Ockelton	Item 15 – Licensing Audit Action Plan.	Is a member of a private club which would be subject to the licensed premises risk rating.	Would not speak or vote and would leave the room for consideration of this item.

12.3 There were no further declarations made on this occasion.

**LIC.13 MINUTES**

- 13.1 The Minutes of the of the Licensing Committee meeting held on 17 October 2019, and the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 12 November 2019, copies of which had been circulated, were approved as correct records and signed by the Chair.

**LIC.14 REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY**

- 14.1 The report of the Head of Community Services, circulated at Pages No. 13-15, provided an update on the progress of the review of the Council's Hackney Carriage (Taxi) and Private Hire Policy. Members were asked to consider the report and the proposed timetable for completion.
- 14.2 The Senior Licensing Officer explained that it had initially been intended to bring the proposed revised Hackney Carriage (Taxi) and Private Hire Policy to this meeting for debate and discussion; however, work was still ongoing and it was now proposed that it be brought to the next meeting of the Committee on 18 June 2020. The main reason for the delay was because, towards the end of 2019, Gloucestershire County Council had set-up a countywide taxi group to consider the various policies of the licensing authorities within the county. The group was comprised primarily of the Chairs of the Licensing Committees for each Council, although Officers had been invited to one meeting to provide technical support. The group had carried out a public consultation among taxi and private hire users in Gloucestershire to establish people's priorities and concerns. That consultation had finished and the group was due to meet on 20 February to consider the results and finalise recommendations to the Licensing Committees; Officers were invited to attend that meeting. The Senior Licensing Officer confirmed that the Chair of Tewkesbury Borough Council's Licensing Committee had attended the countywide group and the Committee would be able to feed any recommendations into its own policy review. He clarified that, in the event that the countywide group did not conclude its work at the next meeting, he would still bring the proposed revised policy to the next meeting of the Committee; any recommendations arising from the countywide review could be incorporated into Tewkesbury Borough Council's policy at a later date without having to undergo a full review, provided it was publicised.
- 14.3 A Member questioned whether any significant changes had been discussed to date and the Chair advised that no definite decisions had been made as yet, it had been more of an information-gathering exercise which had allowed each of the authorities to explain their priorities, for instance, the biggest concern for Tewkesbury Borough Council – and Cotswold District Council – was taxi coverage whereas Cheltenham Borough Council was concerned about environmental issues and Gloucester City Council was more focused on safeguarding. In response to a query as to whether environmental concerns were linked to the age of vehicles, the Chair explained that Cheltenham Borough Council was looking to reduce carbon emissions wherever possible so the age of vehicles was one element of that and its policy required taxi and private hire vehicles to be no more than five years old; however, Tewkesbury Borough Council's proposed revised policy currently had a vehicle age limit of 10 years.
- 14.4 A Member indicated that his understanding of the countywide group was that a joint policy or protocol would allow sharing of information, for instance, where licenses had been refused, and he questioned whether that was still the intention. The Chair confirmed that was the case and explained that Tewkesbury Borough Council would still have its own policy – the County Council could make recommendations but it was ultimately for each licensing authority to determine what was included in its own policy. Another Member went on to query whether this would overcome the problem whereby applicants were refused a licence by one authority and applied to

another instead. The Senior Licensing Officer reiterated that the policies would not be identical as each area was different so there would be bespoke elements. Currently, if someone was refused a licence by Cheltenham Borough Council due to a criminal conviction, it was unlikely they would be granted a licence by another licensing authority; however, if they had been refused a licence by Cheltenham Borough Council on the basis that they failed the knowledge test they may apply to another authority, such as Tewkesbury Borough Council, which did not require a knowledge test - this was something which the proposed revised policy intended to address by introducing the same tests meaning there would be no advantage to someone who lived, and planned to work, in Cheltenham applying to Tewkesbury Borough Council for a licence. A Member questioned whether the same applied environmentally and was informed that it would depend on the content of the policy. From Cheltenham Borough Council's point of view, a lot of private hire drivers licensed by Tewkesbury Borough Council legitimately worked within Cheltenham, particularly during Cheltenham Gold Cup week etc. but it was possible to design policies so there was no advantage. Notwithstanding this, when it came to the age of vehicles, if Tewkesbury Borough Council imposed a 10 year age limit whereas Cheltenham Borough Council imposed a five year age limit then it would still be cheaper for a driver to apply for a licence with Tewkesbury Borough Council as an older car would be less expensive.

14.5 Having considered the information provided, it was

**RESOLVED** That the progress of the Hackney Carriage (Taxi) and Private Hire Policy review and the proposed timetable for completion be  
**NOTED.**

#### **LIC.15 LICENSING AUDIT ACTION PLAN**

15.1 The report of the Head of Community Services, circulated at Pages No. 16-19, provided an update on the two outstanding actions within the Licensing Audit Action Plan arising from the licensing audit. Members were asked to consider the report.

15.2 The Senior Licensing Officer advised that the two items outstanding were a review of the fees for licensing under the Animal Welfare Regulations 2018 and a programme of inspections for licensed premises. As Members would be aware, the Environmental Health Manager had recently left the authority so the Senior Licensing Officer had inherited these outstanding actions. He explained that a Business Transformation team was currently being recruited by the Council and one of its initial priorities would be streamlining the licensing service with the adoption of new technological solutions such as online applications, releasing Officer time to be able to carry out activities such as inspections, compliance, enforcement and reviewing fee structures. In terms of animal licensing fees, work was underway to determine the cost of providing the service under the new regulations introduced at the end of 2018; Officers were recording the time expended on this activity and, once sufficient data had been gathered, the existing fees would be revised accordingly to ensure the Council was recovering its costs. A Member expressed concern that the fees would not cover the costs of any additional staff which may be identified as necessary. In response, the Senior Licensing Officer clarified that licensing authorities were not allowed to make a profit from licensing but, equally, they should not make a loss as that would effectively mean that the service was being subsidised by the taxpayer. All Officers needed to ensure they accurately recorded their time spent on animal licensing in order to identify the true cost of providing the service; however, budget and recruitment was the responsibility of the Head of Community Services.

- 15.3 A Member queried how many animal licenses were granted each year and how frequently they needed to be reviewed and pointed out that, if Officers were not up to speed with issuing licences, there was a risk of complaints from animal welfare groups etc. In response, the Senior Licensing Officer confirmed there were 65 animal premises with licences which had transferred from the old to the new regime and all had been inspected in 2019. The government had issued guidelines to licensing authorities which set out that applications should be dealt with within 10 weeks of receipt and he was pleased to report that Tewkesbury Borough Council was easily achieving that. Premises were given a rating, similar to the food hygiene rating system, and they were granted a licence for a period of one, two or three years on that basis – as inspections were undertaken on renewal, this meant that not all premises would need to be re-inspected during the current year, although they could be re-inspected at any time. In response to a query as to the type of premises inspected, Members were advised that the regulations included dog and cat breeders, kennels, catteries, riding establishments and pet shops – which covered exotic animals if they were sold; it was noted that the regulations did not apply to people who were just keeping animals, for instance, private stables. A Member questioned whether dog walkers were included under the regulations and was advised that the regime only applied if they were taking dogs to their own homes – if they were picking them up from other people’s houses then they did not require a licence. Notwithstanding this, some other authorities had introduced a recommended dog walkers’ scheme which meant that people volunteered to adhere to certain standards in exchange for appearing on the Council’s website and that was something which Tewkesbury Borough Council could consider introducing in future.
- 15.4 With regard to the template for the risk rating of premises, attached at Appendix A to the report, a Member sought clarification as to how private members’ clubs were rated given that people needed to be signed in etc. The Senior Licensing Officer explained that they would be awarded four points on the basis of being classed as a public house/bar but would be given zero points for being open to the public as members of the public could not just turn up and be served alcohol.
- 15.5 A Member questioned whether the outstanding actions would be implemented prior to the next Committee meeting and the Senior Licensing Officer indicated that, whilst he could certainly bring an update, he was unable to confirm that they would be completed. A Member queried whether the animal licensing fees needed to be consulted upon and the Senior Licensing Officer undertook to check this with One Legal following the meeting.

15.6 It was

**RESOLVED** That the progress made against the two outstanding actions within the Licensing Audit Action Plan be **NOTED**.

The meeting closed at 2:50 pm

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	19 November 2020
<b>Subject:</b>	Licensing Update
<b>Report of:</b>	Head of Community Services
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Three

<p><b>Executive Summary:</b></p> <p>To advise Members of the impact of COVID-19 on the licensing service, the need to extend the current hackney carriage tariff and the detailed service review it is proposed to undertake.</p>
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. <b>To NOTE the impacts of COVID-19 on the service.</b></li> <li>2. <b>To APPROVE an extension to the current hackney carriage tariff until the end of this financial year.</b></li> <li>3. <b>To APPROVE the project plan, set out in Appendix 1, detailing proposals for a full service review as set out in Paragraph 3.3 of the report.</b></li> </ol>
<p><b>Reasons for Recommendation:</b></p> <p>COVID-19 has had an impact on service delivery and the service requires review to improve efficiency and delivery.</p> <p>The Hackney Carriage Tariff agreement to hold at current levels expired on 31 October 2020.</p> <p>There are outstanding actions on the licensing audit action plan.</p>

<p><b>Resource Implications:</b></p> <p>None specifically related to this report.</p>
<p><b>Legal Implications:</b></p> <p>None specifically related to this report.</p>
<p><b>Risk Management Implications:</b></p> <p>There is a risk that online applications are delayed.</p> <p>There is a risk that the impacts of COVID-19 will mean that the service is unable to deliver and meet targets.</p>

**Performance Management Follow-up:**

The outcomes of the service review; the licensing audit action plan and the hackney carriage tariff will be brought back to the next Licensing Committee for approval.

**Environmental Implications:**

Online applications will have a direct impact on environmental considerations by reducing the use of paper.

**1.0 INTRODUCTION**

**1.1** This report examines how the licensing team can deliver a substantive and responsive service efficiently both as part of the recovery from the impacts of the COVID-19 pandemic and over a longer term. An update on the impact of COVID-19 is provided, together with a project plan and proposals for a full service review, as set out in paragraph 3.3 of the report.

**2.0 COVID-19 IMPACTS**

**2.1** The Licensing Service, which was already stretched, has been seriously impacted by COVID-19 due to significant and long-term sickness within the team which has affected both officers. Support has been provided by Environmental Health and additional funding was secured, relating to COVID-19 issues, to provide support. Direct support has been provided for some months on a part-time basis by Environmental Health, but two interim Licensing Officers have now been employed on a contract basis until 31 March 2021. These officers commenced work on 5 November 2020.

**2.2** No applications for new private hire drivers were processed during lockdown. Processing was restarted in August when COVID-19 secure facilities to interview applicants in the office were put in place.

**2.3** The service has not had the capacity to review or implement policy changes or to carry out enforcement and inspections of premises.

**2.4** During the initial lockdown, in order to assist business, the consultation period for street trading applications was reduced to five working days in consultation with the Licensing Chair and Vice-Chair. This now needs to be reviewed and will be undertaken as part of the wider service review detailed below.

**2.5** There has been no change in requirements under the Licensing Act 2003 nor the Gambling Act 2005.

**2.6** The number of service requests and applications dramatically reduced when compared to the same time period last year. The table set out below details the 2020 position in comparison with the same period in 2019:

Type	2019		2020	
	01/04/2019 - 01/11/2019	Count of LICASETYPE	01/04/2020 - 01/11/2020	Count of LICASETYPE
NEW		322	NEW	129
REN		331	REN	194
TRN		16	TRN	4
VAR		31	VAR	11
<b>Grand Total</b>		<b>700</b>	<b>Grand Total</b>	<b>338</b>

### **3.0 SERVICE REVIEW INCLUDING REVIEW OF FEES**

- 3.1** The Licensing Service is required to be compliant with the Provision of Services Regulations 2009 to ensure that residents are able to apply for licenses and make payments online. Online payments are available on the Council's website, but no applications can be made online. The service review plans to implement online applications within the next 6-12 months.
- 3.2** As online applications are rolled out, the service will review the capacity required to deliver its services. To date, the service has been responsive, and the time taken to process paper applications significantly impacts on delivery of the wider service. The review will also include the capacity to carry out enforcement.
- 3.3** The project plan, attached to the report at Appendix 1, sets out proposals for a full service review including the transition to a greater online offering, policy refresh and renewal and the examination of locally set fees to be implemented in the financial year 2021/22. The review will also look at staffing requirements, new policy requirements and the enforcement role.
- 3.4** The current Hackney Carriage Tariff extension expired on 31 October 2020 and requires an extension until the end of the current financial year whilst the review is undertaken as set out in the project plan. The current charges are set out in Appendix 2.

### **4.0 REVIEW OF AUDIT ACTION PLAN**

- 4.1** An audit of the service was conducted in 2019 and there are some outstanding actions to be reviewed as set out in Appendix 3.
- 4.2** There are four outstanding actions within the plan which relate to changes within the uniform system and whilst these have not been dealt with to date, as part of the process to implement online applications, templet processing maps will be prepared within the uniform system to ensure these are captured and resolved.

### **5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

- 5.1** The Council's Corporate Plan.

### **6.0 RELEVANT GOVERNMENT POLICIES**

- 6.1** None.

### **7.0 RESOURCE IMPLICATIONS (Human/Property)**

- 7.1** Forms part of the Licensing review.

### **8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

- 8.1** None.

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

- 9.1** Forms part of the review.

## **10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**10.1** None.

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**Background Papers:** None.

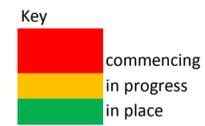
**Contact Officer:** Interim Environmental Health Manager Tel: 01684 272155

**Appendices:**

- 1 - Project Plan.
- 2 - Hackney Carriage Tariff.
- 3 – Licensing Audit Action Plan Outstanding.

**Appendix 1**  
**Licensing Review Project Plan**  
 Activity

Sep-20    Oct-20    Nov-20    Dec-20    Jan-21    Feb-21    Mar-21    Apr-21    May-21    Jun-21



**Online Applications - 2 phase -**



**Fees Review - locally set**



**Hackney Carriage Tariff review**



**Audit Action Plan**



**Policy Reviews**

**Taxi and Private Hire** - consultation completed 2019 - add in **Convictions Policy**



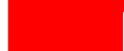
**Mobile Homes Act 2013** - adopt policy - allows for charges for annual inspection  
**Gambling Act 2005** - publish a Statement of Policy and Principles at least every three years - last published 2019 - 2022.



**Licensing Act 2003** - Policy review last dated 2014-2019 - 5years - required from 2020-2025



**Animal Licensing Regulations 2018** - approve and publish policy



**Scrap Metal Dealers Act 2013** - government review 2017 - minor amendments



**Public Registers** - requirement to display - not currently active



- Gambling Act 2005
- Housing Act 2004
- Caravan Site and Control of Development Act 1960
- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1982
- Regulation (EC) 852 / 2004
- Scrap Metal Dealers Act 1964
- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Vehicles (Crime) Act 2001



## 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 (not Sundays)

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 including 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](mailto:licensing@tewkesbury.gov.uk)

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

**Appendix 3**  
**Licensing Audit Action Plan**

Audit	Recommendation Details	Priority	Responsible Officer	Expected implementation date for recommendation	Date Audit Followed Up	Current Recommendation Status	Further Audit Comments
Serious Organised Crime Framework-Licensing 2019/20	The fields within the licensing module of Uniform need to demonstrate that the driver safeguarding test has been completed;	M	EH Manager/SLO	Jan-20			<i>Policy amendments made in 2017 resulted in drivers having to undertake safeguarding training. This is asked for, but drivers have upto 6 months to complete the training. The uniform system needs to have a reminder system in place to ensure that certificates are provided and a validation check of the certificate needs to be included in Uniform too.</i>
Serious Organised Crime Framework-Licensing 2019/20	A regular sample check of Hackney/Private Hire (both driver and vehicle) and also operator licences should be undertaken to ensure that all information has been accurately recorded into Uniform; that all documentation requested within the application forms have been imaged and linked to the licence; and where a licence has been refused sub-licensing committee dates have been included within Uniform.	M	EH Manager/SLO	Jan-20			<i>The audit noted that at times data (such as driver licence details) had not been recorded on Uniform and not all documents submitted to support the licence application had been scanned.</i>

**Appendix 3**  
**Licensing Audit Action Plan**

<p>Serious Organised Crime Framework-Licensing 2019/20</p> <p style="text-align: center; vertical-align: middle;">12</p>	<p>Complaints within the service request module of Uniform should be linked to the licensing module. In relation to proactive enforcement, any spot checks should also be recorded against the licence record</p>	<p>L</p>	<p>EH Manager/SLO</p>	<p>Jan-20</p>		<p><i>The SLO confirmed that in respect of monitoring of licensing conditions the current arrangements consist of reactive enforcement through the receipt of complaints, and proactive enforcement in relation to performing spot checks mainly at large events. There are records within the environmental health service request module of Uniform that demonstrate that complaints concerning hackney/private hire licensing are processed. However, in respect of the 4 complaints receipted for year 2019, only one of these had been linked to the actual licence record. In respect of proactive enforcement, a data field is set up within the licence module to record spot checks but this is currently not used. There is therefore a risk that enforcement action is not being taken into account upon receipt of a renewal application</i></p>
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**Appendix 3  
Licensing Audit Action Plan**

<p>Serious Organised Crime Framework-Licensing 2019/20</p>	<p>The licensing module within Uniform should demonstrate that two officers are involved in the validation/authorisation of a driver, operator and vehicle licences.</p>	<p>L</p>	<p>EH Manager/SLO</p>	<p>Apr-20</p>			<p><i>Key elements of the hackney/private hire policy are set out as either statements or required evidence within the driver, vehicle and operator application forms. The validation of both new and renewal licence applications including verification checks (eg identity, vehicle, DBS, driver convictions etc), involves two officers. Licence application records within the Uniform system currently only demonstrate the check by one officer and it was agreed with the SLO that his check of the application would be included within the validation screen of Uniform</i></p>
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