

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 15 June 2023 commencing
at 2:30 pm**

Present:

Chair
Vice Chair

Councillor P W Ockelton
Councillor C E Mills

and Councillors:

N D Adcock, C Agg, C F Coleman, S Hands, R J G Smith, M G Sztymiak, R J E Vines
and M J Williams

LIC.3 ANNOUNCEMENTS

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

LIC.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4.1 Apologies for absence were received from Councillors C L J Carter, P A Godwin, A Hegenbarth and H Sundarajoo. There were no substitutes for the meeting.

LIC.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

5.2 There were no declarations of interest made on this occasion.

LIC.6 MINUTES

6.1 The Minutes of the Licensing Committee meetings held on 16 February and 17 May 2023; the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 9 February 2023; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 9 February, 7 March, 3 April and 24 April 2023, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.7 TIMING OF LICENSING COMMITTEE MEETINGS

7.1 The Chair indicated that he had been approached by some Members regarding the possibility of changing the timing of Licensing Committee meetings from 2:30pm to 10am. Members were asked for their views on the timing of meetings.

- 7.2 During the debate which ensued, a range of views were expressed by Members as to the best time for Licensing Committee meetings to take place – some Members felt that the current timing worked well and indicated that they had arranged their other commitments around this when they had opted to sit on the Committee, some felt that earlier meetings would be better to avoid the school run and others suggested that evening meetings would be preferable for Councillors, and members of the public, who worked full time.
- 7.2 Based on the comments made, it was acknowledged that it was unlikely there would be unanimous, or even majority agreement, regarding the best time for meetings to commence and it was subsequently proposed, seconded and
- RESOLVED** That the Licensing Committee continue to meet at 2:30pm for the remainder of the Municipal year and the timing of meetings would be considered in advance of the Schedule of Meetings 2024/25 being taken to Council in January 2024.

LIC.8 REVIEW OF STREET TRADING POLICY

- 8.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 24-82, asked Members to consider and approve the draft revised Street Trading Policy, attached at Appendix A to the report, for formal consultation.
- 8.2 The Licensing Operations and Development Team Leader advised that street trading was the buying and selling of goods in places where the public had free access, e.g. markets. The current Street Trading Policy was last reviewed in 2019 and was no longer fit for purpose. The proposed amendments were outlined at Page No. 25, Paragraph 2.1 of the report and included removal of the Disclosure and Barring Service (DBS) check in line with the majority of other licensing authorities in the county – this was not necessary as the Police undertook Police National Computer (PCN) checks on all applicants, as such, it was unfair to pass the financial cost of a DBS check onto applicants; inclusion of standard conditions for markets to facilitate better management; and, inclusion of inclusive mobility requirements to ensure markets etc. were arranged so there was sufficient access for wheelchair users and pushchairs. It was intended that, if approved by the Committee, a 12 week consultation would be carried out with all licence holders and stakeholders. Comments received during the consultation period and a revised draft policy would be brought to the Licensing Committee later in the year.
- 8.3 A Member indicated that discussions had taken place about improving safeguarding standards in other Council policies and the proposal to remove the requirement for DBS checks seemed to go against that. She noted that the majority of other licensing authorities in Gloucestershire did not require a DBS check and she asked for the reasoning behind that. If the responsibility lay with the Police, she questioned how they managed the safeguarding aspects of each particular event. In response, the Licensing Operations and Development Team Leader clarified that there was no safeguarding requirement for street trading but there was currently a requirement for applicants to submit a DBS certificate. The Police carried out a PCN check in any case and would alert the licensing authority if the applicant had any convictions so this could be taken into account in its determination. The Member sought confirmation as to whether it was down to the Police to inform the licensing authority and the Licensing Operations and Development Team Leader explained that Gloucestershire Constabulary was consulted as part of the application process and there was a 28 day period to let the licensing authority know if they wished to object to an application; this was the same for both new and renewal applications. The Member questioned what happened if something was to slip through the net and whether that responsibility sat with the Police or the Council in terms of failing to do due diligence. Members were advised that the Police already informed the Council of any issues but this was being duplicated currently

by the requirement in the policy for the applicant to also undergo a DBS check which they had to pay for. Another Member noted that the cost was borne by the applicant but indicated that, once a DBS check had been carried out, it was possible to pay £13 per year to use the updating service to ensure that it stayed live. The Licensing Operations and Development Team Leader confirmed that as correct – if there was a DBS requirement they could pay for the update service.

8.4 A Member asked for more information regarding the procedure for undertaking the consultation, for instance, would a link be emailed to Parish Councils and other stakeholders to allow them to contribute. He felt it would be useful if consultation could highlight the key changes and their importance. He also asked for the definitions within the policy to be expanded, for instance, there was no definition of ‘market’ or ‘fair’. The Licensing Operations and Development Team Leader advised that she would engage with the Council’s Communications team regarding the consultation which would be available on the Council’s website and advertised on social media where it would be broken down into the changes being proposed. Some of the consultees were listed at Page No. 26, Paragraph 3.2 of the report and she pointed out that this would also include the Citizens’ Advice Bureau and local Chamber of Commerce. She undertook to update the definitions section of the policy to include those suggested by the Member. The Member sought assurance that any comments received would be brought to the Licensing Committee for consideration and the Licensing Operations and Development Team Leader confirmed that was the intention; she noted that the next Licensing Committee meeting was scheduled for 21 September 2023 which was before the consultation end date so it may be necessary to move this meeting or to convene a special meeting. She provided assurance that she would consider all of the consultation responses received and would produce a document for Members to see what changes had been made to the draft policy as a result of these suggestions.

8.5 The Chair indicated that he had agreed in principle to move the September Committee meeting in order to allow this Agenda Item to be brought back for a full discussion and debate on the responses received during the consultation and Members would be notified once a revised date had been agreed.

8.6 It was

RESOLVED That the draft revised Street Trading Policy, attached at Appendix A to the report, be approved for formal consultation, subject to an amendment to expand the definition section to include definitions of ‘market’ and ‘fair’.

LIC.9 REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY

9.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 83-275, asked Members to consider and approve the draft revised Hackney Carriage and Private Hire Licensing Policy, attached at Appendix A to the report, for formal consultation.

9.2 The Licensing Operations and Development Team Leader explained that this was a significant piece of work for the Council, not least because there was currently no age limit for licenced vehicles in the borough. Page No. 85, Paragraph 2.0 of the report outlined the proposed amendments and, in terms of age and experience of drivers, it was recommended that drivers should hold a Driver and Vehicle Licensing Agency (DVLA) licence for 12 months, rather than three years, which was in line with the other authorities in Gloucestershire and Department for Transport (DfT) guidance. In addition, it was proposed that all new drivers undertake a driver assessment and it was noted that many applicants had not had any kind of assessment since their driving test; this change would bring the policy in line with

the rest of Gloucestershire and the majority of other authorities in the country. The assessment could be done via the Blue Lamp Trust at a cost of £79. As mentioned, there was currently no age restriction and no emissions policy for licensed vehicles in the borough which had caused a number of issues, as outlined in the report. It was therefore proposed to introduce an emissions policy which would be kept under review. A longer term goal was to have a fully electric fleet in line with the government strategy but the infrastructure to support that was not currently available in Gloucestershire. If approved, from 1 January 2024 no new vehicles would be licensed unless they were Euro 6 compliant, an Ultra Low Emission Vehicle (ULEV) or an electric vehicle (EV) and the vehicle must be no more than five years old; new Wheelchair Accessible Vehicles (WAVs) would be exempt from the policy but would be refused if the WAV was not Euro 6 compliant, ULEV or EV in order to encourage more of this type of vehicle in the borough. There would be a two year grace period for current licensed vehicles and from 1 January 2026 an application to renew a taxi or private hire vehicle would be refused if it was not Euro 6 compliant, ULEV or EV, and was over 10 years of age, or 15 years for a WAV. The policy would be reviewed in two years' time to consider the position with EVs in Gloucestershire and what infrastructure was available at that point. Work would continue with the Gloucestershire Licensing Officer Group (GLOG) to ensure the authorities had an aligned approach – currently it was common for drivers from Cheltenham and Gloucester to apply to Tewkesbury Borough Council for a licence once their vehicle had reached 10 years of age. In terms of the plate exemptions policy, it was noted that plate exemption applications were made by private hire operators for vehicles which were predominantly used for private client work; the current policy was very brief so it was intended to expand on this to offer more guidance, as set out at Appendix H of the revised policy. With regard to operators, it was proposed to make changes to conditions, as set out at Page No. 88, Paragraph 3.14 of the report, which would require operators to inform the licensing authority within 48 hours if a driver no longer worked for them, or if a new driver commenced work with them, and to submit a list of all licensed drivers and vehicles on a monthly basis. This would ensure that the licensing database was up-to-date for enforcement and compliance purposes. If they failed to submit this, they would receive a written warning; three written warnings would result in a review by the Licensing Sub-Committee.

- 9.3 The Chair expressed the view that the review had been a long time coming and he felt it was important to bring the policy in line with other authorities in the county in order to put a stop to Tewkesbury Borough Council being seen as a soft touch. A Member noted that it was intended to review some parts of the policy in two years and she asked whether any changes deemed necessary would be subject to further consultation. In response, the Licensing Operations and Development Team Leader advised that minor typographical changes could be made without consultation but any substantive changes would need to be considered by the Licensing Committee and would be subject to consultation. In response to a query as to the number of applications received from applicants who did not live in Tewkesbury Borough, Members were informed that 696 private hire vehicles were currently licensed with Tewkesbury Borough Council and she estimated that around 60% of licensed drivers lived outside of the borough.
- 9.4 With regard to the consultation, a Member raised the same queries as he had under the previous Agenda Item and the Licensing Operations and Development Team Leader confirmed the same would apply in this instance. This was an important consultation and it was necessary to engage as many partners as possible. The Member questioned whether there was any flexibility to revisit the outcome of the discussions around CCTV which had taken place at the last meeting - he was disappointed to see that was not a mandatory requirement within the policy and felt it was in everyone's interest for CCTV to be installed in taxi and private hire vehicles. If that was not possible, he asked whether there was an opportunity to

promote those vehicles which choose to have CCTV so that customers could make an informed choice. The Licensing Operations and Development Team Leader advised that CCTV had been discussed recently at GLOG and this would be picked up again in the autumn; she would report back that Members were fully supportive of introducing CCTV and wanted to take this forward. She liked the idea of promoting drivers with CCTV and undertook to include a question as to whether drivers had CCTV when undertaking the consultation; however, she would need to check this would be compliant with the Information Commissioner's Office (ICO) requirements before a list could be published.

9.4 It was

RESOLVED That the draft revised Hackney Carriage and Private Hire Licensing Policy, attached at Appendix A to the report, be **APPROVED** for formal consultation.

LIC.10 SEPARATE BUSINESS

10.1 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.

LIC.11 SEPARATE MINUTES

11.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 9 February, 7 March, 3 April and 24 April 2023, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 3:03 pm