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To all Members of the

LICENSING COMMITTEE

AGENDA

Notice is given that a Meeting of the above Committee
is to be held as follows:

VENUE Council Chamber - Civic Office Floor 2
DATE: Thursday, 17th March, 2016
TIME: 10.00 am

Items for Discussion:

- | | PageNo. |
|------------------------------------------------------------------------------------------------------------|----------------|
| 1. Apologies for absence | |
| 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting. | |
| 3. Declarations of Interest, if any. | |
| 4. Minutes of the Licensing Committee Meeting held on 15th October, 2015. | 1 - 4 |
| A. A. Reports where the public and press may not be excluded | |
| <u>For noting</u> | |
| 5. Hackney Carriage and Private Hire Licensing Policy - Minor Amendments to Policy and Vehicle Conditions. | 5 - 12 |

Jo Miller
Chief Executive

Issued on: Wednesday, 9 March 2016

Democratic Services Officer
for this meeting:

Sarah Maxfield
Tel: 01302 736723

Members of the Licensing Committee

Chair – Councillor Ken Keegan
Vice-Chair – Councillor Linda Curran

Councillors Iris Beech, Rachael Blake, Elsie Butler, Bev Chapman,
Steve Cox, Neil Gethin, James Hart, Charlie Hogarth, John McHale
David Nevett and Clive Stone.

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY, 15TH OCTOBER, 2015

A MEETING of the LICENSING COMMITTEE was held in Room 008 - CIVIC OFFICE on THURSDAY, 15TH OCTOBER, 2015, at 10.00 am.

PRESENT:

Chair - Councillor Ken Keegan
Vice-Chair - Councillor Linda Curran

Councillors Iris Beech, Rachael Blake, Elsie Butler, Bev Chapman, Steve Cox, James Hart, Charlie Hogarth, John McHale, Tony Revill and Clive Stone.

APOLOGIES:

Apologies for absence were received from Councillors Neil Gethin and David Nevett.

9 Declarations of Interest, if any.

There were no declarations made at the meeting.

10 Minutes of the Licensing Committee Meeting held on 25th June, 2015

RESOLVED that the minutes of the Licensing Committee held on 25th June, 2015, be approved as a correct record and signed by the Chair.

11 Minutes of the Licensing Sub-Committee meeting held on 5th August, 2015

RESOLVED that the minutes of the Licensing Sub-Committee Meeting held on 5th August, 2015 be noted.

12 Statement of Licensing Policy 2016 - Licensing Act 2003

Members were presented with the Statement of Licensing Policy 2016 following its quinquennial review.

The Committee were informed that under the Licensing Act 2003, the Council were required to produce and review the Policy, and the Licensing Policy before them, was now the fourth Statement of Licensing Policy produced by the Council. Members noted that the Policy was 5 years since it had been revised, and the Business Safety Manager aimed to provide an overview of the key points.

Formal consultation had been undertaken over a period of time, and this was summarised in Appendix B attached to the report. A number of responses received as a result of the consultation were significant, and these were brought to the attention of the Committee.

South Yorkshire Police had responded with regard to the CIZ currently in place within Doncaster Town centre and requested that this be continued, with the addition of additional areas including Market Place and Cleveland Street. This CIZ had currently been in place for 8

years and had proven to have a positive impact on crime relating to alcohol and antisocial behaviour in this area. At the present time, this CIZ only applied to bars but there was the suggestion that this may be better applied to all licensed premises. Members were in support of this proposal, and certainly felt it wasn't an option to remove the CIZ at the current time.

A discussion followed with regard to the proposal to create a new Cumulative Impact Zone in an area of Wheatley, around the Nether Hall Road area. There were high statistics of alcohol related crimes in this area which linked to the point that outside the Town Centre, this area had the highest density of off licences. By creating this Zone, it was therefore hoped that it would help to work towards addressing this problem.

A consultation response had been received from Bawtry Town Council with regard to a request for a Cumulative Impact Zone in the town centre. The Chair invited Mr David Kirkham, a representative from Bawtry Town Council, to speak at the meeting in support of this request, and outlined their reasons behind this. Mr Kirkham commented to the Committee that whilst crime and disorder wasn't a problem at the present time, there was the fear that it could be in the near future. There were a lot of licensed establishments in the centre of Bawtry which on Friday and Saturday nights brought a lot of people into the town, causing noise and disturbance and increasing concerns. Whilst there was a marshalling system in place, there was no control over people's behaviour once they were out of the establishments and the risk of the town deteriorating was a worry. At the present time, there was a good mix of shops, cafes, bars and restaurants and the local residents and Town Council wanted it to stay that way, and pointed out the risks if the area became full of bars. The Committee acknowledged the points put forward by Mr Kirkham, and felt that although the problems with alcohol related crime and disturbance weren't on a large scale at the moment, this was not to say that this may not be the case in the future, and therefore they felt that this would be a good move forward as a preventative measure to ensure that the area retained its character and appeal. Members debated this issue for a length of time in order to ensure they had looked at all aspects of this, and felt that it was the most appropriate move to safeguard Bawtry at the present time. However, as this was a newly proposed zone, they felt it would be appropriate to review this after a period of time in order to assess its effect.

Members had a thorough debate and ensured that all issues relating to the Licensing Policy were covered and the Committee were happy to recommend this to Cabinet and Council for approval before January, 2016.

RESOLVED that the Licensing Committee recommend the Statement of Licensing Policy 2016 – (Licensing Act 2003) be adopted by Full Council with the inclusion of the following points:-

- i. Agree to the continuation of the Cumulative Impact Zone in Doncaster Town Centre, with the inclusion of additional areas of Market Place and Cleveland Street for all premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment;
- ii. Support the implementation of a new Cumulative Impact Zone for all premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment in a specified area of the Wheatley Ward to include Netherhall Road, Copley Road, Christ Church Road, Broxholme Lane and Highfield Road.
- iii. Support the implementation of a new Cumulative Impact Zone in Bawtry for all for all premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment in the areas of Market Place,

High Street, Swan Street, Church Street, Scot Lane, Wharf Street and Grasswood Lane/Dower House Square with the intention to review the implementation of this in 2 years.

13 Statement of Licensing - Gambling Act 2005

The Committee considered the Statement of Licensing 2016 – Gambling Act 2005 following its triennial review. Following consideration by the Licensing Committee, this would then be considered by Cabinet prior to consideration and final approval by Council.

This was the fourth Statement of Policy produced by Doncaster Council under the Gambling Act, and would set out the framework for all Licensing decisions to be taken by the Authority over the next three years.

The changes made to the Policy were largely minor but guaranteed that the Gambling Policy adopted by the Council was robust and fit for purpose.

The Committee had a brief discussion on this item, and Members indicated that they were in support of the Policy.

RESOLVED that the Committee support the Statement of Policy – Gambling Act 2005 and recommend it to Cabinet prior to its approval by Full Council.

14 Update on Askern, Campsall and Norton Community Alcohol Partnership.

Members were presented with a report that provided an update on the Community Alcohol Partnership (CAP) in Askern, Norton and Campsall. This was currently running in the North of Doncaster and aimed to address underage drinking and any associated behaviour.

The Committee noted that the CAP model was a unique scheme that recognised that the heart of the problems with alcohol associated behaviour often lay with retailers and licensees, and the model therefore looked to impact on the problem at grassroots level. Members were informed that the scheme had now been running for over a year, and had proven to have a positive effect on the areas involved. The scheme did not cost the Council any money, and funding had been received with which the Council had been able to buy resources to support the partnership.

Members were pleased with the success that the CAP had had in the North of Doncaster, and it was noted that there were less young people seen hanging around on the streets which was encouraging. They welcomed the update and were pleased to see it was continuing and hoped that it would have continued success in other areas of the Borough.

RESOLVED that the Committee note the update provided on the Community Alcohol Partnership.

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17th March 2016

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – Minor Amendments to Policy and Vehicle Conditions

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	All	N/A

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of vehicle standards and conditions and the pre-requisite requirements before a licence will be granted.
2. Whilst there are no proposed changes to the suitability test for licensed drivers and operators, this report seeks to amend the Policy to reflect recent legislative changes concerning the duration of driver and private hire operator licences.
3. This report also seeks to amend the Hackney Carriage and Private Hire vehicle specifications in respect of insurance write offs following the closure of the DVLA / VOSA Vehicle Identity Check (VIC) scheme.

RECOMMENDATIONS

4. It is recommended that:
 - 4.1 Section 3.13 of the HC & PH Licensing Policy, Duration of Drivers' Licences, is amended as follows:

Existing:

3.13 Duration of Drivers' Licences

Every licence granted to any person to drive a private hire and or hackney carriage vehicle shall remain in force for 3 years from the date of issue.

On renewal, all licences granted shall remain in force for 3 years

Replace the above with:

3.13 Duration of Drivers' Licences

Every licence granted to any person to drive a private hire and or hackney carriage vehicle shall remain in force for 3 years from the date of issue or such lesser period as may be considered appropriate in the circumstances of the case.

Notwithstanding the above, where immigration leave is time-limited to less than the statutory length for a driver licence, the licence will be issued for a duration which does not exceed the applicant's period of leave.

- 4.2 Section 5.3 of the HC & PH Licensing Policy, Private Hire Operator's Licence – Licence Duration, is amended as follows:

Existing:

4.1 Licence Duration

Operator licences, once issued, are valid for 12 months. Applications for renewal must be received on or before the expiry of the current licence.

Replace the above with:

5.3 Licence Duration

Operator licences, once issued, are valid for 5 years or such lesser period as may be considered appropriate in the circumstances of the case. Applications for renewal must be received on or before the expiry of the current licence.

Notwithstanding the above, where immigration leave is time-limited to less than the statutory length for an operator's licence, the licence will be issued for a duration which does not exceed the applicant's period of leave.

- 4.3 Requirement 2 of the Hackney Carriage – Vehicle Specifications and the Private Hire – Vehicle Specifications, are amended as follows:

Existing

2. Insurance Writes Offs

Vehicles that are categorised by insurance companies as a Category A or B write offs will not be accepted as suitable for a licence. Vehicles

that have been categorised by an insurance company as a Category C write off will not be considered suitable to be licensed unless the vehicle has first undergone a Vehicle Identity Check (VIC) inspection and had the category C classification removed.

Replace the above with:

2. Insurance Write Offs

Vehicles that are categorised by insurance companies as a Category A or B write offs will not be accepted as suitable for a licence. Vehicles that have been categorised by an insurance company as a Category C or D write off will not be considered suitable to be licensed unless the vehicle has first undergone a Roadworthy Vehicle Inspection, carried out by a suitably competent and independent vehicle engineer assessor, and a report has been produced.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

5. By implementing the recommendation of this report, the Doncaster Council Hackney Carriage and Private Hire Licensing will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will not be compromised by the recommendations of this report.

BACKGROUND

6. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council. The Policy was last revised by the Licensing Committee on the 25th June 2015.
7. The Policy presently states driver licences are granted for 3 years and all Private Hire Operators' licences are granted for 12 months. On the 1st October 2015 statutory changes to taxi and private hire licensing law, brought about by the Deregulation Act 2015 came into effect. These changes provided Licensing Authorities with a new limited discretion on a case by case basis to reduce a driver's licence to a term of less than 3 years and a private hire operator's licence to term less than 5 years. Recommendations 4.1 and 4.2 are proposed to reflect these changes to the law.
8. The Immigration Bill contains proposals which, if enacted, mean that Licensing Authorities will need to conduct checks on applicants to ensure that they have the correct permissions in place before granting a licence. Under the plans, driver and operator licences may not be issued for a period that is longer than the length of a person's

permission to live and work in the UK. Immigration offences and penalties will also provide grounds for a Licensing Authority to revoke a licence. It will also be an offence for someone disqualified from continuing to hold a driver or operator licence for immigration reasons not to return their licence to the licensing authority. It is already the Policy of Doncaster Council to undertake immigration checks of all applicants not holding an EU passport and licences are not granted to anyone who does not have a right to work in the UK. In anticipation of the Immigration Bill being made law and the recent changes to licence duration it is considered appropriate to amend the Policy to the effect that the duration of driver and operator licences does not exceed the length of an applicant's permission to live and work in the UK. (Recommendation 4.1 and 4.2)

9. It is the Policy of Doncaster Council that vehicles that have been categorised as Category A or B write off will not be licensed. Category C insurance write offs will not be considered suitable to be licensed as a taxi or private hire vehicle unless the vehicle has first undergone a Vehicle Identity Check. Category D write offs are not currently referred to in the Policy. The DVLA and VOSA Vehicle Identity Check (VIC) scheme closed on 26th October 2015 and, as a result, the terms of our Policy in respect of Category C insurance write offs cannot be achieved. Category C and D write offs fall into the repairable salvage category and can lawfully re-appear on the road (see below). In the absence of the VIC scheme it is appropriate that safeguards are put in place to ensure that any repair work has been carried out to a safe and satisfactory standard. It is considered appropriate to amend the Policy, in particular the vehicle specifications, to require all Category C and D insurance write offs to undergo a Roadworthy Vehicle Inspection, carried out by a suitably competent and independent vehicle engineer assessor before being considered suitable to be licensed. (Recommendation 4.3)

Category C: the vehicle is repairable but the costs exceed the vehicle's value. (Can re-appear on the road)

Category D: the vehicle is repairable but repair costs are significant compared to the vehicle value – including time delays to source parts. (Can re-appear on the road)

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

10. Having a Policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. For these reasons the recommendations above are considered to be the most appropriate options.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

11.

	Priority	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

12. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

As stated in the report, Section 10 of the Deregulation Act 2015 amends the Local Government (Miscellaneous Provisions) Act 1976 to give licensing authorities a new limited discretion to reduce the term of a driver's licence as the authority think appropriate in the circumstances of each case.

13. The Local Government (Miscellaneous Provisions) Act 1976, states that a district council may require any applicant for a licence under the Town Police Clauses Act 1847 or under part II of the 1976 of Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. The 1976 Act allows the Council to attach such conditions as may be considered reasonably necessary to the grant of a hackney carriage or private hire vehicle licence.

FINANCIAL IMPLICATIONS

14. The majority of changes to the policy proposed by this report are not expected to have significant financial implications. The main impact will be from extending the operator's licence from 12 months to 5 years, which may lead to a reduction in annual income of an estimated £7k to £13k, depending on the timing of renewals. This is in relation to an overall income budget of £344k. The reduction is expected to be managed by the service through reduced cost from administering fewer renewals; being able to redirect time to other activities generating replacement income; and by general efficiencies elsewhere. If this proves insufficient the service has some flexibility to set fees at a level whereby costs can be recovered and will address any shortfall through fees & charges budget setting or the service review process.

HUMAN RESOURCES IMPLICATIONS

15. Not applicable

TECHNOLOGY IMPLICATIONS

16. Not applicable

EQUALITY IMPLICATIONS

17. Decision makers must consider the Council's duties under the Public

Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

18. Consultation has taken place with the Transport Department with regard to vehicle specifications.

BACKGROUND PAPERS

19. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

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