



Doncaster Council

Report

To the Chair and Members of the

18th June 2020

LICENSING COMMITTEE

General Licensing Update – COVID 19

EXECUTIVE SUMMARY

1. The purpose of this report is to update Members on the steps which have been taken to maintain the services provided by the Licensing Authority during the Covid 19 (coronavirus) pandemic.

RECOMMENDATIONS

2. It is recommended that Members note the steps detailed below, which have been taken so far, and are aware that the Authority is constantly monitoring the ongoing situation and adapting the service in order to allow businesses to continue to operate wherever it is permitted and safe to do so.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. By noting the recommendations of this report, the Licensing Committee are kept aware of the latest developments and ongoing issues thereby ensuring they continue to be best placed to make future licensing decisions.

BACKGROUND

4. The Licensing Committee have historically requested that the Committee be furnished with details of the licensing decisions (Licensing Act 2003 and Gambling Act 2005), that are delegated outside the remit of the Committee and Sub-Committee, at least annually at the inaugural meeting.
5. The Licensing Act 2003:
 - 5.1. Applications made under the Licensing Act 2003 continue to be received and processed by the Authority. The relevant webpages have been updated to recommend that applications are submitted online rather than by post, to prevent delay in the statutory consultation process.
 - 5.2. As a result of restrictions on leaving their home, some members of the public

may be less likely to be made aware of applications in progress by seeing blue notices displayed outside premises. The Authority now includes much more information on the public notice page of the website. The publishing of proposed conditions and premises plans now allows people to make a more informed decision when considering making a representation to an application.

- 5.3. An email was sent to all elected members and parish councils with a link to the public notice page so that they can regularly check for applications in their ward area.
 - 5.4. The use of technology has facilitated the move away from public meetings to remote (virtual) meetings. The Licensing Authority has already held a remote hearing which determined an application for the review of a premises licence and more remote hearings are due to take place.
 - 5.5. The Act requires that premises licences are subject to an annual fee and where that fee has not been paid, the Authority must suspend the licence, preventing any licensable activity taking place until the outstanding fee is paid. As the licensed trade has largely been unable to trade and may therefore be struggling financially, the decision was taken not to send any premises licence suspensions for non-payment of the annual fee until such time that restrictions have been lifted, which allow the premises a source of income to pay the fees.
 - 5.6. As many licensed premises will have to make changes to how they operate in order to comply with social distancing, we are in the process of drafting guidance for licence holders so that they may consider the need to update their licence to ensure that any changes to activities or layout are authorised.
6. Hackney Carriage / Private Hire Drivers:
- 6.1. Those who wish to make an application to become a licensed driver (New drivers) are currently prevented from doing so due to the inability to satisfy a number of pre-requisites:
 - i) Practical driving test assessments,
 - ii) Knowledge tests,
 - iii) Safeguarding training and
 - iv) Medicals have all been affected.
 - 6.2. While remaining hopeful that the service areas are able to resume these activities soon, the Authority is exploring alternative ways in which the fit and proper status of applicants can be determined.
 - 6.3. Existing licensed drivers who have already satisfied the authority that they are fit, at the time of grant, at each subsequent renewal and at regular intervals during the period of their licence, have been given extensions to the expiry date of some requirements, only after consideration of the merits of each case and where it is felt appropriate to do so, taking in to account the safety of the travelling public:
 - i) Medicals of a Group 2 equivalent standard have been extended by up to 12 months mirroring the decision of DVLA with regards to bus and

- ii) lorry drivers.
 - ii) Safeguarding refresher training has been placed on hold until it is safe to recommence.
- 6.4. The Authority has not made any provision for licensed drivers who require an up to date Enhanced Disclosure & Barring Service (DBS) certificate (every 3 years). It is not in the interest of public safety to allow a driver to continue to be licensed where any history of criminal convictions cannot be considered. The Authority continues to remind drivers up to 6 months before their existing DBS is due to expire and special measures have been implemented by the DBS to allow the Authority to accept scanned copies of identification and to confirm identity by video calls in order to submit applications for DBS certificates. Any existing driver who does not submit a current valid DBS certificate continues to be subject to immediate suspension by the Authority.
7. Hackney Carriage / Private Hire vehicles (Taxi's):
- 7.1. Depending on the age, licensed vehicles are subject to mechanical inspection tests at 4, 6 or 12 month intervals.
- 7.2. With the closure of the Council's vehicle testing facility (North Bridge Depot), in order to keep the existing fleet of licensed vehicles operational the following steps were implemented:
- i) Existing vehicles requiring an interim test (4 month / 6 month) have been given a 3 month extension to the expiry of their previous vehicle inspection.
 - ii) Existing vehicles requiring an annual test (12 month) have also been given 3 month test expiry extensions but continue to be required to make an application to renew the licence to allow for appropriate checks to be carried out.
- 7.3. Nationally, MOT expiry dates have been extended by 6 months. Licensed vehicle inspections are more stringent than an MOT and it was felt appropriate that this should be reviewed at 3 month intervals.
- 7.4. No fee is being charged for vehicle tests which cannot be facilitated at this time.
- 7.5. As the Authority did not have access to the specialist printing equipment required to make licensed vehicle plates, all vehicle licence holders who have had their vehicle licence renewed during this period, have been instructed to keep their current licensed vehicle plates displayed on the vehicle and to keep a copy of the renewed vehicle licence inside the vehicle at all times so that the travelling public have a means of identifying a vehicle as licensed. The validity of a licence can also be confirmed by accessing the Authority's public register on the website, or by contacting the Licensing department.
- 7.6. Due to potential safety implications of having never been tested and the inability to display licensed vehicle plates, the decision was made not to accept applications for any new vehicles (vehicles which were not currently licensed at the time the testing station closed).

- 7.7. As of 2 June 2020, North Bridge has reopened for one day a week to facilitate the testing of new vehicles and Licensing are attending the Civic Office one day a week to print vehicle licence plates for any new vehicle which passes the test. No fee for posting out plates is being charged at this time.
- 7.8. In due course, when risk assessments allow, it is expected that North Bridge will extend the ability for vehicle testing to include annual and then interim tests.
- 7.9. The Authority continues to monitor that licensed vehicles have the correct and valid insurance in place. Where the Council has not been satisfied that the appropriate insurance remains in effect, the vehicle licence is suspended.
- 7.10. There have been calls from the Private Hire trade, locally and nationally, for Private Hire vehicles to be permitted to have installed a separation screen between the driver and passengers. The Licensing Authority recognises the positive effects of a partition screen which assists with social distancing where it would not otherwise be possible to maintain a physical distance of 2 metres between a driver and their passenger(s).
- 7.11. In order to be satisfied that the addition of any partition screen in a Private Hire vehicle does not negatively impact on the safety of either the driver, passengers or other road users, the Authority has produced guidance on the checks and assurances that a vehicle proprietor should receive in writing from the company providing and fitting the screen before any work is undertaken.
- 7.12. Any licensed vehicle which has a screen fitted that does not satisfy the guidance will be suspended and the fit and proper status of the vehicle licence holder / licensed driver / operator, will be re-assessed.
8. Regular updates on the above changes relating to licensed drivers and vehicles have been sent by email to all licensed drivers in the form of a 'drivers bulletin' newsletter produced by the Authority.
9. The Gambling Act 2005:
 - 9.1. The Authority does not receive high numbers of applications for gambling premises however it is anticipated that any applications which are received will continue to be processed without the need for further changes.
 - 9.2. As with premises licences issued under the Licensing Act 2003, Gambling premises licences issued under the Gambling Act 2005 are also subject to an annual fee. The Authority has applied similar discretion with premises which have not paid the annual fee while they are prevented from opening. Steps to suspend or revoke the licences for non-payment of the annual fee will not commence until such time as those premises are permitted to reopen to the public.
10. Animal licensing:
 - 10.1. Where the grant (or renewal) of a licence is dependent on the outcome of an inspection of those premises by a suitably qualified Council officer, the Authority has attempted to carry out those inspections remotely using

technology such as video calls.

10.2. Due to the upfront costs of an application of this type, where a licence is due for renewal and the licence holder makes a request due to financial difficulty, the Authority will consider processing a renewal application where the applicant has set up an agreed payment plan with the Council to allow the fee to be spread over an agreed period of time, subject to prior approval.

11. Charitable street (cash) collections:

11.1. Due to the nature of how a face to face charitable cash collection operates, a person standing in the street accepting cash donations from members of the public, and the likelihood that this would not be possible in a town centre environment where people are complying with 2 metre social distancing. The difficult decision has been taken not to issue any permits of this type at this time. This decision will be kept under constant review.

OPTIONS CONSIDERED

12. It is recommended that the Committee note the recommendations.

REASONS FOR RECOMMENDED OPTION

13. For noting.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

14. The effective operation of the Licensing Authority is a key part of the Council's statutory responsibility.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none">• Better access to good fulfilling work• Doncaster businesses are supported to flourish• Inward Investment	<p>It is recognised that licensed premises are, quite often, businesses and places of employment.</p> <p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none">• The town centres are the beating heart of Doncaster• More people can live in a good quality, affordable home• Healthy and Vibrant Communities through	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>

	<p>Physical Activity and Sport</p> <ul style="list-style-type: none"> • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better <p>Learning in Doncaster prepares young people for the world of work</p>	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public..</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public..</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public..</p>

RISKS AND ASSUMPTIONS

15. None

LEGAL IMPLICATIONS [Officer Initials HW Date 05/06/2020]

16. There are no specific legal implications associated with recommendation that being the committee note the actions the Licensing Authority are taking in light of the current situation.

17. The legislative position in relation to the impact of Covid 19 on the functions of

the Licensing Authority are being regularly reviewed. All necessary steps are taken to ensure the Licensing Authority, Licensing Committee and sub Committee exercise their functions in accordance with relevant Legislation

FINANCIAL IMPLICATIONS [Officer Initials RT Date 05/06/2020]

18. There are no specific financial implications associated with this report.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 05/06/2020]

19. There are no specific human resource implications to this type of report. There are no HR implications specific to the recommendations in the report, however, any emerging matters that impact on the workforce will require HR engagement at the appropriate time.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 05/06/20]

20. There are no technology implications associated with this report. As outlined above, the Licensing Authority are making use of technology to support virtual meetings. Any further technology requirements to enable the Licensing Authority to maintain services should be discussed with Digital & ICT and where applicable these will feed into the Recovery & Renewal Digital Strategy currently under development.

HEALTH IMPLICATIONS [Officer Initials CT ...Date 5.6.20...]

21. Public Health welcomes the measures laid out in within this document to support, where possible, the future of licensed businesses. In relation to Covid 19, the main area of concern for Public Health is the screening between passenger/taxi driver due to the size of the enclosed space, and what we know about the transmission of the virus. Therefore, can the guidance mentioned be made available to the Director of Public Health for information so he can better understand the health implications. Also, regarding infection prevention control, what guidance is being provided to the taxi drivers with regards to the wearing of face coverings (drivers and passengers), regular handwashing and increased cleaning requirements of their vehicles, particularly high touch areas such as door handles, seat belts, seating, electronic window buttons, etc.

EQUALITY IMPLICATIONS [Officer Initials DDS Date 04/06/2020]

22. 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

23. N/A

BACKGROUND PAPERS

24. None

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