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DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY, 16TH JUNE, 2022

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on THURSDAY, 16TH JUNE, 2022, at 10.00 am.

PRESENT:

Vice-Chair - Councillor Linda Curran (In the Chair)

Councillors Nick Allen, Iris Beech, Martin Greenhalgh, John Healy, Charlie Hogarth, Emma Muddiman-Rawlins, David Nevett and Ian Pearson

Also in attendance

David Smith, Licensing Officer
Louise Clifton, Senior Legal Officer
Amber Torrington, Governance Officer

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Dave Shaw and Councillors Bev Chapman, Barry Johnson, Sophie Liu and Thomas Noon.

1 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

2 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 25 NOVEMBER 2021

RESOLVED that the minutes of the meeting held on 25th November, 2021 be approved as a correct record and signed by the Chair.

3 TERMS OF REFERENCE, PROCEDURES AND DELEGATIONS.

The Committee considered a report that detailed the Terms of Reference for the discharge of its Licensing functions, and sought approval of the procedure to be followed for Licensing hearings, and the delegation of functions. The Committee's approval was also sought to agree the appointment of Members to the Licensing Sub-Committee and the procedure for dealing with appeals.

RESOLVED that

(1) the Licensing Committee note:-

(a) the Terms of Reference for the Licensing Committee as detailed in Appendix A, which remain unchanged;

- (b) the Terms of Reference for the Licensing Sub-Committee as detailed in Appendix A, which remain unchanged.
- (2) the Licensing Committee agree:-
- (a) The procedures set out in Appendices B1, B2 and B3 are the procedures for Licensing Committee and Sub-Committee hearings held under the Licensing Act 2003, Gambling Act 2005 and Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 respectively, and remain unchanged;
 - (b) The delegation of functions set out in Appendix C1, C2 and C3, which remain unchanged;
 - (c) The appointment of Members to the Licensing Sub-Committee as set out in Appendix D, which remain unchanged; and
 - (d) The procedure for dealing with settling appeals after the Sub-Committee hearing but before the appeal hearing in the Magistrates Court is decided as set out in Appendix E and is unchanged.

4 LICENSING ACT 2003, GAMBLING ACT 2005 AND GENERAL LICENSING UPDATE.

The Committee considered a report which provided an update on the activities of the Licensing Committee and Sub-Committee during the previous year.

Appendix A of the report provided a summary of statistical information relating to licensing applications and significant enforcement actions taken by the Licensing service during this period.

The Committee were also advised that a revised statement of policy (Gambling Act 2005) was approved by Council on 20 January 2022.

RESOLVED to:-

- (1) note For the period 1st April 2021 to 31st March 2022 the following committees were convened
 - Licensing Committee – 2 occasions
 - Licensing Sub-Committee - 21 occasions

A total of 21 applications / notices were determined by the Licensing Sub-Committee, 5 of which were applications made under the Licensing Act 2003, 0 under the Gambling Act 2005 and the remaining 16 were taxi related;
- (2) note statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of significant licensing enforcement actions, for the period 1st April 2021 to 31st March 2022, are attached as Appendix A; and

- (3) note that revised Statement of Policy (Gambling Act 2005) was approved by Council on 20 January 2022.

5 HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY.

The Committee considered a report and the impact of amending the Council's Hackney Carriage & Private Hire Licensing Policy ('the Policy') with regards to mandatory CCTV in licensed vehicles, limits on vehicle emissions and limits on the maximum age of licensed vehicles.

The report also requested that members approve the undertaking of a consultation exercise on the proposed amendments to the Policy (Appendix 20 of the existing policy) to update the CCTV specifications to those shown at Appendix B of the report, to ensure that they are fit for purpose and up to date.

In addition the report also requested that members determine which, if any, further amendments to the policy should be part of a consultation with the licensed trade and members of the public. The consultation responses will then be presented to the committee to determine any changes to the policy and how the amendments will be implemented.

It was agreed through the Chair, that each recommendation within the report would be considered in turn and members could ask questions they may have.

Recommendation (a) consultation should be undertaken regarding the proposed amended CCTV specifications shown at Appendix B.

Discussion took place with regard to who would be consulted and how far reaching that consultation would be. It was reported that consultation would be far and wide with a strong push on public engagement. Councillor Ian Pearson requested that the RNIB be included in the consultation and also to ensure alternative formats of the policy are produced for individuals with reading difficulties.

In relation to CCTV, it was noted that a number of authorities were capable of providing audio information, it was asked how Doncaster would fit in with the rest of South Yorkshire. Members were reminded that this was a consultation exercise and a report would come back to Committee at a later date for approval. However, it was advised that the Statutory Standards document recommends that all authorities undertake consultation based on their own area.

The Committee were also assured that safeguarding was in place and if an authority raised any concerns with a Hackney Carriage & Private Hire operating within their area, those concerns were shared with the relevant licensing Authority responsible and an outcome would be reached.

In terms of the Safeguarding course for drivers, it was asked whether this was mandatory. It was reported that although this was not part of the report, the Licensing Officer stated all drivers applying to the Council for a Hackney Carriage and Private Hire License are required to undertake the Council's safeguarding course to become a Licensed Driver and that to his knowledge all of the Council's Licensed drivers had completed the course to date.

Recommendation (b) - consultation should be undertaken regarding a proposed revision to the policy to require that all Doncaster licensed Hackney Carriage & Private Hire vehicles are required to be fitted with a CCTV system which meets or exceeds the specifications set by the authority (APPENDIX C)

Councillor Ian Pearson welcomed this revision. However highlighted the need to gather as much evidence as possible locally, regionally and nationally.

It was suggested and agreed that a draft of the consultation document be brought back to Committee prior to going out for full consultation.

Recommendation (c) - consultation should be undertaken regarding a proposed revision to the policy to require that all Doncaster licensed Hackney Carriage & Private Hire vehicles are subject to a limit on permitted emissions levels as set by the authority (APPENDIX D)

Councillor Charlie Hogarth asked a question with regard to Euro 5 Diesel and Euro 5a Diesel and what the difference was between the two. It was reported that this information had been put in directly from the website and it was thought that any reference to Euro 5 diesel should in fact be Euro 5a Diesel.

Councillor Ian Pearson raised a question with regard to future proofing and the Bus Policy being similar to taxis with regard to the date for the removal of diesel engines. He asked if the Department for Transport issued new guidelines, would a report need to come back to Committee for approval. It was stated that the report provides an example at D3 which is based on local policy. However, it was stated that if any national guidance was presented the Council would comply by that date.

Recommendation (d) - no amendment to the existing policy is required regarding the age limit of licensed vehicles and that the authority's position remains that there is no age limit.

Members were advised of the current safeguards in place for the servicing of licensed vehicles and were assured that all vehicles were compliant. It was felt that there was no reason why older vehicles could not still be used.

A question was raised with regard to Limousines and how these were treated. It was reported that majority of Limousines were licensed by the Department for Transport and Doncaster do not have any licensed limousines.

In terms of Classic Cars that are 40 years old, these are unable to meet the Euro Emissions, Councillor David Nevett asked where the operator of these vehicles can go to enable them to use the vehicle. In response, it was advised that there are exemptions for specialist vehicles and it may come from National guidance similar to tax exemptions. Councillor Nevett also went on to state that vehicles over 40 years were not required to undertake an MOT, he asked how exemptions may work with regard to this. It was recognised that an MOT was a requirement by law. However, in terms of vehicles that are 40+ years mechanical testing is still undertaken.

The Committee were presented with information with regard to recommendations (e) and (f). No questions were raised by Committee Members.

RESOLVED that the Licensing Committee agree to the following:-

- (a) that information contained within this report evidences that consultation should be undertaken regarding the proposed amended CCTV specifications shown at Appendix B with the inclusion of the RNIB as a consultee;
- (b) that the information shown at Appendix C evidences that consultation should be undertaken regarding a proposed revision to the policy to require that all Doncaster licensed Hackney Carriage & Private Hire vehicles are required to be fitted with a CCTV system which meets or exceeds the specifications set by the authority;
- (c) that the information shown at Appendix D evidences that consultation should be undertaken regarding a proposed revision to the policy to require that all Doncaster licensed Hackney Carriage & Private Hire vehicles are subject to a limit on permitted emissions levels as set by the authority;
- (d) that no amendment to the existing policy is required regarding the age limit of licensed vehicles and that the authority's position remains that there is no age limit;
- (e) that members note the information at Appendix F showing the national statistics for Driver, Vehicle and Operator licenses in England; and
- (f) that members approve the undertaking of a 12 week consultation exercise with respect to the proposals contained within recommendations (a) to (c) above and in due course the outcome of the consultation and final recommendations be reported back to the Licensing Committee. The draft consultation document be brought back to Committee prior to wider circulation

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