

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 26th January, 2021
Time of Commencement: 7.00 pm

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|---------------------|--------------------------------|---|------------------|
| Present: | Councillor Simon White (Chair) | | |
| Councillors: | Graham Hutton | Andrew Parker | Gillian Williams |
| | Mark Olszewski | Stephen Sweeney | John Williams |
| | Gill Heesom | June Walklate | Ruth Wright |
| | Tony Kearon | Jill Waring | |
| Officers: | Matthew Burton | Licensing Administration Team Manager | |
| | Geoff Durham | Mayor's Secretary / Member Support Officer | |
| | Nesta Barker | Head of Environmental Health Services | |
| | Anne-Marie Pollard | Solicitor | |

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

1. **APOLOGIES**

There were no apologies.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 12 October, 2020 be agreed as a correct record.

4. **ESTABLISHING A CUMULATIVE IMPACT ASSESSMENT**

Consideration was given to a report seeking agreement for the Council to consult upon a Cumulative Impact Assessment to support the Council's Statement of Licensing Policy.

The Council's Licensing Administration Team Manager, Matthew Burton introduced the report, drawing Members' attention to paragraph 1.5 of the report which set out the process which was required to go from a Cumulative Impact Policy (CIP) to a Cumulative Impact Assessment (CIA).

Staffordshire Police had indicated their support to move to a CIA and had submitted statistics which provided the evidential basis. The Police had stated that the area covered by the current CIP was appropriate for a CIA so they were not proposing that a wider or smaller area should be covered. Members were referred to Appendices A, B and C which showed the current area, the number of incidents, when they occurred and a comparison with the Cumulative Impact Zones and the whole Borough. Paragraphs 2.13 and 2.14 showed the type of offence committed. The information highlighted the times when incidents were higher – midnight to 1am on Thursdays to Saturdays in 2018. In 2019 this had changed to midnight to 1am on Fridays and Saturdays and the most recent figures showed it as being highest between midnight and 1am on Saturday nights.

Matthew Burton drew Members' attention to paragraphs 2.5 and 2.6 which outlined the statutory guidance on what evidential basis was required for a decision to publish a CIA. There was also an obligation for the Council to carry out a consultation with various bodies.

Councillor Kearon stated that the existing CIP had been extended to 5 April, 2021 and asked about the timeline. Were officers confident that the consultation would be carried out, a report brought back to this Committee and the action carried out to implement the CIA, could all be done before 5 April or might the Committee want to consider extending the CIP?

Mr Burton stated that they were confident, as long as the consultation started soon. If agreed this evening, the four weeks' consultation could be carried out and a response formulated to bring back to this Committee on 16 March. If this was not achieved, there was no scope to extend the CIP because the provisions were that the Council had to either end the CIP when it ended or three years after the legislation came into force which would be 5 April, 2021.

Councillor Hutton moved that this be approved and the study begun to ensure that the timelines were met.

- Resolved:**
- (i) That the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that will have the effect of replacing the existing Cumulative Impact Policy, be noted.
 - (ii) That a consultation be carried out in relation to a Cumulative Impact Assessment.
 - (iii) That the results of the consultation brought back to this Committee at a later meeting to determine whether a Cumulative Impact Assessment is required.

5. MINUTES OF LICENSING SUB COMMITTEE MEETINGS

Resolved: That the Minutes of the meeting held on 20 October, 2020 be agreed as a correct record.

6. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

7. STATUTORY TAXI AND PRIVATE HIRE STANDARDS AND POLICY

Consideration was given to a report reviewing a consultation response in respect of the draft taxi policy. Members were asked to agree to any amendments to the Taxi and Private Hire Licensing Policy following the consultation.

Members' attention was drawn to paragraph 2.1 which outlined proposed minor changes to the Policy which were taken to the October meeting of this Committee. A copy of the Policy which incorporated the amendments was attached at Appendix 1.

The Consultation, which was agreed at the October meeting, brought back one representation to the amendments. A copy of the representation was attached at Appendix 2.

Uber's response requested that para 3.5.9 of the policy and "*Appendix I – Private Hire Operator conditions*" should be amended to reflect that the requirement to keep a record of the individual that took the booking only applied when the booking was made in person and not via a computerised system. Officers had agreed with the suggestion and amended the proposed policy document.

Councillor Sweeney stated that this Committee had spent a lot of time on this document and the fact that there had only been one comment which had been taken on board and changed, was a credit to everyone. Councillor Sweeney was happy to move the recommendations.

- Resolved:**
- (i) That the report be noted.
 - (ii) That the response received during the consultation period be considered and the proposed additional amendment to the policy as detailed in the report be approved.
 - (iii) That, the Taxi Licensing Policy 2021-2025 be approved.
 - (iv) That, the Taxi Licensing Policy 2021-2025 be implemented from 1st April 2021.

8. PROPOSED TAXI FEES AND CHARGES 2021-22

Consideration was given to a report asking Members to consider the proposed taxi and private hire fees for 2021/22, following consultation.

The Council's Head of Environmental Health Services, Nesta Barker advised that two representations had been received from private hire operators, one from the Hackney Carriage Trade Association and one from a licensing consultant. Members were referred to Appendices A to D which showed the representations in full and to paragraphs 2.4 to 2.6 where they were summarised. The basis of the representations was that there was no justification to increase the fees. They suggested that the consultation be postponed or carried out again to allow for a wider response.

Nesta Barker advised that in the October report, it was detailed that the primary reason for increasing fees was due to staffing fees which had increased and the decrease in the total number of licences issued.

Table 3.1 showed the proposed fees and charges for 2021/22.

Councillor Sweeney stated that a newspaper report had stated that the fees would increase by up to 17%. Only three out of the forty three charges proposed would increase by 17%, the other charge increases ranged from zero to three to six percent. In addition, a lot of the items in the table would only happen 'as and when' and were not regular charges over the three year cycle.

Councillor John Williams that taxi drivers had suffered with loss of income as a result of the pandemic and therefore, he could not support any increases in the fees and charges this year.

Councillor Gill Williams thought that, at the present time she would not like to see any increase.

Councillor Hutton asked for confirmation that the costs passed onto taxi drivers and operators were just to recover the Council's costs and whether, if the costs were not recovered, the money would have to be taken from elsewhere.

Councillor John Williams stated that money had been given by the Government to help the Council during the pandemic and his understanding that this money was there to help businesses.

Councillor Olszewski agreed that it was currently a difficult time to impose an increase in costs on anybody particularly when trading conditions were so poor. Nesta Barker was asked, if the increases were not imposed, how the books would be balanced.

Nesta Barker advised that the fees were based on cost recovery and if these were not recovered then the funds would need to be met from elsewhere within the Council to subsidise this service.

A vote was taken on increasing the fees and charges for 2021/22.

In favour: 5
Against: 6
Abstain: 1

Resolved: That no increase be made to the fees and charges for 2021/22.

9. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

10. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

Resolved: That the Minutes of the meetings held on 21 October, 2020, 18 November, 2020 and 16 December, 2020 be received.

11. URGENT BUSINESS

There was no urgent business.

CLLR SIMON WHITE
Chair

Meeting concluded at 7.45 pm