

LICENSING BOARD
Monday, 23rd April, 2018

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Clark, Elliot, M. Elliott, Jones, McNeely, Napper, Reeder, Sheppard, Steele, Taylor, Vjestica and Williams.

Apologies for absence were received from Councillors Hague and Wilson.

9. WELCOME

The Chair welcomed everyone to today's full Licensing Board and in doing so wished to thank all Members for their contributions and diligence in licensed activity over the last year. Whilst there had been a tremendous amount of progress to date there was still more to be done and the Chair looked forward to meeting those challenges in the next municipal year.

10. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

11. TAXI AND PRIVATE HIRE LICENSING PERFORMANCE AND GENERAL UPDATE REPORT

Consideration was given to the report presented by Alan Pogorzelec, Licensing Manager, which provided an update in relation to the Licensing Team's performance against the Taxi and Private Hire Licensing Performance Framework.

In addition, an update was provided on key issues/activities and actions undertaken and year-end results for the performance framework since the previous update report to the Licensing Board.

Particular reference was made to the five demonstrated outcomes, the measures with and without targets, processes for review; some of which were yet to be presented to the Licensing Board, complete implementation of the Council's Hackney Carriage and Private Hire Policy, performance in relation to the requirements of the Policy, significant developments in the final quarter and the detail contained the Licensing Performance Management Framework.

The Board, in considering the detail, welcomed the progress in the report, but sought clarification on a number of points:-

- Data Protection Regulations.
- Voluntary National Database and the Private Members' Bill.
- Content and security around the LGA funded Voluntary National Database.

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- License revocations and lessons learnt from previous decisions.
- Timeframe for listing appeals to the Magistrates' Court.
- Applications to work in other areas by drivers subject to proceedings.
- Challenges being faced in Rotherham and recognition of the work being undertaken nationally.
- Proactive work by Members of Parliament promoting Rotherham's Licensing Policy.
- Training updates and spot checks.

The Committee went on further to consider the Council's approach to enforcement and how individual enforcement was adhering to the Principles of Good Regulation.

The report outlined the enforcement work undertaken in relation to the licensing function and how such activity complied with the requirements of the Council's General Enforcement Policy.

Reference was made to Appendix 2 which detailed the 2017/18 Quarter 3 and Quarter 4 Enforcement Data. The last six months had seen complaint numbers triple, but this was attributable to proactive action by officers and the public becoming more familiar with reporting routes.

The installation of cameras had proved invaluable for complaints regarding the conduct of drivers and it was for this reason, due to demand, a role was to be created two days per week primarily to deal with taxi camera downloads. Whilst the Committee suggested a reasonable realistic charge be made to insurance companies and third parties for downloads data, this had not been considered at the moment.

Reference was made to the proactive/multiagency enforcement operations undertaken during 2017 and the early part of 2018 and the partnership work undertaken with the Security Industry Authority.

Although the report primarily related to Hackney Carriage/Private Hire Licensing a number of other enforcement work had been undertaken and details in the report illustrated both the volume and variety of work by the Licensing Team.

It was also noted that an investigation was ongoing in relation to one private hire operator, which was to be presented to the Licensing Board once completed.

The Board again welcomed the progress in the report, but sought clarification on:-

- Taxi camera diagnostics and specifications.
- Advantages to having cameras in vehicles.
- Annual figures of enforcement data, direct comparisons and performance monitoring.

- Capacity within the Licensing Team, use of agency staff and the ongoing recruitment processes.
- Working relationships with the National Crime Agency.
- Role of Commissioner Ney as a decision maker.
- Use of acronyms.
- Success rate of appeals and excellent working arrangements between Licensing and Legal Services.
- Action and decisions taken by the Licensing Board and Officers.
- Broad comparative data against other Local Authorities.
- Wearing of cameras by Enforcement Officers and if this was an option in the future.

The Chair wished to place on record the Board's thanks and appreciation to Clive Betts M.P. and his support for Rotherham's Licensing Policy. A further updated report and evidence would be forwarded onto him in due course.

Resolved:- (1) That the report be received and the contents noted.

(2) That the progress made regarding the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy be noted.

12. ROTHERHAM MBC HOUSE TO HOUSE COLLECTIONS POLICY

Consideration was given to the report presented by Alan Pogorzelec, Licensing Manager, which detailed how the licensing of house to house collections, whilst governed by national legislation, provided for local discretion. It was considered that a clear and transparent policy would assist applicants' understanding of the process and facilitate consistent decision making by the Council.

All applications for House to House Collection Permits were considered by the Council's Licensing Board and this report sought their views in readiness for a further report to the Cabinet Member for Waste, Roads and Community Safety seeking approval to consult on the draft policy prior to implementation.

It was noted also that any applicant aggrieved by a decision by the Council may only appeal to the Secretary of Stage within twenty-one days of being given the notice of the decision.

Background and general information regarding to house to house collections was highlighted.

It was important to note, however, that many local and national charitable organisations relied upon the funding that was allocated to them as a result of house to house collections and, therefore, the policy must strike the correct balance between ensuring that permits were only granted in appropriate circumstances and providing proportionate application criteria that did not introduce unnecessary barriers to for legitimate and well-

meaning individuals and/or organisations.

Following consideration of this policy by the Licensing Board, any comments or suggestions would be incorporated into the policy and a report prepared for consideration by the Cabinet Member for Waste, Roads and Community Safety. There would then be a period of public consultation prior to the introduction of the policy (subject to the agreement of the Council's Executive).

The Board in considering the current Policy took account of the regulatory framework for house to house collections, the application process, granting and refusal of house to house collection permits and the consideration of financial information.

The Board welcomed the opportunity to comment on the House to House Collection Policy and raised a number of queries. These related to:-

- Consistency of decision making.
- Percentage of allocated amount to the collection beneficiary.
- Appeals process.
- Reduced numbers of face to face collections.
- Identification of permit holders.
- Exemptions.
- Collections from business premises for charitable purposes.
- Need to ensure process was clear.
- Addressing concerns of the Board for consistency.
- Capacity of the Licensing Team to cope with demand and the potential to charge for administration costs.
- Risk of unlawful collections and enforcement activity.

The Board, in asking a number of questions, were happy for the draft House to House Collections Policy to be updated and forwarded to the Cabinet Member in due course. However, in doing so asked for the following to be incorporated:-

- A clause to remove an application from collecting organisations should they fail to provide the necessary information.
- That in order to be consistent the amount allocated to the collection beneficiary should be no less than or exceed 80% of the total amount collected.

Resolved:- That the draft House to House Collections Policy with the comments above be forwarded to the Cabinet Member for Waste, Roads and Community Safety seeking approval to consult on the draft policy prior to implementation.