

LICENSING BOARD
8th December, 2022

Present:- Councillor Ellis (in the Chair); Councillors Bennett-Sylvester, Castledine-Dack, Cooksey, Haleem, Hoddinott, Hughes, Jones, McNeely, Mills, Monk, Pitchley, Reynolds and Wyatt.

Apologies for absence were received from Councillors Browne, Clark, T. Collingham, Sansome and Councillor Lelliott (Cabinet Member).

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 25TH FEBRUARY, 2022

Consideration was given to the minutes of the previous meeting held on 25th February, 2022.

Resolved:- That the minutes be received and the contents noted.

5. LICENSING SERVICE UPDATE

Consideration was given to the report, presented by the Licensing Manager, which provided detailed performance in relation to the Licensing Team's performance against the Taxi and Private Hire Licensing Performance Framework for April-November, 2022, as well as an overview of the general performance of the Service.

The report also sought the views of the Board on the House to House Collection Policy and Sex Establishment Policy both of which were due for formal review in 2023.

The Licensing Manager guided the Licensing Board through the detail in the report and provided further information on the areas of:-

- The number of unannounced inspections of vehicles and drivers and the percentage of taxis found to be compliant with the licensing regime during on the spot inspections
- Performance against the Licensing Service Performance Management Framework
- The performance of the Council's Licensing Team in relation to quality assurance and administrative aspects of the Service

The submitted report provided details in the appendices of the performance against the Licensing Performance Management Framework for and Enforcement Data for 1st April-31st November, 2022, which was implemented to address the concerns raised in Louise Casey's report.

The report provided a summary of enforcement action that had taken place between April and November, 2022 including details of actions taken by Enforcement Officers along with enforcement actions taken by other officers within the Licensing Service and the outcomes of Licensing Board Sub-Committee hearings. It highlighted:-

- 68 vehicles and drivers had been inspected since 1st April, 2022, of which 96% of vehicles (65) and 100% of drivers were found to be compliant with licensing requirements.
- The vehicle non-compliance related to a missing licence plate, an absence of a first aid kit and malfunctioning taxi camera system. The licence plate and first aid kit were rectified within 48 hours and the camera issue resolved within 2 working days
- Targets had been set against 16 performance measures of which 2 were off target
- There were an additional 4 measures that were being monitored but no target set
- Between April and November, 2022, 5 appeals had been listed for consideration by the Magistrates Court in relation to decisions made by Licensing Officers and/or the Licensing Board Sub-Committee. One of the appeals had been withdrawn by the appellant prior to the hearing, one appeal was discharged by way of a Consent Order, 2 appeals were successfully defended by the Council and the remaining appeal was not successfully defended by the Council
- Recruitment was a continuing issue with a vacancies for a Senior Licensing Enforcement Officer and Licensing Enforcement Officer (2 posts). Interviews were to take place shortly for a licensing Support Officer
- Taxi and Private Hire Licensing Policy was due for renewal in 2023

During discussion on the report and supporting appendices the following issues were clarified:-

- Due to the ageing taxi camera systems more frequent problems may arise
- Information sharing with partners, in particular South Yorkshire Police, did take place despite low attendance at the weekly Child Exploitation Task Group. Should any issues involving Licensing be raised they were flagged directly with the Service prior to the meeting

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- Only 2 of the 4 multi-agency operations had taken place but there was confidence that the target would be reached in the final quarter of the financial year
- 100% target of licences issued was not realised due to one officer being on sick leave and another having IT problems leaving the remaining officer to sign all licences off. However, 238 renewals were issued prior to the licences expiring with the exception of a few that were issued the day after expiry
- The BTEC/NVQ qualification covered all the skills and knowledge you would expect a taxi drivers to have to carry out their role safely
- Discussions were ongoing with the Design and Print Unit with regard to the redesign of taxi driver ID badges and the signage for vehicles
- There had been a slight increase in the number of drivers which was surprising given the pandemic/cost of living increases/fuel prices. However, licences were issued on a 3 year cycle so the true picture may not be known until those licences were up for renewal
- A significant number of drivers had changed the way they worked and had decided to work for Uber providing them with more flexibility
- A number of taxi companies were using out of town vehicles because of the lack of taxi drivers

House to House Collection Policy

The Council's House to House Collection Policy was introduced in 2019 and now due for review (Appendix 4 of the report submitted). 2 documents were also attached to the report that provided further information in relation to the consideration of House to House Collection applications. Guidance provided by the National Association of Licensing Enforcement Officers was attached at Appendix 5 and guidance from the Institute of Fundraising on the use of percentages was attached at Appendix 6.

Approval of the final Policy was a decision for the Cabinet but any views expressed by the Licensing Board together with all other consultation responses would be considered as part of the review.

Discussion ensued on the Policy with the following points raised:-

- Age limits – “No person under the age of sixteen years shall act or be authorised to act as a collector of money” – should it be eighteen years of age?
- Disposal of disused certificates of authority etc – could it stipulate that they be returned to the Local Authority?

- Percentage given to the charitable organisation – should be 80% of the net figure and not gross
- Organisations be requested to state what their financial projections from the collection would be to provide clarity on how much would go to the stated charity
- Concerns with regard to the direct debit applications
- That applications continue to be submitted to the Licensing Board Sub-Committee with the same amount of information currently provided

Sex Establishment Policy

The Council adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) on 22nd May, 2019, and introduced a Sex Establishment Policy that took effect on 1st July, 2019.

The Policy set out the Council's approach to the regulation of the premises detailed under the provisions of the 1982 Act i.e. sexual entertainment venues, sex shops and sex cinemas and was attached to the report submitted at Appendix 7.

Approval of the final Policy was a decision for the Cabinet but any views expressed by the Licensing Board together with all other consultation responses would be considered as part of the review.

Discussion ensued on the Policy with the following points raised:-

- Should avoid suggesting locations
- The consultation should include workers within the industry
- Was the advertising for the one sex shop within Rotherham appropriate

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

(2) That an update be provided to Board Members at the end of the financial year on the number of multi-agency operations completed.

(3) That the specification of the BTEC/NVQ qualification be provided to Board Members for information.

(4) That the comments made with regard to the review of the House to House Collection Policy and the Sex Establishment Policy be fed into the consultation process.