



Buckinghamshire Council

Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 1 JULY 2020 VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.38 PM

MEMBERS PRESENT

C Jackson (Chairman), S Renshell (Vice-Chairman) D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush, N Southworth, Sir B Stanier Bt and H Wallace

OTHERS IN ATTENDANCE

None.

Agenda Item

1 ELECTION OF CHAIRMAN

It was proposed by Councillor J Rush that Councillor C Jackson be elected Chairman of the Licensing Committee for the ensuing year. This proposal was seconded by Councillor S Renshell and agreed at a vote.

Resolved:

That Councillor C Jackson be elected Chairman of the Licensing Committee for the municipal year 2020-21.

2 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor C Jackson that Councillor S Renshell be appointed Vice-Chairman of the Licensing Committee for the ensuing year. This proposal was seconded by Councillor Sir Beville Stanier and agreed at a vote.

Resolved:

That Councillor S Renshell be appointed Vice-Chairman of the Licensing Committee for the municipal year 2020-21.

3 APOLOGIES FOR ABSENCE

Apologies were received from Councillor S Lambert.

The committee members introduced themselves and stated the area they represented.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 VIRTUAL LICENSING COMMITTEE PROCEDURAL RULES

The Committee received a report setting out the procedural rules that would apply to virtual Licensing Committee meetings whilst physical meetings were unable to take place.

Resolved:

That the Virtual Licensing Committee Procedural Rules be noted.

6 IMPACT OF COVID-19 ON LICENSING SERVICES - UPDATE REPORT

The Committee received a report which updated members on the impact of Covid-19 on Licensing Services. The report set out the changes which had been made to the level of service received by businesses and individuals due to the Covid-19 situation, including how services had been delivered and the fee level charged.

Work was underway to reinstate services as lockdown restrictions were eased whilst adhering to safe working guidance issued by government and support was being given to businesses planning to reopen. Many businesses and individuals had been, and continued to be, subject to business closure regulations as a result of the Covid 19 situation. Those that had continued to operate had been suffering significant business impacts and have had to make changes to the way that they operate.

The Government had encouraged councils to take a pragmatic approach to the delivery of licensing services during this period where there was the discretion to do so, whilst also recognising that licensing services were critical to supporting and facilitating key business sectors such as the food and drink industry.

The Local Government Association had produced advice for licensing authorities on managing licensing and related issues during the Covid-19 pandemic and the overarching principles within this advice had been used to underpin decision making to date.

Members were advised that Licensing Services across the Buckinghamshire area had been approached by licensees seeking advice and support about how they should be operating their businesses and raising concerns about the payment and collection of licence fees. In dealing with these queries and requests the Services have had to consider how the licensing regime could continue to be delivered in a supportive, appropriate and consistent manner.

Section 5 of the report set out the financial impact to the Council, including the projected loss of income for Licensing Services during the Covid-19 period and the breakdown of this across all the licensing areas by regime. There had been deferment of some fees and a lower level of applications received during the pandemic. The Committee was advised that as lockdown was to be eased, an upturn in activity and subsequent income was expected as businesses made plans to re-open. Planning was also underway to reinstate affected Licensing Services as soon as possible and to process any backlog accrued.

A member asked a question about license fees which had been paid for temporary event notices and whether, where events had been cancelled, these fees could be refunded or carried through to 2020/21. It was clarified that the statutory framework around licensing activities made it difficult for the Council to act flexibly when it came to temporary event notices and because of this legislation, the Council was not in a position to waive, refund or defer fees particularly for new licenses or new applications. Flexibility was able to be offered for the deferment of annual fees where premises held an existing license.

A question was raised on suspension of taxi licensing fees and members were advised that the

Council had not been able to process new driver applications due to the high level of safeguarding checks and inability to carry out face to face verification. This service was now being brought back and it was confirmed that the fee had not been suspended at any point. Where existing drivers had been due to renew their license, the period after expiry where they could choose not to renew had been increased to three months during the pandemic. In response to safeguarding measures it was clarified that ongoing advice and guidance had been provided to the taxi and private hire trade and the Council had been sharing government guidance with operators, along with guidance on face masks and the provision of protective screens.

A member queried whether the in-house MOT testing centre would be available from 6 July 2020. The Committee was advised that the in-house centre only supported vehicles in the Aylesbury area, with those in other areas continuing to go to private approved test centres who had continued to operate during the pandemic. The Aylesbury centre had now re-opened after staff and resilience issues on a phased basis with social distancing measures in place.

The Committee requested that a further update report on the impact of Covid-19 be presented at the next committee meeting in September.

Resolved:

That the report be noted.

7 PROGRESS UPDATE ON THE DEVELOPMENT OF THE BUCKINGHAMSHIRE COUNCIL TAXI AND PRIVATE HIRE LICENSING POLICY

The Committee received a report which provided an update on the development of the Buckinghamshire Council Taxi and Private Hire Licensing Policy. The creation of Buckinghamshire Council presented an opportunity to create a new policy that promotes the highest possible standards to secure public safety, support the Council's key priorities of protecting the vulnerable, improving the environment and promoting the local economy.

A new draft policy document was in the process of being prepared with public safety being the main focus. The timetable for the adoption of the new policy was set out in paragraph 1.13 of the report. A full and comprehensive consultation exercise would be undertaken once the draft policy had been produced. Stakeholders would be invited to comment and all views would be referred back to the Licensing Committee and Cabinet Member for consideration before any final policy decisions were made.

At present, the former district areas in Buckinghamshire operated under separate policies and procedures and the importance of having a single policy and set of procedures across the Buckinghamshire Council area was highlighted. James Button & Co solicitors were commissioned to prepare the new policy after being provided with a detailed brief from the Council. The first draft of the policy had been provided on the day of this committee meeting and would be thoroughly reviewed by officers and shared with members in due course. It was expected that the policy would be presented at the next meeting of this committee prior to going out to consultation. In response to a question on the fees paid to James Button & Co for preparing this policy, it was advised that the cost was in the region of £10k.

A member raised the concern that taxi and private hire vehicles licensed by TfL operating in Buckinghamshire displayed very little signage aside from a small sticker in the back window and queried whether there were any means to address this so that it was further highlighted that they were legitimate private hire vehicles. Members were advised that the Council had little control on enforcing against vehicles from other areas coming into Buckinghamshire, although

there was an option for the Committee to make a representation to TfL outlining its concerns. It was agreed to feedback to TfL the need to at least have licence numbers displayed on the plates on the back of the vehicles so that they could be easily identified. In relation to drivers licensed by other authorities and plying their trade in Buckinghamshire, it was explained that where drivers and vehicles were appropriately authorised and licensed it was legal for them to operate in Buckinghamshire. It was added that many drivers licensed in Buckinghamshire also operated outside of the area.

Resolved:

That the report be noted.

8 UPDATE ON THE UNMET DEMAND SURVEY (AYLESBURY AREA)

The Committee received an update on the unmet demand survey covering the Aylesbury 'Town' zone, which was commissioned by the former Aylesbury Vale District Council Licensing Committee in March 2020.

Members were informed that Section 16 of the Transport Act 1985 permitted the Council to limit the number of hackney carriages (taxis) it licenses in a particular zone, if the Council was satisfied that there was no significant demand that was unmet. The Aylesbury 'Town' zone was the only area of Buckinghamshire Council subject to a numerical limit, which was currently 50. The only feasible way of establishing unmet demand was through a survey, which must be conducted at regular intervals to remain reliable and withstand legal challenge.

Following the decision of the former Aylesbury Vale District Council Licensing Committee to commission the survey, a specialist traffic and transportation survey company was instructed to commence the survey work forthwith and dates in mid-March 2020 were agreed to perform the physical observation element of the surveys. However, shortly after agreeing the dates, the Covid-19 virus started to have an impact and it was deemed appropriate to suspend work on the survey as the information gathered would not be representative.

The Committee were advised that it was difficult to envisage at this stage when hackney carriage and private hire operations might return to 'normal' operation. Until such time as this occurs, it was deemed sensible to refrain from conducting a survey.

Furthermore, depending on the outcome of the pending taxi and private hire policy review, it might be deemed not appropriate or necessary to proceed with the survey work. A survey was only required to provide evidence to support a numerical limitation policy. Should the Council decide not to impose a limit then no survey would be required, however such a decision should be subject to stakeholder consultation.

In response to a question on how the trade viewed this survey, it was explained that many of those operating in the limitation zone favoured maintaining the status whilst hackney carriages operating outside the town zone were keen to see the limit removed or increased. The survey cost in the region of £10k.

A member asked whether this numerical limitation would be covered in the draft taxi and private hire policy and was advised that this had been asked for in the brief given to James Button & Co Solicitors and would be reviewed.

Resolved:

That the report be noted.

9 ANY OTHER BUSINESS

A member raised a point on Public Space Protection Orders (PSPOs) and questioned whether there would be a new policy on these for the new council and whether they could be extended to include drug paraphernalia. It was confirmed that PSPOs would carry on at present as they had under the previous authorities and would be reviewed. The PSPOs for parks in Aylesbury were due to be reviewed and an officer would make contact with the member to discuss this separately.

10 DATE OF NEXT MEETING

Wednesday 9th September 2020 at 6.30pm.