



Buckinghamshire Council

Licensing Committee

Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 9 SEPTEMBER 2020
IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.23 PM**

MEMBERS PRESENT

C Jackson, D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, N Southworth, Sir B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors S Lambert, G Powell, J Read, J Rush and S Renshell.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 1 July 2020 were agreed as an accurate record.

4 IMPACT OF COVID-19 ON LICENSING SERVICES - FURTHER UPDATE REPORT

The committee received a further update report on the impact of Covid-19 on licensing services having received an initial update at its previous meeting on 1 July 2020. In response to the Covid-19 situation the Licensing Service has had to make a number of changes to the level of service received by businesses and individuals, including how the services were delivered and the fee level charged. At the request of the Committee this report provided a further update on the return to business as usual within the Licensing Service following the easing of lockdown restrictions, and also summarised the financial impacts of Covid-19 at this point in time. The report can be viewed in its entirety on pages 9 to 18 of the agenda pack.

The Committee was advised that the council's licensing service had played a key role in supporting businesses and individuals, particularly within the hospitality sector which had been heavily impacted by Covid-19 restrictions. A number of changes had been implemented within the licensing service during the lockdown period and the report details those changes that had to be made during that period along with the current position. The move toward a return to more 'business as usual' services being resumed included all invoices owing having now been issued and license suspension for persistent non-payment now due to re-commence under the licensing act and gambling act whilst under taxi licensing, all face to face verification appointments and safeguarding checks for taxi drivers had been re-instated and carried out in accordance with office and service risk assessments. All backlog vehicle livery plates and doors

signs had now been issued whilst the majority of backlog driver badges had also been issued. The in-house MOT testing centre in Aylesbury was fully operational and testing both new and renewal vehicles, all vehicles that were issued with a renewal licence during the lockdown period should now have had an enhanced vehicle test carried out. Any vehicle issued a license during the lockdown period that had failed to return for the mandatory council inspection had seen its licence suspended.

The financial impact and projected income loss from April to July was noted in the report on pages 15 and 16 of the agenda pack and was significantly lower than initially forecast, although could be affected by any further lockdown restrictions should they be imposed at any point.

During discussion the following issues were highlighted:

- It was queried how a member of the public would be aware whether a taxi was suspended from operating and whether there was an area on the council website where up to date livery plates and door signs could be viewed. It was clarified that during the lockdown period paper licenses had been issued temporarily with the requirement to visit the council testing centre when restrictions lifted. Where vehicles had not passed an inspection or had failed to attend and re-booking was not possible, the licences had been suspended and the taxis would not have up to date livery/badges on display. As it is still early in the formation of the new council it was confirmed that taxis would still display liveries from legacy councils. In order to assist the public with identifying a licensed taxi or private hire vehicle, officers agreed to take an action away to review the information currently on the legacy websites and ensure that this was consistent and available across the Buckinghamshire Council areas.
Action: Officers to review the information currently held on the legacy websites regarding how to identify a licensed taxi or private hire vehicle and ensure that this was consistent and available across the Buckinghamshire Council areas.
- In response to a query on how both English and Knowledge tests were being carried out, members were advised that face to face interviews had resumed with drivers where they were being greeted and shown to a room where they undertook a telephone based English test whilst Knowledge tests carried out by independent assessors had resumed in July.
- An update was given on animal licensing with members being advised that the licensing service continued to work through a backlog which had arisen as a result of not being able to inspect private houses or commercial premises prior to lockdown restrictions being lifted. New applicants and premises which had not been visited before were being prioritised followed by higher risk renewals which included larger scale operations. Midterm inspections of premises would then be worked through, many of which the council was familiar with and already had an understanding of operations.
- A member queried whether there was any knowledge of taxi companies having ceased operations or driver numbers having been reduced as result of covid-19. It was explained that a clear reduction in the expected level of income was evident so there had been fewer applications made than there ordinarily would have been. There was not specific knowledge of any operator ceasing operations but reports suggested that the trade was down circa 40-50%.
- In terms of preparedness for any additional restrictions imposed, the committee was advised that officers had learned lessons from the initial wave and would continue to be responsive, consistent and flexible.

Resolved

That the report be noted.

5 BUSINESS & PLANNING ACT 2020

The Committee considered a report on the Business and Planning Act 2020 which received royal assent on the 22nd July 2020 and was enacted with immediate effect. The Act aims to support business recovery, help businesses adjust to new ways of working and create new jobs. It introduced a number of urgent measures to help businesses succeed over the coming months, and to remove short term obstacles that could get in their way. Almost all measures were temporary, with some limited exceptions. There were two key areas within the Act relevant to Licensing Services; firstly the provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises, to allow the sale of alcohol for consumption off the premises. Secondly the Act introduces a new 'fast-track' pavement licence process to facilitate the provision of outdoor dining and drinking by businesses. The full report on pages 19 to 27 of the agenda pack details the requirements of these temporary changes including businesses excluded from the changes.

The Committee was advised that there was no additional fee for the automatic extension to the terms of most premises licences to allow off the premises consumption however there is a fee involved with pavement licensing. Within the council's constitution the setting of this fee is delegated to the Licensing Committee, however in order to facilitate immediate implementation in July when the Act received royal assent, the Cabinet Member for Regulatory Services in consultation with the Chairman of the Licensing Committee agreed a provisional fee of £100 for applications. The actual cost of processing an application is closer to the region of £300 so each application does incur costs to the council.

During discussion the following key points were raised:

- In relation to the timespan of granting pavement licenses up until the temporary end date of September 2021, LGA guidance encouraged councils to take a pragmatic approach to supporting businesses and granting licenses for the full period, this would also be cost effective for the council and avoid having to process more than one application during that period for any particular premises. Further, it was clarified that the online process for applying for the license does not request the applicant to specify an end date and rather the council was handling applications on the basis of them running to September 2021.
- In total 21 applications had been received at the time of the committee meeting, 16 were granted, 3 were initially rejected but following amendments made 1 had been granted, and 2 had been refused. The costs for the council involved the requirement of input from the highways department which needed to assess each application as to the suitability of granting a pavement licence.
- At the time of the meeting there had been no feedback or complaints from businesses on the level of the fee and it was noted that previous costs for a tables and chairs licence would have been considerably higher.
- Through consultation between the Licensing service, Highways department and Thames Valley Police standard conditions had been introduced as appended to the report on pages 29 to 31 of the reports pack. Where it was felt additional controls were required there was the option to add further conditions.

It was proposed by N Southworth, seconded by J Lowen-Cooper and **resolved**

That the temporary changes to the Licensing Act 2003 introduced by the Business & Planning Act 2020 be noted and that the level of fee of £100 currently charged for each pavement licence and the duration of pavement licences issued under the Business & Planning Act 2020 until 30 September 2021 be confirmed.

6 DATE OF NEXT MEETING

The date of the next meeting is Wednesday 14 October at 6.30p.m.