

LICENSING COMMITTEE

Date and Time: Tuesday 6 February 2024 at 7.00 pm

Place: Council Chamber

Present:

Smith (Chairman), Harward (Vice-Chairman), Axam, Collins, Delaney, Farmer, Forster, Woods, Worlock and Engström

In attendance:

Officers:

Mark Jaggard, Executive Director – Place
Neil Hince, Environmental Health & Licensing Manager
Tom Payne, Head of Environmental & Community Services (BDBC)
Emma Coles, Licensing Team Leader, Shared Licensing Services
Andrew Wake, Senior Licensing Officer, Shared Licensing Services
Fehintola Otudeko, Shared Legal Services
Sharon Black, Committee Services Manager
Kathy Long, Committee Services Officer

18 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 November 2023 were confirmed and signed as a correct record of the proceedings.

Proposed by: Cllr Collins; seconded by: Cllr Woods.

It was noted that Cllrs Delaney, Axam and Worlock had not been present at the meeting on 7 November 2023.

19 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Cllrs Butler, Coburn, Southern and Vernon.

Cllr Engstrom attended the meeting as a substitute for Cllr Vernon.

20 DECLARATIONS OF INTEREST

During discussion under the item on the Draft Hackney Carriage and Private Hire Vehicle Licensing Policy, Cllr Forster declared a personal interest in respect of his employer's business which installed ultra-fast charging points for electric vehicles.

21 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that he had no announcements.

22 SHARED LICENSING SERVICE STREET TRADER POLICY

The Committee considered the report of the Executive Director – Place, which recommended the adoption of the Shared Licensing Service Street Trader Policy following public consultation.

The Policy set out the details of the Councils' approach to the administration of the Street Trading Consent function under the Local Government (Miscellaneous Provisions) Act 1982 in both Basingstoke and Deane Borough Council and Hart District Council areas. The report advised that the Policy set out the Councils' expectation of street traders in the districts and provided a clear understanding of what the Councils would consider when administering applications, dealing with issues and undertaking any enforcement activities.

Members were advised that, during the period of public consultation, no comments had been received.

During discussion, a question was raised regarding publicity given to the consultation exercise in view of the lack of response. The Committee was advised that the consultation had been sent to street traders and responsible authorities who had been consulted previously and that information had also been sent out by the Communications team and information had also been posted on the Council's website. It was pointed out that, as the Policy was identical to the previous version, it had not been expected to receive many comments.

The date header on the document would be amended to show February 2024 on the adopted version of the Policy.

The recommendation was proposed by Cllr Engstrom; seconded by Cllr Harward and agreed unanimously.

DECISION:

The Committee:

- (i) approved the adoption of the Shared Licensing Service Street Trader Policy; and
- (ii) authorised the Executive Director – Place to make any necessary minor alterations and typographical corrections to the Policy prior to its publication.

23 DRAFT JOINT STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

The Committee considered the report of the Executive Director – Place, which sought approval of a draft Joint Statement of Principles – Gambling Act 2005 for public consultation.

The report advised that the Councils' Joint Statement of Principles – Gambling Act 2005 (also known as the Gambling Policy) would expire in October 2024. Under Section 349(1) of the Act, a Licensing Authority was required to prepare and publish a new three-year Statement of Licensing Principles, to be effective from 1 October 2024. The Policy would be shared with Basingstoke and Deane Borough Council, once it had been adopted by its Licensing Committee in July 2024.

During discussion, questions were raised regarding document version control and the use of track changes on the drafting of the Statement of Principles. Following a question on the public consultation exercise, Members were advised that this would commence the following week. It was confirmed that the draft Statement of Principles document was identical to the last version that had been brought to the Committee in 2021.

The recommendation was proposed by Cllr Worlock; seconded by Cllr Delaney and approved unanimously.

Decision:

The Committee:

- (i) approved the draft Statement of Principles – Gambling Act 2005 for public consultation: and
- (ii) authorised the Executive Director – Place to make any necessary minor alterations and typographical corrections to the Statement of Principles – Gambling Act 2005 prior to public consultation.

24 DRAFT SHARED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING POLICY

NOTE: During discussion on this item, Cllr Forster declared a personal interest in respect of his employer's business which installed rapid electric charging points.

The Committee considered the report of the Executive Director – Place which sought approval of a draft Shared Hackney Carriage and Private Hire Vehicle Licensing Policy for public consultation.

It was noted that the draft Policy sought to ensure the consistency, efficiency and effectiveness of processes across both Basingstoke and Deane Borough Council and Hart District Council areas.

Members were given a summary of the proposed changes to the Policy which had been made either as a result of the introduction of legislation or amended legislation/guidance or as a consequence of meetings of the Licensing Sub-Committee (as set out in Appendix 2 – Summary of Changes) in the areas of:

- layout and design;

- public liability insurance;
- penalty points;
- convictions policy;
- 'no booking, no ride' stickers;
- vehicle age;
- age of vehicle extension;
- private hire driver conditions;
- private hire vehicle conditions;
- revised vehicle testing frequency and test criteria;
- removal of a designated vehicle list;
- DAT test changes;
- safeguarding training;
- disabled persons training;
- NR3;
- application processing changes for new drivers;
- timescale for renewal applications;
- environmental consideration;
- appeals and committees;
- age and experience; and
- driver badges and identification.

The Policy set out the Councils' position in respect of the criteria of vehicles, drivers and operators in order to protect and promote public safety and provide a high standard of vehicles within the licensed fleet. It would also ensure that licensed drivers had the knowledge and skills to undertake their role safely while providing high standards of service to those who live, work and travel within the districts.

During discussion, Members raised questions about:

- the extension of the maximum age of vehicles
- what would constitute 'exceptional circumstances' under the age of vehicles;
- vehicle electrical diagnostics and certificate of compliance;
- representations made on behalf of local taxi companies and whether these had been taken into account when updating the draft Policy;
- the increase in categories incurring penalty points;
- information available in the Policy regarding major and minor offences;
- the use of CCTV in vehicles, including whether this should be made mandatory, together with the legal implications;
- vehicles with tinted windows and the issue of visibility in safety considerations and also the issue of tinted windows for executive chauffeur hire vehicles; and
- environmental considerations in respect of emissions and the connection with the Council's declaration of a Climate Emergency, including target date information for the taxi trade on vehicle emissions policy.

The original recommendation was proposed by Cllr Collins and seconded by Cllr Woods:

That the Committee:

- (i) approve the draft shared Hackney Carriage and Private Hire Vehicle Licensing Policy for consultation, as set out in Appendix 1 to the report; and
- (ii) authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the Policy prior to publication for consultation.

During further debate, the following points were made:

- the need to show leadership around climate change and the implications of reviewing this and what would be required for inclusion in the Policy before it was issued for public consultation;
- the need for the Council to be encouraging people to move towards zero emissions as soon as possible; and
- the GDPR issues involved if CCTV became mandatory.

An amendment to the recommendation was proposed by Cllr Axam and seconded by Cllr Harward, in that a further clause be added:

“delegate authority to the Executive Director – Place, in consultation with the Chairman and the Portfolio Holder (with input from the Committee), to amend the wording of Section 7 of the draft Policy to reflect the Council’s declaration of a Climate Emergency prior to the commencement of the consultation.”

This was not agreed unanimously and therefore a recorded vote was held:

For: Axam, Collins, Delaney, Harward, Smith, Woods, Engstrom and Worlock (8);

Against: Farmer and Forster (2).

The amendment to the proposed recommendation was therefore approved.

The amended recommendation was not unanimously approved. A recorded vote was therefore held:

For: Axam, Collins, Delaney, Harward, Smith, Woods, Engstrom and Worlock (8);

Against: Farmer and Forster (2).

The amended recommendation was therefore agreed:

Decision:

The Committee:

- (i) approved the draft Shared Hackney Carriage and Private Hire Vehicle Licensing Policy for consultation, as set out in Appendix 1 to the report;
- (ii) authorised the Executive Director – Place to make any necessary minor alterations and typographical corrections to the Policy prior to publication for consultation; and
- (iii) delegated authority to the Executive Director – Place, in consultation with the Chairman and the Portfolio Holder (with input from the Committee), to amend the wording of Section 7 of the draft Policy to reflect the Council's declaration of a Climate Emergency prior to publication for consultation.

25 REPORTS FROM LICENSING HEARINGS

The reports from the following Licensing Hearings were noted:

- 13 November 2023 – Variation to a premises licence
- 21 November 2023 – Private hire vehicle licence renewal
- 27 November 2023 – Hackney carriage licence renewal
- 6 December 2023 – Hackney carriage licence renewal
- 8 December 2023 – Hackney carriage licence renewal
- 12 December 2023 – Premises licence application
- 12 January 2024 – Premises licence review application
- 18 January 2024 – Hackney carriage licence renewal

The meeting closed at 9.25 pm