

LICENSING COMMITTEE

Thursday, 12th November, 2020
6.30 pm





LICENSING COMMITTEE

REMOTE MEETING - LIVESTREAM ON YOUTUBE

Thursday, 12th November, 2020 at 6.30 pm

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

All meetings are currently being held remotely. Members of the public wishing to address the meeting should submit their request in the usual way, and will then be invited either to join the meeting by video conference or to make a submission in writing which will be shared with the Committee.

All public meetings are being livestreamed on the Council's [Youtube Channel](#)

AGENDA

1) *Apologies*

To receive any apologies for absence.

2) *Minutes*

To approve as a correct record the Minutes of the last meeting as enclosed.

5 - 8

3) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be

considered at the meeting as a matter of urgency

4) Declaration of Interest

5) Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6) Public Question Time

To consider questions, statements or petitions from members of the public.

7) Taxi Driver Application Criteria

9 - 12

To consider the temporary relaxation of taxi driver application requirements to accommodate covid-secure measures.

MEMBERSHIP OF COMMITTEE

Councillor Arif Khan (Chair)

Councillor Frank Cant (Vice-Chair)

Councillor Charlie Briggs

Councillor Howard Baker

Councillor Paul Campbell

Councillor Ivor Emo

Councillor Peter Gill

Councillor Sarah Hall

Councillor Shah Hussain

Councillor Margaret Lishman

Councillor Tony Martin

Councillor Emma Payne

Councillor Asif Raja

Councillor Jeff Sumner

Councillor Mark Townsend

PUBLISHED

Wednesday, 4 November 2020

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LICENSING COMMITTEE

BURNLEY TOWN HALL

Wednesday, 16th September, 2020 at 6.30 pm

This was a remote meeting held in accordance with the regulations made under section 78 of the Corona Virus Act 2020

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), H Baker, P Campbell, I Emo, S Hall, S Hussain, M Lishman, A Newhouse, A Raja and M Townsend

OFFICERS

Joanne Swift	–	Head of Streetscene
	–	
David Talbot	–	Senior Solicitor
	–	
John Clucas	–	Licensing and Compliance Officer
	–	
Imelda Grady	–	Democracy Officer
	–	
Alison McEwan(stream)	–	Democracy Officer
	–	
Chris Gay (host)	–	Governance Manager
	–	
	–	

5. Apologies

None were received.

6. Minutes

The minutes of the previous meeting held on 2nd July 2020 were approved as a correct record.

7. Additional Items of Business

In accordance with the provision of Section 100 (B)(4)(b) of the Local Government Act 1972 the Chair decided that the following item of business should be considered after item 6 on the agenda the reason being to appraise members of the Licensing Committee of the actions being taken by the Licensing team under the Covid-19 regulations.

Covid-19 Regulations

8. Covid-19 Regulations

The Head of Streetscene and the Licensing and Compliance Officer appraised members of the actions that had been taken recently in implementing the Covid-19 Regulations in relation to licensed premises.

The Head of Streetscene said that there had been positive engagement with key partners to ensure businesses were trading safely in the borough. Unfortunately, there had been a minority of businesses where further action had been required. In one case, enforcement had been deemed appropriate. As the powers sat with the Lancashire County Council, the licensing team had worked with LCC to secure a directive to close the premises. This action was required to ensure public safety and compliance to the existing Covid Regulations

The Licensing and Compliance Officer reported good rates of compliance and cooperation from local business and intervention was only used where it was felt necessary and proportionate.

Councillor Lishman thanked officers for their work in difficult circumstances and noted that the relationships with key partners had been strengthened.

It was agreed

That the update be noted.

9. Licensing Act 2003 Policy 2021-26

Consideration was given to Burnley Council's revised Licensing Act 2003 Policy.

It was a requirement of The Licensing Act 2003 that the Licensing Authority (Burnley Borough Council) has to determine and publish its Licensing Policy at least every five years and the existing policy needed to be updated before 10th January 2021.

The draft Policy, which had been previously considered by the Committee and key members, had been sent out for formal consultation to the relevant authorities. The consultation period had now ended and the responses and comments received had resulted in the policy being slightly amended as shown highlighted in green text .

Councillor Lishman commented that the requirement for a new premises licence where there was more than a 50% increase in the licensable area was a welcome amendment.

Councillor Baker said that subject to Council approval on 30th September 2020 the new policy should be implemented immediately and not wait until January 2021. Officers agreed

to check legislation to ascertain if an earlier commencement date was possible and if so amend the recommendation to Council accordingly.

RESOLVED

That the draft Licensing Act 2003 Policy be recommended to Full Council for approval and be implemented as soon as practicable for a period of five years.

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REPORT TO LICENSING COMMITTEE



DATE	12th November 2020
PORTFOLIO	Community & Environmental Services
REPORT AUTHOR	Karen Davies
TEL NO	01282 425011
EMAIL	Kdavies@burnley.gov.uk

Taxi Driver Application Criteria

PURPOSE

1. For Members to consider the temporary relaxation of taxi driver application requirements to accommodate covid-secure measures..

RECOMMENDATION

2. That the Licensing Committee agree to the interim relaxation of taxi driver licence application requirements to allow

Group 2 Medicals (with access to GP records) to support the issue of a 1 year driver licence, in circumstances where the applicant's own GP is not offering the service,
Online Knowledge Tests (as prescribed by the Council)
Online safeguarding training (as prescribed by the Council)

REASONS FOR RECOMMENDATION

3. To enable the Licensing Authority to fulfil its statutory obligations to issue taxi driver licences, and to remove obstacles and delays in the determination of taxi driver licence applications.

SUMMARY OF KEY POINTS

- 4 From April to July alternative arrangements were introduced to allow short term taxi licences to be issued under emergency powers. This was put in place to overcome the disruption caused by the coronavirus lockdown. Since August processes have returned to normal service, other than applications now arrive via a dedicated postbox because the counter service is closed. This allows all usual checks and verification processes to be applied.

In normal times applicants are required to submit a medical provided by their own GP who has access to their medical records. This was introduced to deal with a problem that arose where medicals were sought from a provider at the lowest cost, which was open to abuse. Some GPs are no longer providing this service due to covid restrictions.

Online Knowledge Tests are taken by group appointment in the Council offices under

invigilated conditions. This involves unnecessary footfall into Council buildings, people sharing office space, desks pcs etc and is not permitted under current restrictions.

Likewise, Safeguarding training is provided in groups of drivers from various licensing authority areas, at various venues, and can no longer go ahead.

- 5 At present there remain a number of applications that cannot be determined because these pre-requisites cannot be met. The Licensing Authority is eager to assist people into work and mindful of it's statutory duties. The Department for Transport has recently written to Licensing Authorities to request:

If your authority is not yet processing new applications, we would urge you to urgently identify solutions that will enable you to resume this service to ensure that you can fulfil your statutory licensing function.

Limited options are available as outlined below.

6 Medicals:

Option 1 – Accept a self-declaration from the applicant, with associated risk of medical issues being missed, and issue a one year driver licence.

Option 2 – Allow `Group 2` medicals only in those circumstances where the applicants own GP is not offering the service, providing the applicants medical notes are available to the examiner. In these `special circumstances` a one year licence would be issued. [In other transport sectors eg buses and lorries, drivers can obtain a `Group 2` medical as evidence of fitness to drive. These are not necessarily undertaken by the drivers own GP. The applicant`s medical notes are available from their GP free of charge and can be made available to the examiner and taken into account.]

Officer Recommendation - Option 2.

7 Knowledge Tests:

Option 1 – Temporarily suspend the requirement

Option 2 – Allow applicants to complete the online test from their own pc using a personal email address. With a self-declaration that the test has been completed by them without the assistance of anyone else. This would not test the ability of the applicant to communicate with passengers.

Officer Recommendation - Option 2.

8 Safeguarding training:

Option 1 – Temporarily suspend the requirement

Option 2 – Introduce a (newly developed) online version of the test, developed by our current provider, Personnel Checks, to be completed at home using a personal email address and again a self-declaration that the test has been completed by them without the assistance of anyone else.

Officer Recommendation - Option 2

- 9 Whilst none of the options are without risk, it is necessary to balance those risks against opening up opportunities for drivers to get their licence and work. It is also necessary that the Council takes steps to introduce an interim solution to meet its statutory duties.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10 None

POLICY IMPLICATIONS

11. This would be an interim measure whilst restrictions remain in place.

DETAILS OF CONSULTATION

12 None

BACKGROUND PAPERS

13 None

FURTHER INFORMATION	
PLEASE CONTACT:	Karen Davies
ALSO:	Joanne Swift

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