

# LICENSING COMMITTEE

Wednesday, 2nd February, 2022  
6.30 pm





# LICENSING COMMITTEE

## MECHANICS THEATRE

**Wednesday, 2nd February, 2022 at 6.30 pm**

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 at the Contact Centre, Parker Lane, Burnley 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.

Due to Public Health guidance re social distancing there is a limit on the number of members of the public who can attend the meeting. You are advised to contact [democracy@burnley.gov.uk](mailto:democracy@burnley.gov.uk) in advance of the meeting.

### **AGENDA**

#### **1) *Apologies***

To receive any apologies for absence.

#### **2) *Minutes***

5 - 8

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

#### **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***

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the Code of Conduct and/or S106 of the Local Government Finance Act 1992.

**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) *Review of pre-application licence requirements***

9 - 12

To consider a report reviewing pre-application requirements.

**MEMBERSHIP OF COMMITTEE**

Councillor Jeff Sumner (Chair)  
Councillor Arif Khan (Vice-Chair)  
Councillor Howard Baker  
Councillor Frank Cant  
Councillor Ivor Emo  
Councillor Beatrice Foster  
Councillor Shah Hussain  
Councillor Karen Ingham

Councillor Anne Kelly  
Councillor Sehrish Lone  
Councillor Lorraine Mehanna  
Councillor Emma Payne  
Councillor Asif Raja  
Councillor Don Whitaker  
Councillor Andy Wight

**PUBLISHED**

Tuesday, 25 January 2022

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## LICENSING COMMITTEE

BURNLEY TOWN HALL

Wednesday, 10th November, 2021 at 6.30 pm

### PRESENT

### MEMBERS

Councillors J Sumner (Chair), A Khan (Vice-Chair), H Baker, I Emo, B Foster, K Ingham, A Kelly, S Lone, L Mehanna, E Payne, A Raja, D Whitaker and A Wight

### OFFICERS

Joanne Swift	– Head of Streetscene
Karen Davies	– Environmental Health and Licensing Manager
James Astin	– Workplace Compliance Officer
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer

### 30. Apologies

Apologies were received from Cllr Anne Kelly.

### 31. Minutes

The minutes of the last meeting were approved as a correct record and signed by the Chair.

### 32. Additional Items of Business

Cllr Karen Ingham raised the issue of spiking in nightclubs and highlighted her belief that the Committee had a responsibility to support efforts to eradicate the practice.

Members of the Committee supported Cllr Ingham`s sentiments.

Officers outlined the actions currently being taken by partners including the Police, and how the issue would be considered by MATAC, a multi-agency partnership tackling crime and anti-social behavior. Actions already taken included circulating further information on spiking to licensees; Lancashire Police holding an East Lancashire briefing which Licensing Officers would be attending; issue raised by Officers at weekly Police meeting, and fed into MATAC.

Officers committed to work proactively to share messages regarding steps that can be taken to protect against spiking, and to continue to advise and support businesses in respect of additional steps they can put in place. Officers also agreed to brief Members on progress and further steps before the next Licensing Committee meeting.

### **33. Taxi Licence Fees 2022**

The Environmental Health & Licensing Manager introduced the report setting out the proposed level of fees, and process for setting the level of taxi license fees from 1<sup>st</sup> January 2022.

It was RESOLVED:

- i. to advertise the proposed level of fees as per Appendix A for the variation of fees for the following licences:  
Private Hire Operator (>50 vehicles), Private Hire Driver, Private Hire Vehicle, Hackney Carriage Driver and Hackney Carriage Vehicle.
- ii. To exceed the statutory requirement of publication in a newspaper by also publishing on the council's website and other forms of media to ensure the widest circulation possible.

### **34. Amendment to Taxi Licensing - Policy Guidelines to Fitness and Propriety Including Convictions and Other Relevant Information**

The Licensing & Compliance Officer presented the report setting out the proposed changes to the council's existing 'Taxi Licensing - Policy Guidelines to Fitness and Propriety Including Convictions and Other Relevant Information' (The Convictions Policy) – required in order to deliver compliance with the Department for Transport (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' - Published in July 2020.

It was RESOLVED that the Licensing Committee:

- i. approve the amended 'Taxi Licensing - Policy Guidelines to Fitness and Propriety Including Convictions and Other Relevant Information' set out at Appendix B, with immediate effect.
- ii. Delegates to the Head of Legal & Democracy, in consultation with the Chair of Licensing, the power to make necessary changes to the Taxi Licensing - Policy Guidelines in response to any national review of road traffic legislation which results in an offence being awarded more or fewer penalty points, by re-categorising such offence as major/minor or hybrid within the Policy guidelines.

### **35. Gambling Act 2005 Burnley Borough Council Gambling Policy**

The Environmental Health & Licensing Manager presented the report which set out the obligation to update the Gambling Act 2005 Policy every 5 years. The report gave an update that the statutory consultation had resulted in no changes to the draft policy that had been considered in June 2021.

It was RESOLVED that Licensing Committee recommend that Full Council approve the draft Gambling Policy Statement.



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## REPORT TO LICENSING COMMITTEE



DATE	2 <sup>nd</sup> February 2022
PORTFOLIO	Community & Environment
REPORT AUTHOR	Karen Davies
TEL NO	01282 425011
EMAIL	Kdavies@burnley.gov.uk

## Review of Taxi Pre-Application Requirements

### PURPOSE

1. To review taxi pre-application requirements introduced to accommodate covid-secure measures, and consider implementing permanent changes.

### RECOMMENDATION

2. That the Licensing Committee agree:
  - to reinstate supervised online driver Knowledge Tests from 4<sup>th</sup> April 2022
  - to agree to adopt permanently the online safeguarding training (as prescribed by the Council) and online safeguarding refresher training, to be implemented from 4<sup>th</sup> April 2022
  - to introduce knowledge test refresher training every 3 years, to coincide with the renewal of the driver licence, from 4<sup>th</sup> April 2022
  - to confirm Group 2 driver medicals as an alternative to GP medicals where the practice no longer offers the service, implemented immediately
  - to reinstate 3 year driver licences as the norm where the pre-application criteria are met (except in special circumstances eg for medical reasons & hardship)
  - to recommend Full Council to amend the Scheme of Delegation in accordance with Appendix A to enable the Head of Legal & Democratic Services to act where training requirements are not met

### REASONS FOR RECOMMENDATION

3. To review the arrangements as per Minute 27 Licensing Committee 23<sup>rd</sup> June 2021.

### SUMMARY OF KEY POINTS

4. The interim arrangements introduced through the pandemic period provided a series of accommodations to pre-application criteria, the impact of which was safeguarded by a requirement for annual renewal of a driver's licence.
5. The Knowledge Test comprises 3 parts – an assessment of English communication skills; an understanding of the legal framework & local taxi licensing conditions; and familiarity

with the Burnley area. Since the introduction of the interim, remote knowledge test arrangements the pass rate has increased to almost 100%. The English language assessment element of the test, which Members have previously felt essential, has not been possible because the test has not been conducted face to face. As covid restrictions have fallen away Contact Burnley anticipate being able to reintroduce supervised tests in the contact centre from April.

6. The absence of a requirement for refresher training, particularly in relation to the legal framework, and conditions was considered at a recent Sub-Committee as part of a driver licence review. Refresher training should be completed as a pre-requisite of each renewal, by way of resitting the Knowledge Test is therefore proposed at a current cost of £48.
7. Online safeguarding training, and refresher training at renewal, have been implemented successfully. They have worked well and it is recommended that they should continue to be delivered in the current remote format. Now that the system has bedded in the expectation will be that refresher training will be completed as a pre-requisite of each renewal.
8. Group 2 medicals are now accepted, subject to the issue of a 12 month driver licence, but only where the applicants own GP does not provide this service. The independent practitioner has access to the individual's medical history. This has been utilised by a small number of drivers and has worked very well, giving confidence that the licence period can safely be extended to 3 years.
9. Annual driver licences result in a large number of renewals being necessary which would not otherwise be required. Adopting the recommendations of this report will regularise the pre-application requirements and allow 3 year licences to resume as the norm. As has always been the case, annual licences will be retained for 'special circumstances' including medical reasons and hardship.
10. In order to act where training requirements are not met, and provide for future circumstances where training requirements are reviewed, the proposal at Appendix A provides for appropriate delegated powers to be available to the Head of Legal & Democratic Services to suspend or refuse to renew licences.
11. For information, a further 'tax conditionality' pre-application check will be required from 4th April 2022. This has been introduced nationally and requires all existing drivers and operators to complete a tax check prior to licence renewal, and all licensing authorities to verify that the check has been made. This will be facilitated via an online HMRC portal.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

12. Knowledge Tests, safeguarding training and medicals are paid by the drivers direct to the provider. 3 year licences cost less than 3 x annual licences.  
The Contact Burnley services are provided by Liberata, and any changes to services provided will be agreed between the parties.

## **POLICY IMPLICATIONS**

13. The recommendation would introduce permanent changes to pre-application requirements

<b>DETAILS OF CONSULTATION</b>
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14. Taxi Task Group were consulted prior to meeting on 19<sup>th</sup> January 2022 and endorsed the recommendations of the report.

<b>BACKGROUND PAPERS</b>
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15. None

<b>FURTHER INFORMATION</b>
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**PLEASE CONTACT:**

**Karen Davies**

**ALSO:**

**Joanne Swift**

## Proposed Amendment to Constitution – Part 3 p13 Head of Legal & Democratic Services

### Existing:

2. In the event that a driver fails to successfully complete the Burnley Council/Burnley College Taxi Training within the time limits set out as follows:  
To require all new applicants, upon applying for a Hackney Carriage or Private Hire Driver's licence, to have registered for the Taxi Training Course within 6 months of the application date: and  
To require all existing licensed hackney carriage and private hire drivers to undertake and successfully complete the Taxi Training Course by 31st October 2011;  
to approve the use of the Head of Legal and Democratic Services delegated powers to suspend or refuse to renew, as appropriate, the Hackney Carriage and/or Private Hire Driver's licence. In such cases the driver will be offered the opportunity to put any circumstances to show why the licence should not be revoked or renewed to the Licensing Committee for final disposal.
3. To enable the suspension or refusal to renew, as appropriate, of any Hackney Carriage and/or Private Hire Drivers and/ or Operators Licence where the holders of such licences have failed to complete a council approved child sexual exploitation (CSE) course by 31st December 2016.  
Where the Council intends to suspend a drivers/operators licence because they have failed to complete a CSE course, the licence holder will be offered the opportunity to put forward any exceptional circumstances to the Licensing Committee to show why the licence should not be suspended or why it should not be renewed.  
The suspension of any licence would continue until such time as a driver/operator is able to complete the CSE training

### Proposed:

2. In the event that an applicant or licence-holder fails to successfully complete any training required by the Council the Head of Legal and Democratic Services is given delegated powers to suspend or refuse to renew, as appropriate, the Hackney Carriage and/or Private Hire Driver's licence and/ or Operators Licence. The applicant/licence holder will be offered the opportunity to put forward any exceptional circumstances to show why the licence should not be suspended, refused or why it should not be renewed.  
The suspension of any licence would continue until such time as a driver/operator is able to complete the training.
3. **Delete**