



LICENSING COMMITTEE

BURNLEY TOWN HALL

Wednesday, 23rd June, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors J Sumner (Chair), A Khan (Vice-Chair), H Baker, I Emo, B Foster, S Hussain, K Ingham, A Kelly, S Lone, L Mehanna, 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
Howard Culshaw	– Legal Representative (Pendle Borough Council)
Alison McEwan	– Democracy Officer

Welcome

The Chair welcomed everyone to the meeting, and introduced Mr Howard Culshaw from Pendle Borough Council who was providing legal support.

22. Apologies

Apologies were received from Cllr Shbana Khan.

23. Minutes

The minutes of the last meeting were accepted as a true record and signed by the Chair.

24. Street trading Designation - Rossendale Road, Burnley

This item was withdrawn from the meeting.

25. Gambling Act Policy-Approve for Consultation

The Environmental Health & Licensing Manager introduced the report which set out the requirement in the Gambling Act 2005 for Burnley Borough Council to update its Gambling Policy at least every 3 years – meaning that the policy needs to be revised and published

by 2nd January 2021. The report set out the steps that would be taken to meet this deadline.

A minor correction was noted to the Schedule of Consultees at Appendix A – the Head of Planning and Environment to be updated to the Head of Streetscene, Burnley Council.

DECISION

That subject to the minor correction above, the draft policy at Appendix A is sent out to the relevant people and organisations for a formal 6 week consultation.

26. National Taxi Standards-Update

The Licensing and Compliance Officer introduced a report setting out some of the immediate actions to help the Council deliver compliance with the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards. A review of the convictions policy would also be required and the results of this would be brought back to committee at a future date.

DECISION

The Committee resolved to:

- (i) Require 6 month DBS reviews for all drivers and annual DBS reviews for all operators via mandatory subscription to the DBS Update Service. To be implemented immediately for new applications, and at the first DBS renewal date for all existing licence-holders.
- (ii) Introduce a mandatory requirement of Safeguarding Awareness Refresher Training for driver's licence renewal applications. To be completed within 2 months of renewal.
- (iii) Require applicants for vehicle proprietor licences, who do not hold a Burnley BC driver or operator licence, or another vehicle licence where DBS conditions are met, to submit a basic DBS check with the application, and each year thereafter for as long as they retain a vehicle proprietor licence. To be effective from 1st July 2021.
- (iv) Introduce a condition requiring Private Hire Operators to retain a register of all booking/despatch operators, containing dates of annual DBS reviews, for as long as they remain in their employment. To be effective from 1st July 2021.
- (v) Consider at a future Licensing Committee any element of the DFT requirements relating to convictions that are more onerous than those contained in the existing convictions policy

27. Vehicle Standards Enforcement Options

The Environmental Health & Licensing Manager introduced the report which contained a number of options in relation to increasing the safety of licensed vehicles within the taxi fleet.

DECISION

It was resolved that:

1. The period of a vehicle licence be reduced to 4 months, increasing the number of routine inspections from 2 to 3 per annum, and
 - a. The 4 month Private Hire Vehicle licence fee be set at £52, and
 - b. The 4 month Hackney Carriage Vehicle fee be set at £83; and
2. The Committee recommends that Full Council amends the Council's Constitution to add revocation of vehicle licences to the Head of Legal and Democratic Services (HoL&DS) delegations as follows:
At Part 3 1(b) Licensing Committee HoL&DS para 1(e)
'To be responsible for the suspension and revocation of Hackney Carriage vehicle licences and Private Hire vehicle licences'; and
3. That the exceptional criteria policy be revised to apply the MOT inspection manual categories of 'dangerous', 'major' and 'minor' defects consistently to both the targeted intervention and exceptional condition criteria (which permits the licensing of hackney carriages up to 15 years).
4. The recommendation of the TTG to take no further action in relation to the request for extension to vehicle licences was noted.

28. Review of Interim Driver Licence Requirements

The Environmental Health & Licensing Manager introduced the report which updated members on the interim actions which had been taken to allow the licensing of drivers to continue in a COVID secure way.

DECISION

It was resolved to:

- permanently introduce the option of Group 2 Medicals (with access to GP records) in the limited circumstances where the applicant's own GP is not offering the service,
- continue with the temporary Online Knowledge Tests (as prescribed by the Council) and Online safeguarding training (as prescribed by the Council) for a further 6 month period, before a further review, or if circumstances permit, resuming full safeguarding requirements.

In each case a 12 month licence will be issued.

29. Appointment of Sub Committees

The Democracy Officer introduced the report which set out the requirement to establish and appoint Members to two licensing sub-committees in order to deal with Licensing Act 2003 issues and Taxi Licensing issues.

DECISION

It was resolved:

- (1) That a Licensing Act 2003 Sub Committee be established for the sub delegation of functions under the Licensing Act 2003 for a final hearing procedure;
- (2) That a Taxi Licensing Sub Committees be established for sub delegation of functions vested in the Licensing Committee relating to taxi licensing functions as set out in Part 3 of the Council's Constitution; and
- (3) That Members be appointed to the sub committees on a rotational basis subject to their availability.