

Confirmed



Minutes of a Meeting of the **Licensing Committee** held in the Deben Conference Room, East Suffolk House, Melton on **Monday, 20 January 2020 at 6.30pm**

Members of the Committee present:

Councillor Edward Back, Councillor Jocelyn Bond, Councillor Linda Coulam, Councillor John Fisher, Councillor Colin Hedgley, Councillor Mark Newton, Councillor Keith Robinson, Councillor Steve Wiles

Officers present:

Teresa Bailey (Senior Licensing Officer), Chris Bing (Legal and Licensing Services Manager), Sarah Carter (Democratic Services Officer)

1 Apologies for Absence and Substitutions

An apology for absence was received from Councillor Ashdown.

Councillor Cooper attended the meeting as a substitute for Councillor Ashdown.

2 Declarations of Interest

There were no Declarations of Interest.

3 Minutes

RESOLVED

That the Minutes of the meeting held on 21 October 2019 be confirmed as a correct record and signed by the Chairman.

4 Taxi and Private Hire Matters: Minor amendments to conditions and policy - Penalty point scheme and Disclosure and Barring Service update

The Committee considered report ES/0217 which sought approval for minor amendments to the Council's Licensing Conditions and Policy to prohibit vaping in vehicles and to require new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service (DBS) update service.

The Legal and Licensing Services Manager reminded Members that the existing penalty point procedure was linked with vehicle and drivers' conditions and allowed officers to impose a sanction for non-compliance. The scheme now required updating to allow sanctions for failure to prohibit vaping in a licensed vehicle. Paragraph 2.2 of the report outlined the requirement in the current scheme relating to vaping. Currently, if

any licensee achieved 12 points they would be referred to a Licensing Sub-Committee. However, there was currently no penalty for not meeting the vaping condition and it was proposed that three penalty points could be imposed where there was an instance of vaping in a licensed vehicle.

In addition, the Committee was advised that, in 2013, the DBS had introduced an update service which allowed individuals to reuse an existing DBS certificate if they applied for similar roles in the same workforce which would allow an individual to save time and money. This update service was an on-line subscription which allowed someone to keep their standard or enhanced DBS certificate up to date and allowed employers to check a certificate on-line. The cost to an applicant to join the update service was currently £13 per year compared to a single DBS check costing £40. An applicant who joined the update service was given a code which could then be passed to the Licensing Team to allow instant access to their DBS record as opposed to having to complete a form, produce documents and have a face to face appointment with an officer of the Council. Some drivers had already signed up to the update service and it was working well for both drivers and the Council in undertaking relevant checks and in processing licence applications.

The Legal and Licensing Services Manager advised that it was a beneficial and quicker process for both the drivers and the Council and, as a result it was proposed that all licensed drivers be required to subscribe to the DBS update service, moving existing drivers to that service when their licence renewal became due in the next three years. All new drivers would be required to sign up to the service once they had received their initial DBS certificate. The Senior Licensing Officer explained that the DBS was transferable for a similar role in the same workforce saving a driver money in the long term.

Members supported the proposals contained in the report and unanimously

RESOLVED

1. That the amendment of the Council's existing Penalty Point Scheme to provide for a sanction of three penalty points on the driver's professional licence for vaping or failing to prohibit vaping in a licensed vehicle be approved.
2. That the amendment of the application criteria for drivers to make it a mandatory requirement for new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service update service be approved.

5 A snapshot of currently issued Licences in East Suffolk and an overview of the work of the Licensing Sub-Committee in 2019

The Committee received report ES/0218 which gave Members an overview of the current number and type of licences issued by East Suffolk Council. The report also summarised the applications received in 2019 and the work of the Licensing Sub-Committee in 2019.

The Legal and Licensing Services Manager gave a brief overview of the licence applications received and explained that, contrary to national trend with media reports that pubs were closing, the number of licensed premises in east Suffolk had increased

not decreased. It was hoped to submit a quarterly report to Committee which would also allow a trend analysis to be undertaken.

The Chairman invited questions.

In response to a question relating to the premises that had had its licence taken away, the Legal and Licensing Services Manager advised that it was not possible to discuss that particular licence in public as it might prejudice the case which was being considered at the Magistrates' Court in early February. The information listed under applications determined, as contained in the report, was already in the public domain. He confirmed that out of all decisions, only one had been appealed.

Members noted the content of the report and believed the increase in licence applications was good news for the promotion of East Suffolk. There being no further discussion, it was

RESOLVED

That the report relating to currently issued Licences in East Suffolk and the Overview of the Work of the Licensing Sub-Committees in 2019 received and noted.

6 Taxi and Private Hire Matters: Introduction of a drug-testing policy for new and existing licensed drivers

The Committee considered report ES/0216, the purpose of which was to seek approval to consult upon a proposal to introduce a new Drug Testing Policy in connection with the granting of licences to drive private hire and hackney carriages to persons who may have drug related offences. In addition, the drug testing policy would be introduced for the detection of currently licensed drivers who might be using illegal drugs.

The Senior Licensing Officer explained that in the last 18 months, two licences had been suspended/revoked, both as a result of being arrested in separate incidents at the roadside. A Licensing Sub-Committee had also recently imposed a condition on a driver to undergo a drug test before a licence was granted and, in another case, random drug testing of a driver for a specified period had been required after the granting of their licence. Whilst it was believed drug driving for taxi drivers was not a huge problem in East Suffolk, it was still important to be aware and any cases brought to the attention of the Licensing Authority needed to have an appropriate policy in place. She drew attention to the draft policy for drug testing which was set out in Appendix B to the report.

Members questioned whether there could have been numerous other cases of which the Council was not aware. The Senior Licensing Officer explained that the Police had informed the Council because being a taxi driver was a notifiable occupation; one of the arrests had been down to intelligence that had been received. The Licensing Team had engaged the services of a toxicology company to conduct drug testing of applicants and existing drivers and one test had been undertaken at the Council's offices by a 'collector' provided by that company. In addition, if a test was positive, the licence plates had to be handed in.

As Members wished to discuss the drug testing in detail and the information contained in exempt Appendix A, it became necessary to go into exempt session at this point in the meeting. The Committee resolved to exclude the public from the meeting on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Following detailed discussion and then having resolved to go into open session, it was unanimously

RESOLVED

1. That the proposed draft Policy for Detecting Use of Illegal Drugs set out at Appendix B to report ES/0216 be approved for the purposes of consultation with Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators licensed by East Suffolk Council.
2. That, prior to making any final decision to adopt the policy, as drafted or as amended in response to consultation responses, a further report be submitted to a future Licensing Committee setting out the responses to the consultation.

The meeting concluded at 7.02pm.

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Chairman