

Confirmed



Minutes of a Meeting of the **Licensing Committee** held in the Conference Room, Riverside, Lowestoft, on **Monday, 16 October 2023** at **6.30pm**.

Members of the Committee present:

Councillor Jan Candy, Councillor Janet Craig, Councillor John Fisher, Councillor Alan Green, Councillor Colin Hedgley, Councillor Mark Jepson, Councillor Keith Patience, Councillor Lee Reeves, Councillor Rachel Smith-Lyte, Councillor Ed Thompson, Councillor Tim Wilson

Other Members present:

Councillor Edward Back, Councillor Mike Deacon

Officers present:

Teresa Bailey (Senior Licensing Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Sarah Davis (Democratic Services Officer (Scrutiny and Member Development)), Matt Makin (Democratic Services Officer (Regulatory))

1 Apologies for Absence and Substitutions

Apologies were received from Councillors Deborah Dean, Sarah Plummer, and Keith Robinson. Councillor Edward Back attended the meeting as Councillor Robinson's substitute.

2 Declarations of Interest

Councillors Edward Back, Jan Candy and Ed Thompson all declared they had sat on the Scrutiny Committee at its meeting of 21 September 2023, which related to items 4 and 5 of the agenda.

3 Minutes

On the proposition of Councillor Hedgley, seconded by Councillor Fisher, it was by a unanimous vote

RESOLVED

That the Minutes of the Meeting held on 17 July 2023 be agreed as a correct record and signed by the Chair, subject to the following amendments:

- Page 2, paragraph 1, line 2 - correct "whcih" to "which"
- Page 2, paragraph 1, line 3 - correct "Police" to "Policy"

4 Scrutiny review of the Hackney Carriage and Private Hire licensing regime

The Committee received report **ES/1697** of the Chair of the Scrutiny Committee, which related to the Scrutiny Committee's review of the Hackney Carriage and Private Hire licensing regime of 21 September 2023 and its recommendations to the Licensing Committee.

Councillor Deacon, Chair of the Scrutiny Committee, presented the report and provided an overview of the Scrutiny Committee's role; he thanked all who participated in the review. Councillor Deacon noted the discrepancy reported at the review meeting between officers and the representatives from the trade regarding the number of taxi drivers in East Suffolk, expressing the Scrutiny Committee's concerns on the lack of drivers compromised public safety.

Councillor Deacon advised that the Scrutiny Committee had recommended that the Licensing Committee consider the following matters:

1. Introducing ways to attract more drivers to the industry, including streamlining processes.
2. Consider ways to alleviate the financial burden for drivers applying for a Licence which could include providing grants, loan pay back schemes or staggering payments.
3. Review, and consider lobbying the Government and the Local Government Association (LGA) in relation to, the recommendations contained within the Task and Finish Group report entitled the Taxi and Private Hire Vehicle Licensing: Steps towards a Safer and More Robust System.

Councillor Deacon stressed that the Licensing Committee should urgently consider what could be done and thanked it for the opportunity to present the Scrutiny Committee's findings.

The Chair invited questions to Councillor Deacon. In response to Councillor Jepson, Councillor Deacon said he hoped that a hybrid approach could be taken to driver training and that the Scrutiny Committee had considered the current arrangements to be excessive in both time and cost.

The Chair sought clarity on what the driver and operator numbers were now compared to pre-pandemic levels. The Senior Licensing Officer, at Councillor Deacon's invitation, advised that there had been 589 licensed drivers and 72 licensed operators in East Suffolk as of January 2020 and as of September 2023 there were 555 licensed drivers, with another 67 applications in progress, and 76 licensed operators.

The Senior Licensing Officer acknowledged the comments of the trade representatives at the Scrutiny Committee meeting but noted the figures did not suggest a shortage in the district. Councillor Deacon noted that although that was the number of drivers licensed in the district, it did not mean they were all currently driving.

In response to Councillor Craig, the Senior Licensing Officer explained that the proportion of drivers across the district was broadly similar to what it had been before

the pandemic, with slightly more drivers located in the south of the district than there were before the pandemic.

There being no further questions the Chair thanked Councillor Deacon for his report and advised that the Committee would debate its response to the Scrutiny Committee's recommendations when considering the next item of business.

5 Reporting recommendations of Scrutiny Committee

The Committee received report **ES/1698** of the Cabinet Member with responsibility for Community Health, which sought the review of the recommendations made by the Scrutiny Committee follow its review of the Hackney Carriage and Private Hire licensing regime at its meeting of 21 September 2023.

Councillor Candy, introducing the report, referred to the four recommendations made by the Scrutiny Committee and advised that both she and the Licensing team were supportive of the recommendation for an additional Licensing Enforcement Officer.

There being no questions to Councillor Candy, the Chair invited the Committee to debate the Scrutiny Committee's recommendations. Councillor Hedgley expressed his concern with some of the recommendations; he said that the purpose of the Licensing Committee was to enforce the rules and regulations of Licensing and queried if it was being asked to make changes to those rules.

In response, the Licensing Manager and Housing Lead Lawyer advised that the Committee was asked to consider adopting the Scrutiny Committee's recommendation for additional resources for the Licensing team, and to consider the other recommendations and if any of the proposed actions within them should be taken.

Councillor Jepson said he was in favour of recommending an additional Licensing Enforcement Officer as this would make the work of the Council more efficient. He recognised the financial burden that training placed on drivers but considered it was important that they were trained to the highest possible standard.

Councillor Jepson proposed that a request for resources be made for an additional Licensing Enforcement Officer post; this was seconded by Councillor Green and on being put to a vote the motion was **CARRIED** unanimously.

The Democratic Services Officer (Scrutiny and Member Development), at the Chair's invitation, provided clarity on the remaining recommendations of the Scrutiny Committee, explaining that that it was in the gift of the Committee to consider them and make proposals on whether officers look into some or all of the issues raised.

Councillor Wilson proposed that having considered the recommendations of the Scrutiny Committee, officers will not be directed to lobby the Government and Local Government Association (LGA) in relation to, the recommendations contained within the Task and Finish Group report entitled the Taxi and Private Hire Vehicle Licensing: Steps towards a Safer and More Robust System; this was seconded by Councillor Jepson and on being put to a vote the motion was **CARRIED** unanimously.

The Committee considered the recommendations that it considers introducing ways to attract more drivers to the industry, including streamlining processes, and ways in which the financial burden on drivers applying for a licence could be alleviated. Councillor Smith-Lyte suggested that two days of training was not excessive but was of the view that work could be done to help alleviate the financial cost to new drivers.

Councillor Hedgley noted that the Licensing team already had a high workload and was concerned that the recommended actions would overwork the team. The Chair queried what any streamlining of processes would mean in comparison to other local authorities in Suffolk.

The Senior Licensing Officer, at the Chair's invitation, said that Suffolk authorities had worked in concert to align their processes and standards since the Department for Transport published its own standards in July 2020, to avoid prospective applicants from "shopping around" to get a licence. The Senior Licensing Officer noted that the Committee was not bound by this work and the Council was free to depart from this joint approach.

Councillor Deacon, the Chair of the Scrutiny Committee, referred to comments made during the debate and said that the Scrutiny Committee had completed the review as a "critical friend" and had looked for ways the Council's service could be enhanced to help the taxi trade provide its own services.

Councillor Jepson was minded that the current standard of the licensing regime should be maintained. He sympathised with the points regarding the cost of training to prospective drivers but highlighted that the trade had rejected a proposed fare increase in the previous term.

Councillor Candy noted that prior to her appointment as Cabinet Member with responsibility for Health, she had sat on the Scrutiny Committee and been a member during the scrutiny review of the licensing regime. Councillor Candy said that she had taken onboard the comments of the trade representatives at the meeting on 21 September 2023 but having been briefed by officers she had concluded it would be a mistake to reduce the training for drivers.

Councillor Thompson highlighted that the cost of training could discourage potential drivers and queried if the Council could assist them financially. The Senior Licensing Officer, at the Chair's invitation, explained that there was a significant amount of pending driver applications and that it was common for some operators to pay the fees for new drivers and then garnish their salary to recoup the cost. The Licensing Manager and Housing Lead Lawyer added that it was important not to conflate the operators represented at the Scrutiny Committee meeting with the entire trade.

The Chair summarised the debate and suggested that a loan payback scheme appeared to be a potential way to support new drivers. Councillor Hedgley said he was not against this but was clear that the current standards of training should be maintained, having seen rogue drivers appear before Licensing Sub-Committee hearings in the past.

Councillor Jepson concurred with this notion and highlighted that a Licensing Sub-Committee hearing had recently considered an application where the applicant had been rejected by a neighbouring authority. Councillor Jepson added that there was a risk with a loan payback scheme that if a driver defaults on the loan the Council was also responsible for enforcing the standards that debtor adheres to. Councillor Jepson was of the view that the status quo of operators paying drivers' fees should be maintained.

Councillor Wilson proposed that having considered the recommendations of the Scrutiny Committee, officers will not be directed to investigate the introduction of ways to attract more drivers to the industry, including streamlining processes; this was seconded by Councillor Hedgley and on being put to a vote the motion was **CARRIED** unanimously.

Councillor Hedgley proposed that having considered the recommendations of the Scrutiny Committee, officers be directed to consider ways to alleviate the financial burden for drivers applying for a Licence which could include providing grants, loan pay back schemes or staggering payments; this was seconded by Councillor Thompson and on being put to a vote the motion was **CARRIED** unanimously.

It was therefore

RESOLVED

1. That a request for resources be made for an additional Licensing Enforcement Officer post.
2. That having considered the recommendations of the Scrutiny Committee, officers will not be directed to lobby the Government and Local Government Association (LGA) in relation to, the recommendations contained within the Task and Finish Group report entitled the Taxi and Private Hire Vehicle Licensing: Steps towards a Safer and More Robust System.
3. That having considered the recommendations of the Scrutiny Committee, officers will not be directed to investigate the introduction of ways to attract more drivers to the industry, including streamlining processes
4. That having considered the recommendations of the Scrutiny Committee, officers be directed to consider ways to alleviate the financial burden for drivers applying for a Licence which could include providing grants, loan pay back schemes or staggering payments

6 Street trading in East Suffolk

The Committee received report **ES/1699** of the Cabinet Member with responsibility for Community Health, which sought the review of the Council's Street Trading Policy for the district.

Councillor Candy, introducing the report, noted that there was currently a street trading policy for the north of East Suffolk but not for the south of the district, as only the former Waveney District Council had adopted street trading legislation. The Committee was advised that in the current policy, streets in its areas not designated as

"prohibited streets" or "licence streets" were designated as "consent streets", therefore street trading was prohibited with a licence or the consent of the Council.

Councillor Candy advised that a lack of street trading policy in the former Suffolk Coastal District Council area of East Suffolk had not caused any significant issues and there had been very few complaints about street trading over many years and with one exception, all had been resolved satisfactorily.

Councillor Candy referred to the three options listed in the report and stated that its recommendation sought approval to hold a consultation to end the current street trading arrangements and propose a policy whereby the district just has selected prohibited streets where no street trading can take place at all be approved.

The Chair invited questions to Councillor Candy. It was confirmed to the Committee that should it authorise the proposed consultation, the next step would be to consult town and parish councils on which streets should be designated as "prohibited streets", as they would be best placed to provide this information.

Councillor Candy moved the recommendation in the report, which was seconded by Councillor Jepson. The Chair invited the Committee to debate the proposal. Councillor Hedgley stated that he had held concerns over just part of the district having a street trading policy and supported the proposal.

There being no further debate the Chair moved to a vote and it was unanimously

RESOLVED

That a consultation to end the current street trading arrangements and propose a policy whereby the district just has selected prohibited streets where no street trading can take place at all be approved.

7 Scheduled review of the Council's Statement of Licensing Policy

The Committee received report **ES/1700** of the Cabinet Member with responsibility for Community Health, which provided the outcome of the recent consultation on the draft revised edition of the Council's Statement of Licensing Policy and sought that it be recommended to Full Council for approval at its meeting on 22 November 2023.

Councillor Candy, introducing the report, highlighted that the Licensing Act 2003 (the Act) required each local authority to publish a statement of licensing policy and review every five years, or sooner if required. The Committee was advised that the statement must establish the principles to be applied when determining applications under the Act.

The Committee was reminded that at its meeting of 17 July 2023 it had resolved to undertake a consultation regarding the proposed draft sixth edition of the Council's Statement of Licensing Policy, the responses to which were included at appendix B to the report.

Councillor Candy noted that one error in the extant policy, relating to the Temporary Event Notice (TEN) procedure was highlighted, making it clear that Environmental Protection and Police can object to a TEN on the basis of any of the licensing objectives.

The Committee was informed that there were no major changes to the policy, apart from the addition of section 24 (regarding the ancillary delivery of alcohol and/or late night refreshment). Councillor Candy noted that comments attributed to Lowestoft Town Council regarding the changes in policy had actually been made by Felixstowe Town Council.

There being no questions, Councillor Candy moved the recommendation in the report, which was seconded by Councillor Wilson. The Chair opened debate on the proposal and invited the Licensing Manager and Housing Lead Lawyer to comment on the changes to the policy; he explained that the amendments made clear that Environmental Protection and the Police could object to a TEN on the basis of any of the licensing objectives and made clear to operators and their contractors that the home delivery of alcohol must still take place within licensable hours and that the law must still be followed in the respect of alcohol sales.

There being no further debate the Chair proceeded to a vote and it was unanimously

RESOLVED

That the sixth edition of the Statement of Licensing Policy, including the wording proposed by Public Health during the consultation, be recommended to Full Council for approval at its meeting on 22 November 2023.

8 Issued licences in East Suffolk and an overview of the work of the Licensing Sub-Committees - July to September 2023

The Committee received report **ES/1701** of the Cabinet Member with responsibility for Community Health, which provided an overview of the issued Licences and work of the Licensing Sub-Committee during the period July to September 2023. The report was introduced by Councillor Candy and was taken as read.

There being no questions to Councillor Candy, it was by general assent

RESOLVED

That the overview of the work of the Licensing team and the Licensing Sub-Committees during the third quarter of 2023 be noted.

The meeting concluded at 7.28pm.

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Chair