

Meeting	Licensing And Regulatory Committee
Date	5 March 2025
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, D Myers, Nicholls, Ravilious and Widdowson
In Attendance	Matt Boxall, Head of Public Protection Sandra Branigan, Senior Lawyer Lesley Cooke, Licensing Manager David Cowley, Taxi Licensing Manager
Apologies	Councillors Kilbane, Knight, Mason, Smalley, Warters And Wilson

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

[See also under Part B]

83. Apologies For Absence (5.33pm)

Apologies for absence were received and noted for Cllrs Kilbane, Warters, Wilson, Knight, Mason and Smalley.

84. Declarations of Interest (5.33pm)

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. There were none.

85. Minutes (5.33pm)

Resolved: That the minutes of the meeting held on 4 November 2024 be approved and signed as a correct record and the minutes of the meeting held on 2 February 2025 be approved and signed as a correct record subject to the removal of Cllr Baxter as the seconder for the recommendation for agenda item 6 -

Gambling Act 2005 - Statements Of Licensing Policy.

86. Public Participation (5.36pm)

It was reported that there had been one registration to speak on Agenda item 6 Taxi Licensing - Unmet Demand Survey.

Flick Williams believed that the unmet demand survey should not be delayed and she would like the survey to be more frequent than every five years. She asked how people could be encouraged to be car free if there were no taxis available. She explained she had a difficulty getting a taxi for an emergency the previous December and could not get a taxi back which resulted in her getting a bus and suffering a disability hate crime.

87. Taxi Licensing - Unmet Demand Survey (5.40pm)

Members considered a report that sought their approval to undertake an unmet demand survey in relation to hackney carriage provision within the authority area. The Taxi Licensing Manager outlined the report noting that in October there had been three outstanding Hackney Carriage Vehicle (HCV) licences and there were three coming on board in the coming weeks. He noted the updated guidance which advised that the unmet demand survey should be undertaken every five years, but officers are recommended that survey is completed in 2025 in line with the previous guidance (every three years). The Head of Public Protection clarified that should it be approved; the survey would be booked immediately. The Licensing Manager explained that officers had gone through the 200 applicants on the waiting list and they were now dealing with new applicants coming forward for HCV licences.

In response to questions from Members, officers explained that:

- They would engage with consultants to undertake an unmet demand survey and there would be a lead in time for the survey.
- The unmet demand survey could be undertaken earlier than the Department for Transport (DfT) recommendation.
- The booking of a wheelchair accessible vehicle (WAV) could be written into the proposal for the unmet demand survey, working with private hire companies regarding WAV.

- The proposals for the unmet demand survey could be shared with Members.

The Committee had the following options available to them in making their decision:

Option 1 – Authorise officers to engage a transport consultancy to undertake an unmet demand survey, and once completed bring the results of the survey to this committee for this issue to be considered further.

Option 2 – Wait a further two years (this being 5 years since the last survey) before undertaking an unmet demand survey and therefore following the updated 2023 DFT best practice guidance.

Option 3 – Take no action at this time (this could leave the Council at risk of legal challenge).

Cllr Widdowson proposed the officer recommendation to approve option 1 to authorise officers to engage a transport consultancy to undertake an unmet demand survey, and once completed bring the results of the survey to the committee for this issue to be considered further. This was seconded by Cllr Cuthbertson. Following a unanimous vote it was:

Resolved: That officers be authorised to engage a transport consultancy to undertake an unmet demand survey, and once completed bring the results of the survey to this committee for this issue to be considered further.

Reason: This will allow the Council to undertake an unmet demand survey, with the allocation of the two remaining Hackney Carriage licences (due to be in operation prior to the commencement of the survey), it will enable Members to consider the impact of the additional licences before determining firstly whether or not to continue to restrict the number of Hackney Carriage Vehicle licences, and/or the number and type of vehicle they should be issued to.

88. Licensing Act 2003 - Cumulative Impact Assessment and Statement Of Licensing Policy (5.49pm)

[See also under Part B]

In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act) Members considered a report that sought their support of the formal review of the council's Statement of Licensing Policy. The report advised Members of the consultation undertaken and amendments made. In accordance with the requirements of Section 5A of the 2003 Act this report also sought Members support of the implementation of a Cumulative Impact Assessment in relation to part of the city centre and the report advised them of the consultation undertaken. The report also sought a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted.

The Licensing Manager outlined the report noting the recommendation to approve Option 1 and recommend to Council that the revised Statement of Licensing Policy and Cumulative Impact Assessment, set out at Annex 1 and 2, be adopted. She noted the work of the working group to review the Statement of Licensing Policy (Policy) and the Cumulative Impact Assessment (CIA) and noted that both reviews were undertaken at the same time. She noted that premises licence applications were considered on their own merits. She explained that the red and amber zones had been taken out of the Cumulative Impact Zone (CIZ). She noted that consultation had been undertaken and five consultation responses had been received. She detailed the annexes and two options available to Members.

The Licensing Manager explained that paragraphs 12.5 and 12.6 and 14 needed to be removed from the draft Statement of Licensing Policy due to recent changes in legislation. She noted that the policy had been changed to enable Members to sit on the Sub-Committee for licensing applications in their own Ward. A Member thanked the working group for their work on the policy.

In response to questions from Members, the Licensing Manager explained that:

- Part of Piccadilly in the CIA had the highest level of anti social behaviour.
- Regarding whether the waste section in the policy could be strengthened, the section on waste was a new section in the policy and it was not thought that a licence could be removed or given based on waste. She undertook to speak to the manager of the enforcement officers about waste. A Member commented that different councils, for example Westminster, had By Laws on waste. The Senior Lawyer advised that the policy could not bring in by laws. . A Member noted they would like that section strengthening and the Licensing Manager noted that links to relevant legislation could be provided in that part of the policy after speaking to the manager of enforcement officers. A Member added that the section in the Westminster policy was similar to that of the council policy.
- Paragraph 4.19 was a new addition to the policy and it was not possible to make premises have arrangements in place to get their staff home safely.
- Paragraph 11.6 could be changed to remove gendered language to the replace pronouns with ‘them.’
- It was confirmed that hate crime was reported to the police.
- The use of apps was included at paragraph 5.5.
- Under section 4.19 an additional bullet point could be added regarding apps and QR codes, the wording of which could be agreed with the Chair and Vice Chair. The Chair noted that this was included at paragraph 5.23.
- Regarding whether paragraph 5.23 could include a reference to ID on mobile phones, premises had a challenge 25 policy and they stipulated what forms of ID was acceptable.

The Committee had the following options available to them in making their decision:

Option 1 – Recommendation to Council that the draft Policy and CIA are adopted.

Option 2 – Recommendation to Council that the draft Policy and/or CIA is amended with alternative wording agreed by members.

Cllr Widdowson moved and Cllr Hook seconded Option 2 – that a recommendation be made to Council that the draft Policy and/or CIA is amended with alternative wording agreed by Members. The amendments to the policy were the deletion of

paragraphs 12.5, 12.6 and 14, remove gendered language in paragraph 11.4 with him/her to be replaced with them, the addition of the word reported in paragraph 14.19, the addition of QR codes in paragraph 5.23 and the wording of references to waste and food waste to be agreed by officers in conjunction to the Chair and Vice Chair. The Senior Lawyer asked the Licensing Officers to confirm whether further consultation was needed and the Licensing Manager confirmed that this was not necessary as there were minor changes to the wording in the policy. On being put to the vote it was unanimously;

Resolved: That it be recommended to Council that the draft Policy and/or CIA is amended with alternative wording agreed by members.

Reason: To meet the legislative requirements of the Licensing Act 2005.

89. Programme of Work (6.21pm)

The Chair advised that no items had been allocated to future meetings. A Member asked about the progress of the street trading working group. The Chair advised that there had been one meeting of the working group and there was no update from the previous meeting as the working group had not met since the last meeting. The Licensing Manager noted that she had asked Members of the working group for their availability in late March and noted that the map of the location of trading units had been shared with Members. In response to a Member question she could discuss a timeline for an update with the working group and an update report would be brought to a future meeting.

PART B - MATTERS REFERRED TO COUNCIL

[See also under Part A]

In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act) Members considered a report that sought their support of the formal review of the council's Statement of Licensing Policy. The report advised Members of the consultation undertaken and amendments made. In accordance with the requirements of Section 5A of the 2003 Act this report also sought Members support of the implementation of a Cumulative Impact Assessment in relation to part of the city

centre and the report advised them of the consultation undertaken. The report also sought a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted.

The Licensing Manager outlined the report noting the recommendation to approve Option 1 and recommend to Council that the revised Statement of Licensing Policy and Cumulative Impact Assessment, set out at Annex 1 and 2, be adopted. She noted the work of the working group to review the Statement of Licensing Policy (Policy) and the Cumulative Impact Assessment (CIA) and noted that both reviews were undertaken at the same time. She noted that premises licence applications were considered on their own merits. She explained that the red and amber zones had been taken out of the Cumulative Impact Zone (CIZ). She noted that consultation had been undertaken and five consultation responses had been received. She detailed the annexes and two options available to Members.

The Licensing Manager explained that paragraphs 12.5 and 12.6 and 14 needed to be removed from the draft Statement of Licensing Policy due to recent changes in legislation. She noted that the policy had been changed to enable Members to sit on the Sub-Committee for licensing applications in their own Ward. A Member thanked the working group for their work on the policy.

In response to questions from Members, the Licensing Manager explained that:

- Part of Piccadilly in the CIA had the highest level of anti social behaviour.
- Regarding whether the waste section in the policy could be strengthened, the section on waste was a new section in the policy and it was not thought that a licence could be removed or given based on waste. She undertook to speak to the manager of the enforcement officers about waste. A Member commented that different councils, for example Westminster, had By Laws on waste. The Senior Lawyer advised that the policy could not bring in by laws. . A Member noted they would like that section strengthening and the Licensing Manager noted that links to relevant legislation could be provided in that part of the policy after speaking to the manager of enforcement officers. A Member added that the section in the Westminster policy was similar to that of the council policy.

- Paragraph 4.19 was a new addition to the policy and it was not possible to make premises have arrangements in place to get their staff home safely.
- Paragraph 11.6 could be changed to remove gendered language to the replace pronouns with 'them.'
- It was confirmed that hate crime was reported to the police.
- The use of apps was included at paragraph 5.5.
- Under section 4.19 an additional bullet point could be added regarding apps and QR codes, the wording of which could be agreed with the Chair and Vice Chair. The Chair noted that this was included at paragraph 5.23.
- Regarding whether paragraph 5.23 could include a reference to ID on mobile phones, premises had a challenge 25 policy and they stipulated what forms of ID was acceptable.

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Resolved: That it be recommended to Council that the draft Policy and/or CIA is amended with alternative wording agreed by members.

Reason: To meet the legislative requirements of the Licensing

Act 2005.

Cllr Melly, Chair

[The meeting started at 5.32 pm and finished at 6.25 pm].