

REPORT TO LICENSING COMMITTEE

Date of Meeting: 1 February 2022

Report of: Service Lead - Environmental Health & Community Safety

Title: Establishment of Licensing Committee Working Groups

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 The purpose of this report is to establish Licensing Committee Working Groups and agree terms of reference to look at key aspects of the Licensing Committee's work.

2. Recommendations:

- 2.1 To establish a Licensing Committee Working Group to look at Street Trading in the city (as set out in Appendix A) and consider whether any changes should be recommended to the Street Trading Policy.
- 2.2 To establish a Licensing Committee Working Group to look at Taxi and Private Hire standards (as set out in Appendix B) and to consider whether any changes should be recommended to the Taxi and Private Hire Policy.
- 2.3 That Councillor appointments to the aforementioned Working Groups are to be at the discretion of the Chair of the Licensing Committee.
- 2.4 That the Service Lead – Environmental Health and Community Safety appoint Officer(s) to the Working Groups.
- 2.5 That any proposed changes to Council policies and procedures, and any necessary consultations are required to be reported back to the Licensing Committee for consideration.

3. Reasons for the recommendation:

- 3.1 These recommendations are being made to review policy in two key areas of the Licensing Committee's responsibility. Committee Member led reviews seeking input from relevant stakeholders will lead to the creation of policies that will support more vibrant, diverse, greener and healthier economy in the city.

4. What are the resource implications including non financial resources.

- 4.1 There are no additional resource implications or budgetary implications in relation to this review. Any new measures resulting from a review of the licensing regime may have budgetary implications but these will be considered at a later stage.

5. Section 151 Officer comments:

5.1 There are no financial implications contained within this report.

6. What are the legal aspects?

6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include reviewing the Council's policies in respect to Licensing, before being considered by Council.

6.2 The Statutory Standards for Taxi and Private Hire Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to. The Standards also make it clear that it is a statutory requirement to have regard to them. The Licensing Committee resolved on 27 October 2020 to establish a Working Group to review the disciplinary process and look at further quality standards across both the Hackney Carriage and private Hire Trades.

6.3 With respect to Street Trading, the power to prescribe standard conditions is contained schedule 4 (7) of the Local Government (Miscellaneous Provisions) Act 1982, which state:

When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—

- obstruction of the street or danger to persons using it; or
- nuisance or annoyance (whether to persons using the street or otherwise).

The Council may at any time vary the conditions of a street trading consent.

6.4 It is likely that there will be changes to policy and practice resulting from the Working Groups which will require consultation with the trade and the public and appropriate approvals will need to be sought from the Licensing Committee.

7. Monitoring Officer's comments:

The Monitoring Officer does not have any additional comments.

8. Report details:

8.1 During the Covid pandemic businesses, and the retail sector in particular, have suffered from decreasing economic activity as people turn to alternative lifestyle choices and ways of doing business.

8.2 COP26 also acted as a spur to encourage individuals and organisations to reduce their reliance on fossil fuels and change behaviours.

- 8.3 These major influences along with the Council's own ambition to be a NetZero city by 2030 have resulted in behaviour change require the Council to reflect and review existing practices in key areas. Notably transport and the use/nature of Taxi and Private Hire vehicles in Exeter and how the use of Street Trading can enhance the vibrancy and experience offered to residents. It can also bridge the gap that undoubtedly exists between the day time and night time economies.
- 8.4 The Council is looking at ways to promote economic recovery and growth. The open air offers a lower risk for Covid infection and retail in the open and an effective Street Trading Policy could be a mechanism to increase footfall and encourage economic recovery. The proposed Working Group terms of reference can be found at Appendix A.
- 8.5 The Taxi and Private Hire Trades are an essential element of Exeter's public transport infrastructure. The licensing process and higher quality standards can significantly influence the nature of the transport offer in Exeter.
- 8.6 On 27 October 2020, the Licensing Committee considered a report regarding The Statutory Taxi and Private Hire Standards. At that meeting the Licensing Committee unanimously resolved that a working group be established to consider a number of matters.
- 8.7 The Licensing Committee agreed that the review should focus on the following:
- (a) Reviewing the disciplinary process and address the feasibility of a points-based system being added to the policy; and
 - (b) Looking at further quality standards for both Hackney Carriage and Private Hire vehicles to consider such matters as CCTV, vehicle emissions, consumer safety and identification and training.
- 8.8 This report seeks to act upon that resolution by formally setting up a Working Group to consider these matters. The proposed Working Group terms of reference can be found at Appendix B.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 Robust Licensing policies will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

10.1 The risks of not reviewing the Policies could mean that they become outdated and not serve in the best interests of public safety or improve the economic and social vibrancy of the city.

10.2 Any risks associated with any proposed policy changes will be assessed as part of the respective reports presented to future Licensing Committee and Council.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no impact has been identified on people with protected characteristics as determined by the Act.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Licensing Committee could decide to not review the current policy arrangement in respect to Street Trading and Taxi and Private Hire Licensing.

Service Lead Environmental Health and Community Safety

Report of: Simon Lane - Service Lead Environmental Health and Community Safety and Alan Drake – Principal Licensing Officer

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

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