

LICENSING COMMITTEE

31 January 2023

Present:

Councillor Bob Foale (Chair)

Councillors Warwick, Asvachin, Ellis-Jones, Holland, Mitchell, K, Newby, Oliver, Parkhouse, Rees, Snow, Vizard, Wood and Wright

Also present:

Service Lead - Environmental Health & Community Safety, Legal Advisor, Apprentice Solicitor and Democratic Services Officer (SLS)

8 **Minutes**

The minutes of the meeting held on 24 October 2022 were taken as read, approved and signed by the Chair as correct.

9 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

10 **Licensing Fees and Charges for 2023/24**

The Licensing Committee received the annual report for the proposed licensing fees and charges for 2023/24. The Committee had a statutory responsibility to set fees for the year which related to the cost of performing the various Licensing functions. Members were referred to appendices attached to the report, which listed all the fees levied by the Licensing Authority. The Service Lead - Environmental Health & Community Safety explained that Appendix A summarised the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers, and Appendix B listed all the fees levied by the Licensing Authority as of last year and the proposed fees for 2023/24. He highlighted the additional charge for the classification of films by the Licensing Authority with the Licensing team using the British Board of Film Classification (BBFC) formula to review material and issue the classification certificate.

The Service Lead - Environmental Health & Community Safety responded to the following Members' comments –

- the Council had reached the limit of the chargeable levy, under Section 18 of the Gambling Act, as set by the Government. It was noted that some fees and charges were fixed locally within the working legislative framework, but charges under the Licensing Act 2003, where there was no ability to change, were also included in the overall schedule.
- any representations raised regarding the fees and charges would be reported back to the Licensing Committee at the meeting in March.
- the approach to licensing applications had an impact on the Licensing team, with, for example, more temporary event notices being requested rather than a permanent change to a licence, which may still require investigation.

- a film classification was generally required for publicly broadcast films and a charge made to view. The review included the issue of a classification certificate.
- film classification was a statutory function, which had been carried out by the licensing team for some time and the charge reflected the time taken by the team to view and allocate the classification to the film. It was not the intention for this charge to preclude or have any impact on organisations or individuals with a protected characteristic for the opportunity to take part in film making, but rather just a recovery of costs.

RESOLVED that the proposed Fees and Charges for the period from 1 April 2023 to 31 March 2024 be approved, as set out in Appendix B of the report.

11 Introduction of Taxi Penalty Points Scheme

The Service Lead - Environmental Health & Community Safety presented a report on the proposed introduction of a Taxi Penalty Points Policy for Exeter City Council and consultation with the taxi trade. Following the introduction by Government of the Statutory Taxi and Private Hire Vehicle Standards in July 2020, a working group was set up to consider a number of elements of the guidance, including whether to introduce a points based disciplinary system at Exeter City Council. A draft policy had been developed with the aim of improving the levels of compliance with licensing regulations and requirements, to help raise standards, improve safety and enhance the protection of members of the public affected by the actions of licensed drivers, operators and vehicle proprietors. The penalty points system would bridge the gap between more serious matters, but help to maintain standards.

A Member of the working group referred to their research, which included consideration of similar policies operating in Leeds and Newcastle, as well as liaising with the Taxi Forum and Licensing colleagues. If the policy was adopted it would offer a further structured forum to deal with matters.

The Service Lead - Environmental Health & Community Safety confirmed that a ten week period of consultation would take place with the Hackney Carriage and Private Hire trade, with a report, including a summary of the responses, to be made to the Licensing Committee in July, before approval at Council.

In response to questions by Members, the Service Lead - Environmental Health & Community Safety explained:-

- the working group had considered the points scale used by a number of local authorities;
- the Licensing Sub-Committee would be able to use the points scheme as a response and action to individuals appearing before them including for minor infringements;
- the points system could be used in conjunction with other existing legislation;
- in respect of item 31 on the schedule there was a guidance on food and drink in the vehicle which also included the driver and in that respect was about maintaining a professional appearance, and in respect of item 59, by way of points the Licensing Sub-Committee allows the opportunity for a driver or operator to appeal;
- a report on a mystery shopping exercise of the taxi experience in the city would be presented to Members in due course;
- in respect of items 9 and 12, the distinction of action in respect of vehicles being used without a valid MOT certificate and a lapsed MOT was made;

- although not prescriptive, items 46 and 47 would capture driving standards;
- contributions, including observations from Members to the consultation, were welcomed; and
- an opportunity to receive feedback on drivers was discussed;

The Legal Advisor highlighted that any individual could be brought before a Licensing Sub-Committee, but that did not preclude other action being taken.

RESOLVED that Licensing Committee:-

- (1) approve the draft proposed Penalty Points Policy as contained in Appendix A; and
- (2) endorse and authorise that the proposals are put out to public consultation to run from 20 February 2023 until 30 April 2023 (10 weeks).

The meeting commenced at 5.30 pm and closed at 6.45 pm

Chair