



## LICENSING AND ENFORCEMENT COMMITTEE

**MEETING** : Tuesday, 14th September 2021

**PRESENT** : Cllrs. Patel (Chair), Ackroyd, Bowkett, Chambers-Dubus, Finnegan, Hyman, O'Donnell, Patel, Radley and Tracey

**Officers in Attendance**

Licensing Team Leader

Community Wellbeing Officer

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

**APOLOGIES** : Cllrs. Walford, Brooker and Williams

*Owing to apologies being sent by the Chair and Vice-Chair of the Committee, Councillor Patel was elected Chair by the Committee for the duration of the meeting. Councillor Chambers-Dubus seconded Councillor Patel's nomination to be Chair and there was no dissent by members present.*

**11. APPOINTMENT OF VICE-CHAIR**

Councillor Brooker was confirmed as Vice-Chair of the committee.

**12. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**13. MINUTES**

The minutes of the meeting held on the 15th June 2021 were confirmed and signed by the Chair as a correct record.

**14. MINUTES OF LICENSING SUB-COMMITTEES**

**RESOLVED** that the minutes of the meetings of the Licensing Sub-Committee held on the 1<sup>st</sup> July 2021 and the 29<sup>th</sup> July 2021 were received.

**15. PUBLIC QUESTION TIME (15 MINUTES)**

There were no public questions.

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**16. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)**

There were no petitions or deputations.

**17. COMMON STANDARDS FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS IN GLOUCESTERSHIRE**

The Licensing Team Leader presented the report of the Head of Communities. The report presented the result of the consultation feedback on the draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire (following the publication of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards).

The Chair asked members if they required any clarification on the report.

Councillor Radley pointed to page 77 of the report pack, which detailed language proficiency requirements for Hackney Carriage & Private Hire Drivers. She stated that she would have liked to have seen more detail about what qualified as an appropriate educational certificate for criterion related to English proficiency and questioned whether more detail about what constituted an appropriate educational certificate could be included.

The Licensing Team Leader responded that she had made a good point, and that, should the Committee wish, they could incorporate more detail about relevant qualifications into the document.

Councillor Hyman stated that his understanding was that statutory guidance came from Central Government and was instructional. He asked whether this was the correct understanding.

The Licensing Team Leader replied by stating that his understanding was accurate.

Councillor Tracey asked whether all drivers needed to undertake a safeguarding test.

The Licensing Team Leader replied that all drivers needed to undertake a safeguarding test. He stated that if the updated Common Standards document was approved by members, refresher training would have to be undertaken by drivers every three years, thus increasing the level of safety for passengers.

Councillor Radley asked whether the introduction of more specific guidance regarding what was deemed to be an appropriate educational certificate would create a significantly higher workload for officers.

The Licensing Team Leader replied by stating that the proposed conditions still provided officer's with discretion as they talked to the applicants. He stated that, they were trying to raise the standards of language proficiency of drivers across the county. He said that if it passed, then not all drivers would have to undertake an English proficiency language test, if they had a relevant qualification. He added that

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if this policy created any problems in the future, then it could be reconsidered at a future meeting of the Licensing Committee.

Councillor Tracey noted that it was a good report. She asked whether drivers currently checked their back seat for items between trips.

The Licensing Team Leader responded by stating that he had faith that Private Hire and Hackney Carriage drivers would check their back seats after each trip.

Councillor O`Donnell noted that not all staff would have to have an enhanced DBS check. He asked how the Council would ensure that all staff in the trade were fit and proper persons.

The Licensing Team Leader stated that DBS requirements came from Central Government. The Licensing Team Leader added that The Licensing Authority would require six-monthly checks for drivers when the requirement previously was for every 3 years. He added that they would be encouraging drivers to sign up for an online update service, so the process of the six-monthly check would be automatic and would be cheaper for the drivers. He stated that call operators were the staff who had to have a basic DBS check before being able to work in the field, demonstrating the level of care for passengers.

The Chair asked members whether they were content to adopt the recommendations as laid out in report and if there were issues regarding the language proficiency of drivers that arose, to consider that at a future meeting of the Licensing Committee.

There was no dissent from members.

**RESOLVED** that

- (1) The draft Common Standards for Hackney Carriage and Private Hire Drivers in Gloucestershire is adopted and feedback is noted by members

And

- (2) The Common Standards are then incorporated into the existing Gloucester City Council Policy Conditions (Rule Books) for Hackney Carriage and Private Hire Licensing to become effective from 1st October 2021.

**18. GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES**

The Community Wellbeing Officer presented the report of the Head of Communities. The report asked members to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2022-2025 be formally approved and adopted.

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She stated that there were only minor changes to the revised Statement of Principles for 2022-25, and as such the document was approved for consultation by Cllr Walford (Licensing Chair) without the need for a full report to committee.

She stated there had been three responses during the consultation period from Gambleaware, The Betting and Gaming Council and the Gloucestershire Safeguarding Children Partnership.

She stated that since the publication of the agenda pack that she had looked more closely at the Gambling Commission's Guidance to Licensing Authorities in respect of the Betting & Gaming Council's comment relating to the use of the words 'promoting the licensing objectives'. She quoted from the relevant paragraph of the guidance which stated that the policy document should begin by stating the three licensing objectives which the policy would promote. Therefore, it was not necessary to change the word 'promote' to 'pursue' as originally intended. She clarified that the licensing objectives of the Gambling Act 2005 were not the same as those of the Licensing Act 2003 and therefore the use of the word promote would not cause confusion.

Councillor Bowkett noted that the maximum stake that could be placed on B2 gambling machines was £2. He asked whether the Community Wellbeing Officer was aware whether the maximum stake for B1 and B3 machines had also been lowered and if not, whether there were any B1 machines operating in Gloucester.

The Community Wellbeing Officer stated that she was unaware of any changes to maximum stakes for B1 machines, or if they were currently operating in Gloucester. She stated that she would investigate and get back to Councillor Bowkett.

Councillor Tracey noted that it was a very detailed report.

The Chair stated that she echoed Councillor Tracey's comments.

The Chair proposed to accept the recommendations outlined in the report. There being no dissent it was:

**RESOLVED** that the Licensing and Enforcement Committee **APPROVE** the Statement of principles and **RECOMMEND** that the revised Gambling Act 2005 Statement of Principles is approved and adopted by Council before it can advertise and publish it.

And

Ask Council to **RESOLVE** to adopt the Gambling Act 2005 Statement of Principles for 2022-2025 and to authorise the Head of Communities to publish and advertise it.

**19. QUARTERLY UPDATE**

The Licensing Team Leader asked members whether they understood the contents of the report and whether they had any queries on any aspect of it.

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The Chair pointed to paragraph 4.3 of the report. He asked for clarification on the levels of enforcement that the Licensing Team had undertaken since the previous quarterly report.

The Licensing Team Leader replied that owing to the pandemic, there had been a reduction in enforcement work. He stated that enforcement work had now begun to pick up again and that officers had begun to step up their evening enforcement work. He stated that the Licensing Team had managed to retrieve some annual fees and managed to get some unpaid annual fees back.

Councillor Bowkett asked why premises selling alcohol could only serve to persons who were clearly over 25, without identification, where as the “think 21” policy for gambling stipulated that those clearly over 21 could operate gambling machinery without identification.

The Licensing Team Leader responded that the policy regarding the sale of alcohol used to be to challenge those who did not clearly look over 21 and that this had been raised to 25. He said that whilst gambling operators did not have a think 25 policy, they had robust measures in place and were heavily regulated by the Gambling Commission as well as the Licensing authority.

The Chair noted that it may be useful for the Licensing Committee, if they were made aware of when Planning applications for Gambling Premises went before the Planning Committee.

**RESOLVED that the Licensing and Enforcement Committee note the contents of the report.**

**20. DATE OF NEXT MEETING**

Tuesday, 14th December 2021 at 6.30 p.m in Civic Suite, North Warehouse.

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 7.30 pm hours**

**Chair**