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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Wednesday 6 March 2019 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jean Monks - In the Chair

Councillors Ann Elliott, Graham Elliott, Alyson Hill, Angus Jenkins and Joyce Pawley.

Tim Braund (Head of Regulatory Services), Eileen Tierney (Licensing Manager) and Jackie Cullen (Committee Assistant).

APOLOGIES

Apologies for absence were received from Councillors Sue Bull, Tom Donnelly, Richard FitzHerbert, Steve Flitter and John Tibenham.

363/18 – MINUTES

It was moved by Councillor Joyce Pawley, seconded by Councillor Graham Elliott and

RESOLVED (unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 01 November 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

364/18 – SAFEGUARDING – TAXI LICENSING

The Committee considered an updating report on the implementation of the Council's mandatory requirement for all licensed taxi and private hire drivers to have completed Safeguarding Awareness Training by 30 April 2019.

The Council's Taxi and Private Hire Licensing Policy was reviewed in 2017/18, approved by the full Council, and came into effect on 1st May 2018. The Policy requirements were set out in the report, including the introduction of a mandatory requirement for anyone currently licensed by the District Council to drive Taxi or Private Hire Vehicles (PHVs) to attend a training session before 30 April 2019, if they wished to continue to hold a Taxi/PHV Driver's Licence. Any drivers licensed after 1st May 2018 were required to attend the training no later than 6 months after being granted a licence.

The Licensing Manager briefly explained the format of the current training sessions, and a summary of the sessions provided together with attendance figures was set out in the report. Officers considered that the sessions had been well-received by the taxi trade in Derbyshire Dales and the others who attended and it was suggested that when the Policy was reviewed in the future it was made mandatory training for drivers and operators. It was also suggested that the attendance certificates should be transferable.

The Committee was also advised of guidance produced by the Local Government Association (LGA) to assist Licensing Authorities in considering whether to introduce CCTV in Taxis and Private Hire Vehicles as a mandatory requirement. A copy of the Guidance was produced in Appendix 1 to the report, for information.

It was moved by Councillor Angus Jenkins, seconded by Councillor Ann Elliott and

- RESOLVED** (unanimously)
- 1) That Safeguarding Awareness Sessions for Taxi/PHV Drivers and Operators continue to be run every 6 months, as required from 1st May 2019;
 - 2) That licensing Officers work in partnership across Derbyshire to deliver the safeguarding awareness training to the Taxi/PHV Trade, making the attendance certificates transferable;
 - 3) The guidance from the LGA is noted.

365/18 – POLICING AND CRIME ACT 2009 (SECTION 27) LICENSING OF SEX ENTERTAINMENT VENUES

The Committee considered a report on a draft policy on the licensing of sex entertainment venues for consultation purposes and a proposed timescale for the consultation exercise and the adoption of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

It was reported that the Council had not received any requests to open any such entertainment venues; however, it was now proposed that the consultation exercise should be undertaken and as such, a Draft Policy had been prepared to help consultees understand the purpose of adopting these provisions. The Committee was asked to approve the draft policy, attached as Appendix 1 to the report, for consultation purposes.

The proposed timescale, should the Draft Policy be approved for consultation, was set out in the report, with a proposed implementation date of January 2020. However, if the result of the public consultation were that the provisions should not be adopted this would be reported to the Licensing and Appeals Committee in October 2019.

It was moved by Councillor Graham Elliott, seconded by Councillor Alyson Hill and

- RESOLVED** (unanimously)
- 1) That the Committee approves a draft Policy on the licensing of sex entertainment venues, for public consultation purposes.
 - 2) That the Committee approves the proposed timescale for consultation and adoption of Schedule 3 of The Local Government (Miscellaneous Provisions) 1982, as amended.

366/18 – THE AIR QUALITY (TAXIS AND PRIVATE HIRE VEHICLES DATABASE) (ENGLAND AND WALES) REGULATIONS 2019

The Committee considered a report on the requirements of The Air Quality (Taxis and Private Hire Vehicles Database) (England And Wales) Regulations 2019 that had been laid in Parliament following the consultation exercise carried out by Government last autumn, that would make it mandatory for councils to regularly upload specific data relating to taxi & Private Hire data to a national database. The Regulations were expected to come in to force in April 2019, with an implementation date of 1st May 2019.

Approval was sought to inform the local Taxi Trade of these new requirements placed on licensing authorities, and to delegate the Head of Regulatory Services and the Licensing Manager authority to provide the information to DEFRA once the Regulations were in force. Such information would include, as a minimum: the Vehicle Registration Number, start and expiry date of the vehicle licence, whether the vehicle was a taxi or PHV and the name of the licensing authority. A database created from this information would form part of the infrastructure being developed by government to support the introduction of charging Clean Air Zones by some local authorities from 2020 as part of their local plans to ensure compliance with statutory nitrogen dioxide limits in the shortest possible time.

DEFRA had stated said it would be issuing further guidance shortly on the interaction between licensing authorities and the database, along with the processes that would be in place to ensure that the storage and use of data was in line with the General Data Protection Regulation. It was reported that if this guidance raised any new issues these would be reported to a future meeting of the Committee, if necessary.

In the meantime, on 13 February 2019, the Institute of Licensing (IoL) reported that the Government had published a response on the above proposals, and having analysed the responses, DEFRA acknowledged that issues had been raised regarding adequate resourcing for local authorities to perform this function and the IT capability of local authorities. It was expected that funding would be provided by Central Government in line with the new burdens principle.

It was recommended that the Taxi and Private Hire Trade licensed by the Council be made aware of these requirements in advance of the Regulations coming into force.

It was moved by Councillor Joyce Pawley, seconded by Councillor Graham Elliott and

- RESOLVED** (unanimously)
1. That the taxi trade are informed of the new requirements on licensing authorities, introduced by The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019.
 2. That the Head of Regulatory Services and the Licensing Manager are delegated to provide the information.
 3. That a report is considered at a future meeting when the guidance has been issued by DEFRA.

MEETING CLOSED 6.38PM

CHAIRMAN