

## Licensing Committee

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### MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 5 DECEMBER 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Steve Bucknell, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Kevin Daley, Cllr Andrew Davis, Cllr Tim Trimble and Cllr Robert Yuill

#### **Also Present:**

Asifa Ashraf (Senior Solicitor), Linda Holland (Licensing Manager) Tom Ince (Principal Compliance Officer) Sarah Marshall – (Principal Solicitor), Lisa Pullin – (Democratic Services Officer), Jason Salter – (Head of Service – Passenger Transport), Sarah Valdus – (Assistant Director – Environment)

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#### 67 **Apologies and Substitutions**

Apologies have been received from Cllrs Ruth Hopkinson and Pip Ridout and from Mike Edgar (Senior Solicitor), Kevin Oliver (Authorising Officer), Adrian Hampton (Head of Highway Operations), and Adrian Weissenbruch (SEND and Passenger Assistant Transport Manager).

There were no substitutions.

#### 68 **Minutes**

The minutes of the meeting held on 17 October 2022 were presented to the Committee.

#### **Resolved:**

**That the minutes of the meeting held on 17 October 2022 be approved and signed as a correct record.**

#### 69 **Chairman's Announcements**

The Chairman gave details of the fire exits to be used in the event of the alarm sounding and made the following announcements:

#### Welcome

Welcome to Sarah Valdus who is the new Assistant Director – Environment.

### Update on Project Vigilant

The Committee will recall that DS Louise Morley attended the Licensing Committee in March 2022 to give an overview of Project Vigilant, the aim of which is preventing sexual violence. Louise Morley has now moved roles and DI Troy Smith is now responsible for rolling this project out in Wiltshire. DI Smith was unable to attend the meeting today but had reported that they have deployed in Swindon during the day time (Operation Vigilant DAY) and had a DAY deployment in Trowbridge on 3rd December 2022, assisted by the local Neighbourhood Team headed by Inspector Andy Lemon. Night time economy (NTE) deployments are planned, however these are likely to be in Swindon only for now as a result of the local group's recent success in securing Safer Streets funding. A partner briefing is attached to the Agenda at page 21. DI Smith has been invited to attend the next Licensing Committee meeting on 6 March 2023 to provide an update.

### Safer Streets Initiative

A number of Safer Streets initiatives would be coming forward over the next few months and the Committee would receive updates as these become available.

### Farewell and Thanks

To Sarah Marshall (Principal Solicitor) who will be leaving Wiltshire Council on 6 January 2023 – Sarah was thanked for her support to the Licensing Committee and Licensing Sub Committee hearings and was presented with a card and chocolates on behalf of the Committee.

Sarah gave her thanks for the chocolates and her time advising the Committee and reported that Asifa Ashraf and Mike Edgar would be supporting Licensing moving forwards.

### 70 **Declarations of Interest**

There were no declarations of interest.

### 71 **Public Participation**

No questions or statements had been submitted to the Committee from the public prior to the meeting.

### 72 **Licensing Appeals Update**

There were no known appeals pending. *However – an appeal was understood to have been filed with the Magistrates Court in October 2021 but nothing further has been received from the Court.*

### 73 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committees were presented to the Licensing Committee:

#### **Southern Area Licensing Sub Committee**

07.11.22 Application for a Review of a Premise Licence – The Cuckoo Inn, Hamptworth, Salisbury

It was highlighted that there was a typographical error on page 38 of the Agenda pack in the table. The hours the premises open to the public stated that the Saturday closing was at 23:00 when it should read 23:30. The typo would be amended and decision notice reissued.

#### **Western Area Licensing Sub Committee**

16.11.22 Application for a Variation of a Premises Licence – The Bath Arms, Crockerton, Warminster

**Resolved:**

**That the above Licensing Sub Committee minutes be approved and signed as a correct record subject to the minor alteration in the minutes of the Southern Area Licensing Sub Committee of 7 November 2022.**

### 74 **Briefing Note - The King's Coronation - Community Celebrations**

Kevin Oliver (Events Authorising Officer) had prepared a briefing note to ensure that there was a robust and straightforward system in place so that communities wishing to celebrate the Kings Coronation in June 2023 are signposted to the appropriate places. Agreement was sought to publish the briefing note on the Council's website and to share with all Town and Parish Councils.

A Committee member asked that the guidance and details of costs be circulated to all Town and Parish Councils as soon as possible as there may be budget setting implications for them. It was also suggested that the information is also shared via the Area Boards and that the timescales for applications are clearly set out with a final date included after which no applications would be considered.

**Resolved:**

**That the briefing note be published on the Council's website and that it be shared with all Town and Parish Councils and Area Boards as soon as possible, (including details of associated costs and timescales.)**

## 75 Update from the Taxi Licensing Team

Tom Ince (Principal Compliance Officer) referred to the taxi licencing report for November 2022 that was circulated with the Agenda and highlighted the following:

- Driver numbers had stabilised over 2022. The Taxi Licensing and Passenger Transport team had launched a driver recruitment campaign and this was bearing fruit with 44 new licence applications being processed during October 2022. However there were a number of older drivers leaving the industry but it was positive that the numbers were flat and not continuing to fall;
- Drivers were reporting higher levels of business now the economy is beginning to recover; however the Council had received a number of complaints over the last two months from individuals struggling to book a taxi, especially at school run times. A large proportion of taxis are utilised by Passenger Transport Unit contracts and Officers were looking at the possibility of there being a school transport only licence and make this cheaper for drivers to apply for, although all of the relevant checks in place would have to remain the same but they could reduce the knowledge test and fee with a restricted licence;
- The Taxi Licensing team had been heavily hit by staff sickness and whilst they had been able to secure approval for a temporary position from the temporary work bank there had been no interest to fill the role and they were now working with HR to try and push for this as the team needed to ensure that they could deliver their priorities and their focus to recruit new drivers and to keep the trade moving. The staff shortages had also impacted on the level of active enforcement the team were able to carry out;
- The number of licenced vehicles went up 9 in October 2022 and were now at 791 as at 22 November 2022. There had been a move away from Hackney Carriage licences to private hire licences and that trend was expected to continue due to the change in the industry;
- The increase of 10% to tariff 1 (as agreed by the Licensing Committee in October) was implemented on 1 December 2022 and there would be an annual review of this due to be completed in the first quarter of 2023 and whilst they did not anticipate any changes this would be led by data from benchmarking from other Local Authorities and any proposed changes would be reported back to the Committee; and
- The feedback from the trade was that the rates for larger vehicles should be increased, however Wiltshire are currently one of the most expensive Local Authorities in the area for large vehicles and there was a balance of the needs of the businesses and taxis being cost effective/affordable for the public too.

A Committee member referred to the graph showing the total driver numbers per area on page 61 of the Agenda and commented that the total number of drivers seemed to have dipped in October 2022 from the previous month, and particularly in the North of the County and felt that the recovery didn't look like it had tipped up yet and how this could be turned around? Tom Ince reported that it was nothing specific in the north of the county that he was aware of but was aware of some drivers retiring and that those in the north and west also carried out work in Bath too, the level of work in Bath has dropped affecting drivers in these areas. He confirmed they do ask drivers why they are leaving and some say that they don't wish to continue to work the unsocial hours and some will say that they are not making any money and can earn similar money with delivery work etc.

The Committee member asked if it was easier for drivers in the north of the county to find work in Swindon as there was probably more work available and what could be done about that? Tom Ince reported that there was not too much they could do about that as the industry is based on supply and demand and they are able to work outside of their area to carry out pre-booked work as the law allows them to.

Tom Ince reported that they had thought they would see an increase in drivers/vehicles but this had not come through as rapidly as they thought as yet. He did not think that they would get back to the levels pre-pandemic as they are aware that the footfall in town centres is down and drivers are choosing to take on contract work rather than sat waiting on a rank. The industry was evolving and the team would look at ways to make it easier for drivers to become licenced.

A Committee member commented that perhaps there should be no hackney carriages and was aware that in her area everyone uses V Cabs which was a Swindon operator for day to day use and only local taxis for longer airport runs. She suggested asking customers if they feel there is a lack of provision because it could be that we are looking to solve a problem that isn't there. The Chairman commented that the night time economy is a lot different and there had been a drop in the requirement of taxis in the evenings and that Salisbury had decided not to reapply for the Purple Flag status as the whole economy was different now post pandemic.

The Chairman highlighted the importance of taxi trade representative meeting and asked the team were still seeking nominations from the trade to move these meetings forward? Tom Ince reported that they would be looking to reintroduce the trade rep meetings next year but had found in the past that the reps come with their own agenda and that they were not necessarily representing their area's views. They would work to encourage more participation from the trade and ask them to work together to come up with solutions to problems.

The Chairman asked that as we are getting close to Christmas if there were any social media promotions running to keep safe and about Ask Angela etc?

Linda Holland (Licensing Manager) reported that there was currently quite a lot of promotion regarding the safety charter, sensible drinking, no drink driving etc and this was also linked in with the Police.

A Committee member asked if there was a risk that the current licensed drivers wishing to “drop down” to a school contract only licence could lead to a loss of ever more drivers available for the general public? Tom Ince reported that yes this was a significant risk, particularly if the majority of their income was already from that work. It could mean that the drivers do the school runs and then do delivery work in between.

Jason Salter (Head of Service – Passenger Transport) reported that this could have an impact on other side for businesses and that he was canvassing other local authorities to see about that effect. It was anticipated that 65-70% of operators were working on the Wiltshire contracts with their £14million spend on passenger transport. Wiltshire were also having to use Swindon and Bath operator. Jason Salter reported that he had prepared a questionnaire for drivers to ask for their views on about Wiltshire and about the other work that they are doing which he felt would be a valuable exercise.

A Committee member felt that some taxi drivers did not do themselves any favours as he was aware that some drivers insist on cash only payments.

The Chairman reported that any gathered intelligence/complaints needed to be reported to the taxi licensing team to enable them to carry out any necessary enforcement.

**Resolved:**

**That the Committee notes the update on behalf of the Taxi Licensing Team.**

## 76 **Update on Fulfilment of Passenger Transport Contracts**

Jason Salter (Head of Service – Passenger Transport) gave an update on the current fulfilment of passenger transport contracts and highlighted the following:

- That there were currently 5-6 students without transport to education settings due to a lack of drivers/licenced vehicles. There were also as number of parents receiving a rate of pay to transport their own children to school that are entitled to free transport;
- Between now and June 2022 it was anticipated that there would be a further 80 new requests for transport which would obviously be a further struggle to be able to deliver the transport provision for this. Some quotes received for this work come in at £300/£400 per day. The demand obviously places a big strain on staff who are having to deal with parents/carers who are wishing to receive their provision and currently the local authority were having to spend more than they have ever done to be able to fulfil their statutory duty;

The Chairman reported that he was aware that 200 more transport requests would be required from September 2022 and asked if there was something that could be done in house with Wiltshire Council drivers carrying out our contract work? Jason Salter reported that they were looking at a blend of different things to help with that including buying larger vehicles that could carry 8 passengers as that would release the capacity from smaller taxis. There were a large number of taxis that were currently only transporting only one person and they would look into this further to see if there was an opportunity to offer parents to transport their child which would release those taxis back into the market.

The Chairman asked if it was made clear to the parents/carers with guidance on what they would receive if they were to transport their children themselves. Jason Salter reported that they were clear on what they will pay in those situations and that hopefully it would not be forever and offered to share the guidance so that this could be passed on to the Committee members.

A Committee member expressed concern that if parents are able to transport their child to school that they should do so. Jason Salter reminded of the Council's statutory duty to provide transport to school in certain circumstances.

The Chairman agreed that more work was to be done to get more drivers into the taxi trade and asked that the Passenger Transport team continue to work with the Taxi Licensing team to look at ways to make it easier for drivers to get started and look into the possibility of the school only licence. A Committee member suggested that this only be available to new drivers/licences so that this would not pull existing drivers over to convert to this type of licence.

The Chairman noted that these were challenging times for the two services and thanked Officers for the updates.

**Resolved:**

**That the Committee note the update on the fulfilment of passenger transport contracts and the measures taken to make improvements in relation to this.**

77

**Film Classification: Amendment to Procedure and New Fees and Charges**

The report attached to the Agenda sought approval from the Committee to consider a charging regime in relation to the classification of films by Wiltshire Council and to review the procedure and implement a fee structure. Linda Holland (Licensing Manager) highlighted the following:

- Following a review of the process it would appear more effective to bring film classification in line with other licensing processes. The changes proposed were felt to be more practical with two Licensing Officers watching and then classifying films to reduce the burden in arranging a Licensing Sub Committee which would currently require attendance from

three Councillors, Legal, Licensing and Democratic Services representatives;

- There is currently no legal right of appeal for film classification decision and a challenge to a film classification can only be made by an application to judicially review the decision; and
- Officers had carried out benchmarking of fees from other local authorities and had set out what they considered to be reasonably proportionate fees to watch and carry out the associated admin work of processing the applications to classify films.

The Chairman commented that the proposed fees were close to that of Mendip but there was quite a variation in relation to what Oxford were charging. Linda Holland reported that she had looked how the fee structures are calculated for our other services and had come up with a cost that equated to the Officer's time.

Sarah Marshall (Principal Solicitor) advised the Committee that some film classifications may require a hearing by a Licensing Sub Committee in exceptional circumstances if needed.

A Committee member noted that the BBFC offered a 50% reduction for any charities that apply to have a film classified and asked about the appeals process and we could state if applications were not received within the specified timescales that they would not be considered. Linda Holland reported that there was no right of appeal in law but that any decision could be the subject of a judicial review. They could consider setting up an appeals process if this was wished for by the Committee.

It was then proposed and seconded that an appeals process be set up so that anyone wishing to appeal the Officer's decision would go before a meeting of the Licensing Sub Committee before this went to a judicial review. This motion was carried and would be added to the main proposals later in the meeting.

Linda Holland reported that in relation to a possible cost reduction for charities this was considered but not taken forward as that would not cover the costs of dealing with the application.

It was proposed that there be a 50% reduction in fees to registered charities but this motion was not seconded so fell away.

**Resolved:**

**That the Licensing Committee**

- 1. Agree and adopt the amendments to the film classification procedure, including the setting up of an appeals process through the Licensing Sub Committee.**



2. **Approve the delegation to the Licensing Manager and/or Licensing Officers for the classification or reclassification of films.**
3. **That Part 3, Section D of the Scheme of Delegation specific to the Licensing Act 2003 in terms of reference of the Licensing function, be amended as follows: To determine film classification restrictions where there has been no classification by the British Board of Film Classification, be delegated to Officers, but that any appeals against the Officers decisions be dealt with by the Licensing Sub Committee.**
4. **Agree the fees as set out below in respect of film classifications carried out by Wiltshire Council.**
  - i) **Cost of viewing a film be charged at £100 for the first hour plus £20 for each additional 15 minutes or part thereof**
  - ii) **The administrative fee per single film be charged at £25**
  - iii) **For film festivals of between 1 and 25 films this be charged at £110 for the first hour plus £20 for each additional 15 minutes or part thereof plus a one off admin charge of £35 to watch all films**
  - iv) **For film festivals of between 26 and 50 films this be charged at £130 for the first hour plus £20 for each additional 15 minutes or part thereof plus a one off admin charge of £35 to watch all films**
5. **Recommend to Council that the fees detailed above in 4. be approved as the charges for film classifications.**

78 **Dates of Future Committee Meetings**

Members noted the future meetings of the Licensing Committee, all to commence at 10.30am:

6 March 2023  
19 June 2023  
11 September 2023  
4 December 2023.

79 **Urgent Items**

The Chairman asked Officers present to give an update from their teams that they felt were relevant to the Committee:

Linda Holland (Licensing Manager) reported that they had recently recruited to two posts within their team – a Technical Support Officer and a Licensing Officer. Moving forward there were software changes due next year that would involve working on and that would further reduce their capacity.

There had been no significant issues with the current football world cup games being shown at premises and she was aware that some of the hospitality

sectors were under strain with the lower levels of customer numbers that had not really picked up since the pandemic. They were working with Police colleagues to promote positivity and to support the premises and their customers to operate safely so as to avoid any issues particularly with anti-social behaviour.

The levels of temporary events notice applications was at 185 for December which was the same as pre Covid levels although she noted that there were changes in the way that patrons were frequenting premises and that there were pressures for all relating to the cost of living and for premises having issues with their own increased costs and staffing difficulties. It was felt that this was an ongoing challenge for the industry and that they would do what they could to support them going forward.

A Committee member asked if Officers had received as many applications as they had expected for the Queen's jubilee celebrations in June? Linda Holland reported that they had not.

Tom Ince (Principal Compliance Officer) reported that he would share information to the Clerk around guidance of street cash collections so that all Councillors were aware of the requirements should they receive any concern about this from their constituents. They had anticipated a rise in applications for permits for street collection permits in 2022 but this had not materialised. They had an issue with a Santa Train/Float collection in the north of the County who had not been granted a street collection permit. Street collection and House to House Collection permits are free, anyone asking for donations either from house to house or on the streets would require a permit and this would ensure there was transparency of where the collection money going to ensure that the nominated charity was benefitting.

Changes had been implemented to the charges for street trading consents and although this was up 30% up from last year positive, 10% traders had ceased in the last few months with some reporting that even with a busy town centre location they could not make it pay because of the lower footfall. Markets were also struggling to retain their traders and they anticipated that there would be further difficulties going in to the next quarter as things had changed and how people shop had changed post pandemic.

The numbers of incidences of fly tipping had fallen and two new Officers would be starting in the new year and their focus would be on education around fly tipping.

The Chairman thanked all teams for their updates.

**Resolved:**

**That the Licensing Committee note the team's updates.**

(Duration of meeting: 10.30 - 11.40 am)

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