

# AGENDA

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**Meeting:** Licensing Committee

**Place:** Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Monday 7 March 2022

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Lisa Pullin, Tel 01225 713015 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk), of Democratic Services, County Hall, Bythesea Road, Trowbridge.

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## Membership:

Cllr Peter Hutton (Chairman)  
Cllr Allison Bucknell (Vice-Chair)  
Cllr Steve Bucknell  
Cllr Trevor Carbin  
Cllr Daniel Cave  
Cllr Kevin Daley

Cllr Andrew Davis  
Cllr Ruth Hopkinson  
Cllr George Jeans  
Cllr Pip Ridout  
Cllr Tim Trimble  
Cllr Robert Yuill

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## Substitutes:

Cllr David Bowler  
Cllr Ernie Clark  
Cllr Jon Hubbard  
Cllr Bob Jones MBE  
Cllr Jerry Kunkler

Cllr Dr Brian Mathew  
Cllr Charles McGrath  
Cllr Dr Nick Murry  
Cllr Stewart Palmen  
Cllr Nic Puntis

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To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. You must contact the officer named on this agenda no later than 5pm on Wednesday 2 March 2022 if you wish to attend this meeting. Places will be allocated on a first come first served basis.

To ensure safety at the meeting, all members of the public are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

1 **Apologies/Substitutions**

To receive any apologies and details of any substitutions.

2 **Minutes** (*Pages 7 - 14*)

To confirm and sign the minutes of the meeting held on 6 December 2021 (copy attached).

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 1 working day prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Monday 28 February 2022** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Wednesday 2 March 2022**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Licensing Appeals Update**

To receive an update on any appeals lodged against Licensing Sub Committee decisions.

7 **Briefing on Project Vigilant**

DS Louise Morley (Strategic Support Officer – Wiltshire Police) will give the Committee a briefing on Project Vigilant.

8 **Update from the Taxi Provision Working Group** (*Pages 15 - 20*)

The Committee will receive an update on behalf of the Taxi Provision Working Group which met on 13 December 2021 – a copy of the notes from that meeting are attached.

9 **Taxi Licensing Update** (*Pages 21 - 28*)

Tom Ince (Principal Compliance Officer) has prepared the attached Taxi Licensing update as at January 2022 and will give a brief overview at the meeting.

10 **Proposed Changes to Wiltshire Council's Hackney Carriage Licensing Zone Structure** (*Pages 29 - 38*)

The report of Jo Hulbert and Danial Farr (Fleet Compliance Officers) and Tom Ince (Principal Compliance Officer) seeks to provide the Licensing Committee with the relevant information to make an informed decision on allowing the Taxi Licensing Team to undertake a consultation on proposed changes to Wiltshire Councils Hackney Carriage Vehicle Licence Zoning arrangements.

11 **Licensing Act 2003: Adoption of procedures in relation to personal licence holders convicted of relevant offences** (*Pages 39 - 58*)

The report of Linda Holland (Licensing Manager) seeks to advise members of changes to the Licensing Act 2003 which came into force on 6th April 2017 and to introduce new procedures relating to these changes. The report also details the proposed procedures to be carried out in line with legislation when considering the appropriate action to be taken against personal licence holders with relevant convictions.

12 **Further Update on Levels of Personal Information to be Supplied on Parties who make a Relevant Representation at a Licensing Sub Committee Hearing** (*Pages 59 - 60*)

Sarah Marshall (Senior Solicitor) has prepared an update on the levels of personal information to be supplied on parties who make a relevant representation at Licensing Sub Committee hearing which is attached.

13 **Dates of Future Committee Meetings**

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am:

20 June 2022  
12 September 2022  
5 December 2022.

**Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

### Licensing Committee

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#### MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 6 DECEMBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chair), Cllr Steve Bucknell, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Kevin Daley, Cllr Andrew Davis, Cllr Ruth Hopkinson, Cllr George Jeans, Cllr Pip Ridout, Cllr Tim Trimble and Cllr Robert Yuill

#### **Also Present:**

Linda Holland (Licensing Manager), Tom Ince (Principal Compliance Officer), Sarah Marshall (Senior Solicitor), Kevin Oliver (Events Authorising Officer), Lisa Pullin (Democratic Services Officer) and Peter White (Enforcement Manager)

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#### 13 **Apologies/Substitutions/Membership Changes**

Apologies were received from Adrian Hampton (Head of Highway Operations).

There were no substitutions or membership changes.

#### 14 **Minutes**

The minutes of the meeting held on 13 September 2021 were presented to the Committee.

#### **Resolved:**

**That the minutes of the meeting held on 13 September 2021 be approved and signed as a correct record.**

#### 15 **Chairman's Announcements**

The Chairman gave details of the fire exits to be used in the event of the alarm sounding and wished all a Happy Christmas, thanking Members and Officers for attending and supporting Licensing Sub Committee hearings.

#### 16 **Declarations of Interest**

There were no declarations of interest.

#### 17 **Public Participation**

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

18 **Minutes of the Licensing Sub Committees**

**Southern Area Licensing Sub Committee**

24.08.21 Application for a Premises Licence in respect of an event at Queen Elizabeth Gardens, Mill Road, Salisbury

**Western Area Licensing Sub Committee**

13.10.21 Application for a Sex Establishment Licence – Venom Nightclub, Quartermaster Road, Westbury

20.20.21 Application for a Variation of a Premises Licence – Aldi, Warminster Road, Westbury

**Resolved:**

**That the minutes of the Sub Committee meetings detailed above be approved and signed as correct records by the Chairman.**

19 **Licensing Appeals Update**

Linda Holland (Licensing Manager – Public Protection) reported that there were currently no valid appeals that had been lodged in relation to any decisions made by the Licensing Sub Committees. Linda Holland reminded the Committee that a party to a hearing was able to make an appeal against the decision of the Licensing Sub Committee and this would be by way of an application to the Magistrates Court within 21 days of receipt of the written decision notice.

Sarah Marshall (Senior Solicitor) reported that she was aware there had been some recent cases concerning the 21 day deadline for appeal running from the date of the announcement of the decision. Linda Holland was not aware of this recent case law and it was agreed this would be looked into further by Sarah Marshall and Linda Holland outside of the meeting to clarify the position. If any changes to the hearing documentation were required, the documentation would be updated.

**Resolved:**

**That Sarah Marshall and Linda Holland meet to clarify the appeals process for decisions of the Licensing Sub Committee and for an update to be provided to the Licensing Committee at their meeting on 7 March 2022.**

20 **Update on the Licensing (Public Protection) Service**



Linda Holland (Licensing Manager – Public Protection) referred to the Licensing Service update that was circulated with the Agenda and reported that the Team had been extremely busy. A number of events had been cancelled or postponed because of the recent stormy weather and they had allowed TENS to slip to another date as a one off. There were currently some contentious Sub Committee applications in progress and Officers appreciated the dedication from Members to hear these difficult applications. Over the seasonal period patrons were being reminded of the Ask Angela initiative and to be alert and not leave their drinks unattended as there had been a rise in the numbers of drinks being spiked.

The Chairman wished to pass on his thanks to Linda and her team for all of their work over the last year.

**Resolved:**

**That the Licensing Committee note the update on behalf of the Licensing Service.**

21 **Update from the Taxi Provision Working Group**

Cllr Allison Bucknell (Chair of the TPWG) gave the following update:

- That the Working Group had met on 8 November and agreed the Terms of Reference which they would be seeking Committee approval of today; and
- The Working Group had identified the next steps to improve the private hire/hackney carriage drivers in Wiltshire and ways to sell this as a positive career move. Tom Ince (Principal Compliance Officer) now had regular meetings with Adrian Weissenbruch (SEND and Passenger Assistant Manager) and they would be putting together some proposals for the Working Group to consider at their next meeting on 13 December 2021.

A Committee Member stated that she was fully supportive of this work as she had had major issues with some of her constituents and their transport to school. Officers had worked hard to try and solve the problem and the safety of those using the taxis was important and Councillors should do what they could to support the identification of new drivers.

**Resolved:**

**That the Licensing Committee approve the following Terms of Reference for the Taxi Provision Working Group as set out below and note the proposed next steps.**

### **Terms of Reference – Taxi Provision Working Group**

- 1. The Taxi Provision Working Group will comprise of up to 5 elected councillors and at least 3 councillors will need to be in attendance at a meeting to ensure it is quorate.**
- 2. In relation to taxi provision for the Wiltshire Council area the Taxi Provision Working Group have been set up by the Licensing Committee to consider/review/identify the following:**
  - i) The demand for taxis for both public and Wiltshire Council passenger transport needs via a demand survey, or in any other appropriate ways to measure demand;**
  - ii) Ways to attract/promote new drivers/providers to become hackney carriage/private hire drivers within Wiltshire due to the falling numbers;**
  - iii) The feasibility of the Council setting up a fleet of electric vehicles which could be used as a taxi provision for Wiltshire; and**
  - iv) Ensure that any recommendations made by the Working Group should encourage carbon reduction in line with other current policies.**
- 3. To make any evidenced recommendations to the Licensing Committee for improvement/approval as appropriate.**

### **22 Taxi Licensing Update**

Tom Ince (Principal Compliance Officer) referred to the Taxi Licensing update that was circulated with the Agenda and highlighted the following:

- The pressure on driver and vehicle numbers continues, however this report covered to the end of October 2021 and in November Officers did see an increase in vehicles being registered but there was another reduction in driver numbers. It was hoped that the end of the curve had been reached and that things would start to pick up and Officers would start to see an increase in driver numbers;
- Officers were working to create a report of proposals with ideas on how to boost recruitment of drivers working with the Taxi Licensing team, the Passenger Transport Unit and the current Taxi operators;
- There were currently a number of applications for private hire drivers who were from outside of Wiltshire who had no intention to drive for us but who would be driving for Uber in Bath and Bristol. Officers would prioritise the applications of those that intended to drive in Wiltshire; and

- Officers were continuing to proactively enforce the Council's policies in relation to taxi licencing, ensuring a there was a visible presence on the rank.

The Chairman wished to highlight the importance of patrons making arrangements to pre-book their taxis, particularly over the festive period and asked that Officers work with the Licensing Team and the Council's Communications Team to highlight this in terms of public safety and ensuring that they were able to travel safely across Wiltshire.

A Committee Member asked if Officers were aware of the current percentage of taxi work that was on demand (collected from a rank) or a pre-booked journey and wondered if the traditional role of the taxi was being phased out by the encouragement to pre-book journeys. Tom Ince reported that the core rank work had dried up during and since the pandemic and drivers were reporting that they could not make a living from it. Many were finding the only way they could get by was to undertake the education transport contracts and then work on deliveries in between those times.

A Committee Member asked about the planned changes to the new schedule of fares and tariffs for Hackney Carriages. Tom Ince reported that during the period when the changes were advertised in the local press between 11 and 26 November - only one piece of feedback was received and that view was that the changes had not gone far enough and did not take into account the recent fuel rises. Tom Ince felt that the setting of the fares and tariffs was a careful balancing act they wanted people to be able to afford to use Hackney Carriages taxis and not price themselves out of the market. The revised fares and tariffs would come into force as planned on 4 January 2022. Officers were in the process of trying to re-establish trade rep meetings via Microsoft Teams and would of course seek to get feedback once the changes had been in place for a period of time to see if a further review was needed. There was no reason why the fees and tariffs could not be reviewed again at any time but this would need to be in consultation with the industry.

**Resolved:**

**That the Licensing Committee note the update on Taxi Licensing.**

## 23 **The Queens Platinum Jubilee - Street Party Celebrations**

Kevin Oliver (Events Authorising Officer referred to the briefing note which updated the Licensing Committee on the arrangements to support communities to celebrate the Queen's Platinum Jubilee in June 2022 with street parties and highlighted the following:

- Kevin was responsible for the authorisation of events that take place on Wiltshire Council land or the public highway. He had built up the process over a number of years and had a lot of experience on working on events;

- For the Queen's Platinum Jubilee there was to be an extended bank holiday from Thursday 2 June to Sunday 5 June 2022 and it was expected that residents and groups would want to arrange community events and street parties;
- For the last jubilee in 2012 Kevin had approved over 200 events to take place. There was an application process in place which involved working with Community Engagement Managers and the Highways Team to ensure that Traffic Orders (when needed) could be put in place. Officers would be trying to encourage event organisers not to close roads when this was not needed and encourage them to use community spaces, parks and green open space etc. Obviously, there was much more work involved for all for road closure order, but Kevin would work with all Applicants to signpost and assist with all applications; and
- New guidance had today been published on the Council's website - see link - [Platinum Jubilee celebrations - useful information and guidance - Wiltshire Council](#).

The Chairman felt that there would be a lot of interest from parishes and communities wishing to run events and he felt that it was important to plan a Communications Strategy as soon as possible to encourage the early planning and submission of applications for events so as to avoid last minute applications. He suggested that information also be shared via the Area Boards as soon as possible. Kevin Oliver reported that there would be a Communications plan and the information would be shared through the weekly Members email updates, parish updates, on the Council's social media sites etc.

Cllr Allison Bucknell felt that it was really important to set down some timescales and deadlines for applications to set the expectations for the communities and for the Councillors to work with their residents to ensure they understand that if they leave their application too late then there was no guarantee that the event could happen. She suggested that as the Licensing Committee was not due to meet again until early March 2022, they agree that delegated authority be given to the Chair and Vice Chair of the Committee to work with Officers to ensure that the deadlines for applications and the communications to be shared were suitable with a request that they would be available to meet to discuss any issues and would wish to be kept informed of the management of the events applications being received.

The Chairman raised that he knew there were some Town Councils that had delegated authority for the use of Wiltshire Council owned land. Kevin Oliver reported that he had made good contacts with Town Councils etc and they were aware of their responsibilities and as he was experienced in event management, he would be happy to work with them to advise them on their events.

**Resolved:**

1. That the Licensing Committee note the update on the arrangements to support communities to celebrate the Queen's Platinum Jubilee in 2022.
2. Officers be given delegated authority to liaise with the Chair and Vice Chair of the Licensing Committee regarding the sharing of appropriate communications concerning deadlines for applications for street party events with Town or Parish Councils and members of the communities who wish to make an application for a street party event.

24 **Update on Levels of Personal Information to be Supplied on Parties who make a Relevant Representation at a Licensing Sub Committee Hearing**

Sarah Marshall (Senior Solicitor) referred to an update on the levels of personal information to be supplied on parties who make a relevant representation (circulated with the Agenda) and highlighted the following:

- Following a concern raised by a party to a Licensing Sub Committee hearing, Officers had reviewed what information would need to be published in the Agenda, reports, decisions and minutes of those meetings and agreed to limit the personal information that was to be shared regarding individuals who had made a relevant representation;
- A new process outlining what steps were to be taken to limit the personal information of individuals who had made a relevant representation as set out in the report and the relevant changes were made. Individuals (i.e. not Town/Parish Councils or Responsible Authorities) who have made a representation would now be listed as Rep 1, Rep 2, etc;
- Parties attending a licensing hearing including those making representations would continue to be required to identify themselves at a hearing but their personal information would not be recorded in the decision or minutes;
- If a request for the information was made under the Freedom of Information Act ('the Act') the information request could be provided (subject to the requirements of the Act);
- Since the changes to the process were made, three Sub Committee hearings had taken place including one face to face hearing;
- As only three hearings had taken place, it was suggested to Committee that the trial period be extended to March 2022 in the hope that a few more hearings would have been held to provide Officers with more data to see whether the public have had any issues with the temporary changes made.

**Resolved:**

**That the update on the levels of personal information to be supplied on parties who make a relevant representation at a Licensing Sub Committee be noted and that a further update be presented to the Committee at their next meeting on 7 March 2022.**

25 **Dates of Future Committee Meetings**

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

7 March 2022  
13 June 2022  
12 September 2022  
5 December 2022.

26 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.05 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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### Taxi Provision Working Group

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#### MINUTES OF THE TAXI PROVISION WORKING GROUP MEETING HELD ON 13 DECEMBER 2021 VIA MICROSOFT TEAMS - ONLINE MEETING.

**Present:**

Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Jerry Kunkler and Cllr Pip Ridout

**Also Present:**

Sarah Marshall (Senior Solicitor), Lisa Pullin (Democratic Services Officer)  
Adrian Weissenbruch (SEND & Passenger Assistant Manager) and Peter White (Enforcement Manager)

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7 **Apologies**

Apologies were received from Adrian Hampton (Head of Highway Operations), Tom Ince (Principal Compliance Officer) and Jill Thomas (PTU Contract Support Officer).

8 **Notes from Last Meeting**

The notes of the last meeting held on 8 November 2021 were considered.

**Resolved:**

**That the notes of the Working Group meeting held on 8 November 2021 be approved as a correct record.**

9 **Update report and Proposals to Progress**

The Working Group discussed the proposals that Officers had prepared to address the actions points arising from the Licensing Committee meeting of 6 September 2021.

Adrian Weissenbruch gave the following update:

- The Taxi Licensing team and the Passenger Transport Unit ('PTU') teams were continuing to meet regularly to discuss the concerns with the driver and vehicle numbers, particularly the ability to be able to deliver the school transport contracts;
- It was planned to hold a driver recruitment day in the Atrium at County Hall and possibly other locations in the county which would be supported by licenced operators, and the Taxi Licensing and Passenger Transport teams;

Cllr Steve Bucknell asked about the level of risk if a successful recruitment event were held and there was subsequently found to be no work available for drivers. He acknowledged the amount of supply data that had been collated and reported on by the Taxi Licensing team and asked whether there should be more demand data sought before a push on recruitment.

Adrian Weissenbruch responded that whilst they did not currently know about the demands for the traditional “rank” work for drivers – it was clear the Council’s own demand (as the biggest customers to taxi operators) was high due to the demand required to fulfil the school transport contracts and if this could not be fulfilled could potentially led to them being unable to fulfil their statutory duty for education transport provision. Staff in the PTU teams are facing increased abuse from parents/carers as in some cases there were no drivers/vehicles available to transport their children to school. Adrian reported that taxi operators were desperate to recruit drivers and that the need for school transport contracts was likely to continue to rise.

Adrian Weissenbruch continued the update:

- It was important to get the Council’s Communications team involved and get their support in order to be alert the public of Wiltshire of the issues that the Council is facing and encourage people to consider perhaps a change in career to become a driver as the industry was currently in crisis. Adrian asked for Member support in getting the Communications team on board;
- It was acknowledged that the Areas Boards could also be utilised to communicate the issue of driver shortages and the work available and this information should be shared via the Area Boards as soon as possible;
- Encouragement/support should be given to taxi operators to recruit and undertake awareness raising for other drivers who could become self-employed – with the reassurance that the contracts were there ready to be fulfilled. Tendering processes for contracts were being undertaken and it is understood that at the present time no bids were being received;

Councillor Jerry Kunkler reported that in his rural area he was aware that the age of the vehicle was now a barrier to some that may consider becoming a taxi driver and asked if the vehicle age requirements could be relaxed in some way if the car was roadworthy?

Adrian Weissenbruch confirmed that the biggest cost prohibitor for people looking to become a driver was getting a vehicle that meets with Wiltshire Council requirements/standards which were some of the highest standards nationally and whilst this had not yet been discussed it was something Officers could look into further.



Peter White (Enforcement Manager) reported that he was aware that the licensing of some older vehicles had been refused as it was against the current policy but could see no reason why there could not be a review of the policy in light of the current crisis.

The Working Group members were keen for an urgent review of the vehicle policy and would also need to give consideration to the issue of emissions but it acknowledged that this may also be a barrier for some older vehicles and the Licensing Committee may need to consider potential short term fixes to resolve the problem.

Sarah Marshall (Senior Solicitor) the vehicle requirements policy could potentially be relaxed for a limited period of time. However, whilst the Council has acknowledged the climate emergency, there was the immediate need to get children and young people into their education settings.

The Working Group were not generally in favour of the provision of the first 50 licenses free of charge to the first applicants after a recruitment event but may give consideration to that suggestion as a 'plan b' if the recruitment events were not successful.

Cllr Allison Bucknell reported that at a recent School Transport appeal hearing they had recommended a walking chaperone service be investigated (rather than the use of door to door taxis) in the case where there was a school bus available, but the child was unable to walk unaccompanied to the bus stop.

Adrian Weissenbruch reported that the PTU would continue to scrutinise the transport provision as part of their business as usual roles and that they could look to recruit into walking chaperone roles which may reduce the numbers of taxis being required in some cases.

It was confirmed that hackney carriage drivers are also able to take pre-booked work but that private hire vehicles were not able to collect fares by patrons waiting at a rank or to be hailed down by customers whilst they were driving around.

Cllr Allison Bucknell wondered if there were any figures on how many taxi journeys were hailed rather than being prebooked and whether or not the role of the hackney carriage was now on its way out other than in large city centres?

The second identified priority was to establish the demand for taxi provision by use of the public and particularly the late night economy. The Working Group agreed that there should be a survey of all licensed premises to establish the areas that are seeing demand for taxis not being met and to survey all operators, drivers and vehicle owners to establish where the demand is and when and would request that this work be carried out as soon as possible after Christmas.

Adrian Weissenbruch reported that the PTU are due to go out to re-tender 200 contracts that were due to expire at Easter 2022. In an attempt to try and settle

the market and allow for stability during the current prolonged periods of uncertainty it was the intention that these contracts be extended for a further 12 months.

Councillor Allison Bucknell asked if there was likely to be any changes in demand/patterns when the Silverwood School was fully up and running. Adrian Weissenbruch stated there were already some changes with 60 pupils transferring to the Rowde site from September 2021 but this was generally having a neutral effect on the budget. It was the intention to use the opportunity to look at transport provision differently with the view to the Council eventually looking to purchase vehicles (through a capital bid) and providing their own transport to and from the site in a number of years.

Councillor Steve Bucknell asked if there was any research on which what role paid better – a taxi or delivery driver and could we state that you could earn more as a taxi driver? Adrian Weissenbruch suggested that it could be sold to drivers that they could do both – they could do the morning school run, carry out delivery work and then do the afternoon school run. However, education transport driver work was not easy – they could be a risk of a serious allegation being made which although could be unfounded could potentially ruin someone's life. Cllr Steve Bucknell asked if drivers were carrying taxi and delivery roles would that change the types of vehicles they use? Adrian Weissenbruch reported that this may encourage drivers to use a Wheelchair accessible vehicle which would then allow plenty of capacity for parcels too.

The Working Group thanked Officers for the proposals report.

## 10 **Next steps**

The following next steps were discussed and agreed by the Working Group:

### **Recommended that:**

- 1. Officers make arrangements to host a driver recruitment day in the Atrium County Hall either in person or online if required by current Covid guidelines that is supported by Licensed Operators, Taxi Licensing and the Passenger Transport Unit as soon as possible.**
- 2. Officers to work with the Council's Communications team to prepare an article to be shared in the local press to call for drivers and outline how easy it is to get licensed.**
- 3. Officers to produce flyers for local businesses such as pubs and supermarkets to call for drivers and outline how easy it is to get licensed and to involve the Area Boards wherever possible.**
- 4. To establish demand Officers to arrange for a survey of:**

- i) All licenced premises (pubs and nightclubs) to establish the areas that are seeing demand for taxis not being met, noting specific days and times
  - ii) All operators, drivers and vehicle owners to establish where demand is and when
5. The Passenger Transport Unit to review current and historical statistics and demand to predict trends over next 5 years and liaise with children's services and schools to establish a demand curve over next 5 years.
  6. The Passenger Transport Unit to investigate the use of a walking chaperone service in relevant areas to reduce the number of taxis required for the education transport requirements.
  7. Officers to carry out an urgent review of the Vehicle regulations policy (V8 – Current Guidelines updated April 2018) and any restrictions (such as the age of vehicles) which could potentially be considered to be a barrier to people seeking a licence.
  8. The Licensing Committee to consider any revisions to the above named Vehicle regulations policy at a relevant meeting of the Licensing Committee.

11 **Date and time of next meeting**

Members agreed that there was no need for a further meeting of the Working Group to be arranged at this stage, although Members would like to be kept up to date as to developments being made. Members would review this position following the meeting of the Licensing Committee in March 2022.

(Duration of meeting: 11.00 am - 12.00 pm)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015, e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

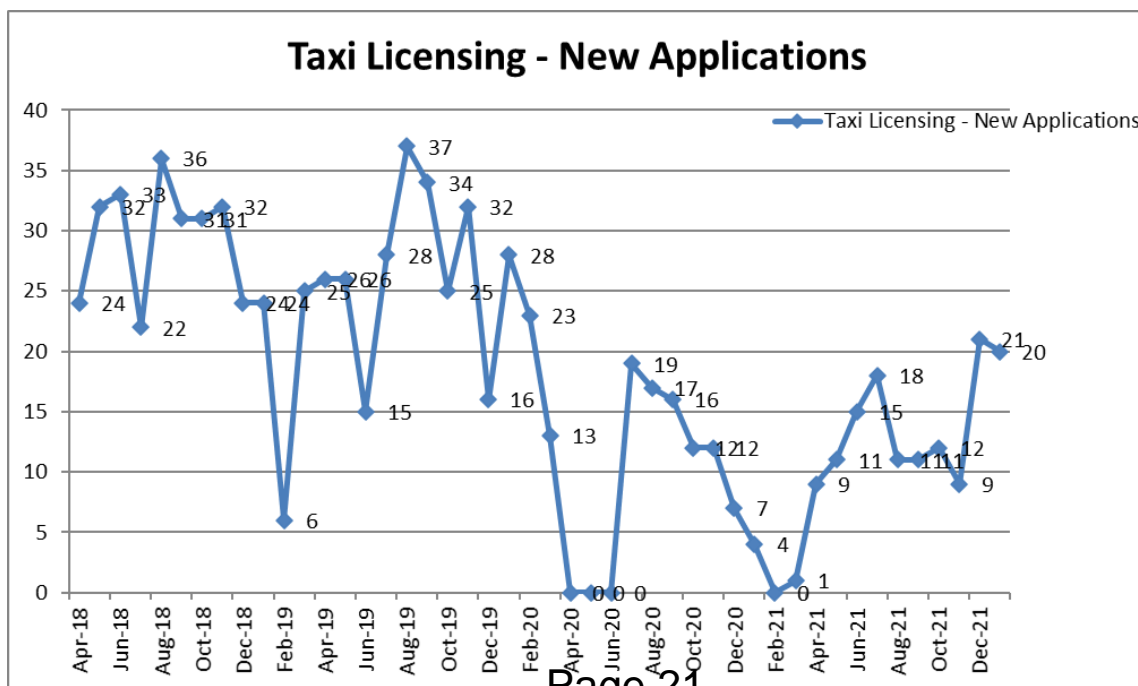
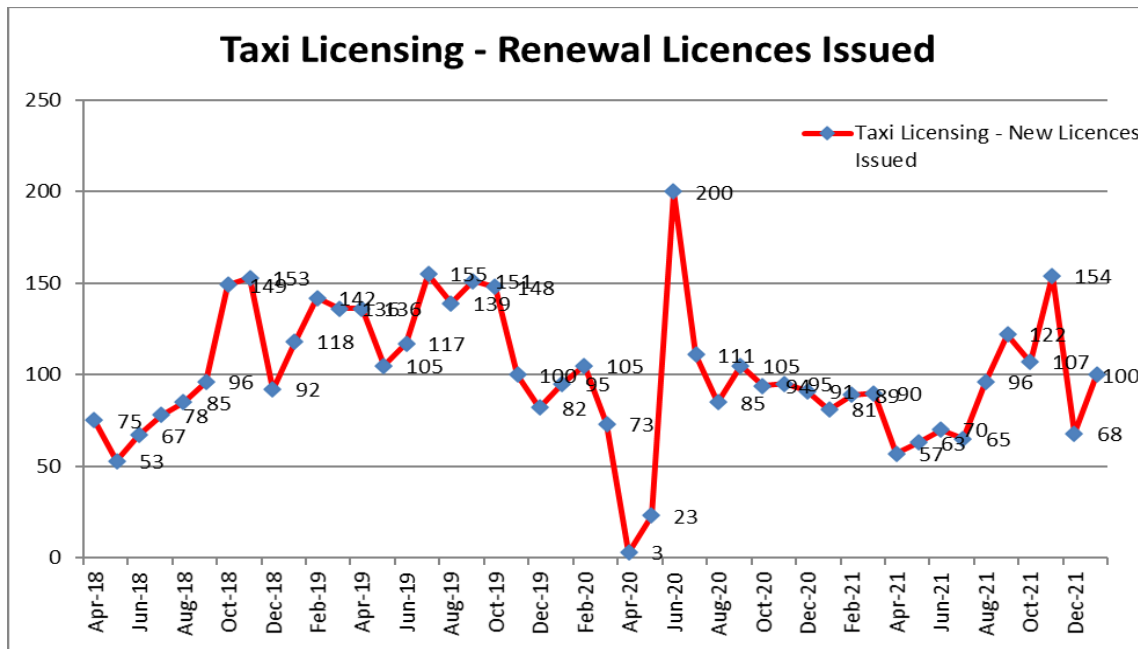
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## Taxi Licensing update for Licensing Committee – January 2022

### 1.0 Licensed Drivers

Driver and vehicle numbers have stabilised over the last two months following both showing month on month declines over the previous 16 months. Drivers are reporting higher levels of business now the economy is beginning to recover. The fall in drivers and vehicles is being seen at a national level as drivers move into the more stable delivery industry.

New driver and vehicle applications have fallen since the start of the pandemic however the team are starting to see a recovery in numbers of new applicants. The team processed 20 new licence applications and 100 renewals during January 2022. The number of new licence applications is the highest since February 2020 before the pandemic began. It should be noted that the reducing number of licence applicants and holders will reduce the Council's income from taxi licensing in the short term, however the team do expect this to bounce back as part of the wider economic recovery.



The chart below shows the total number of licences produced each month. Driver licences are issued for one or three years, most drivers opt for a three year licence. 2019 saw a large number of drivers renew and is behind the increased numbers for 2019. 2020 numbers were below those seen historically, however numbers have climbed steadily during 2021 and given the 3 year cycle are expected to be high during 2022. The number of new applications is around half of the average historic number, it is hoped new applications will increase as business picks up and the economy recovers.

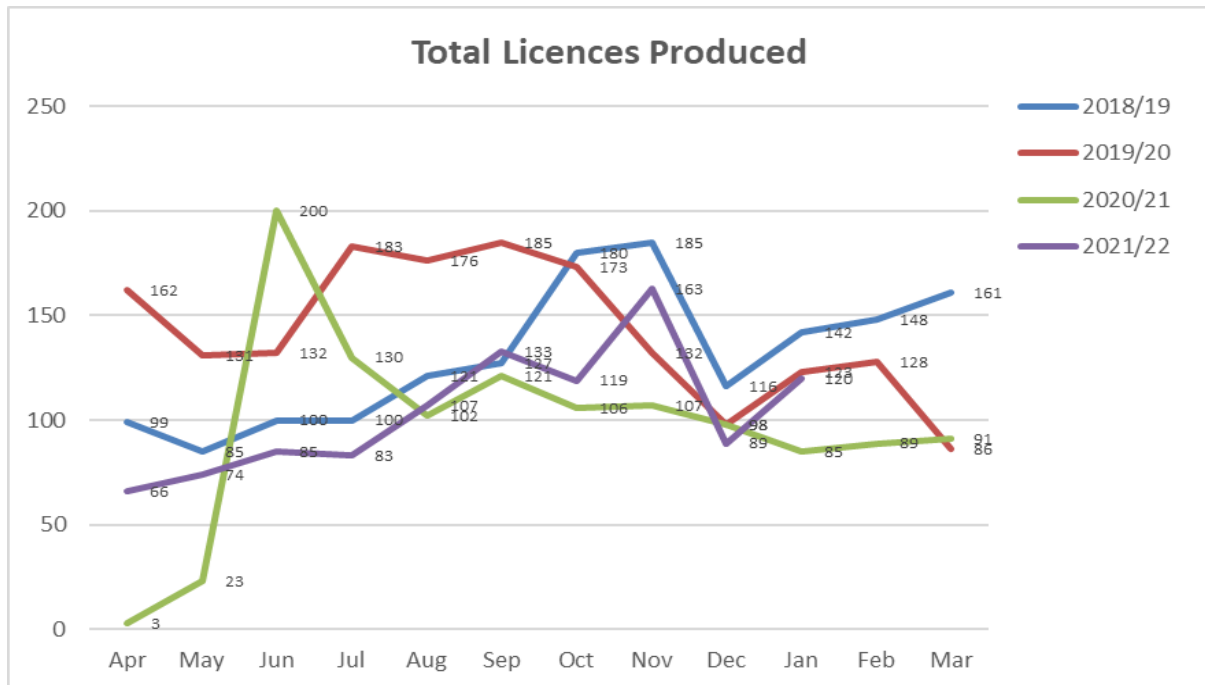


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of January 2022 was 698, a decrease of 3 on the previous month however December 2021 did see the first rise in driver numbers for 15 months. 145 were licensed in the North area, 82 in the East, 283 in the South and 188 in the West.

Coronavirus and lockdown restrictions have seen a reduction in hackney carriage drivers of 162 over the period March 2020 to January 2022, representing a fall of 19%, this appears to be in line with the national average, however hackney carriage driver numbers had been falling for sixteen consecutive months prior to December 2021.

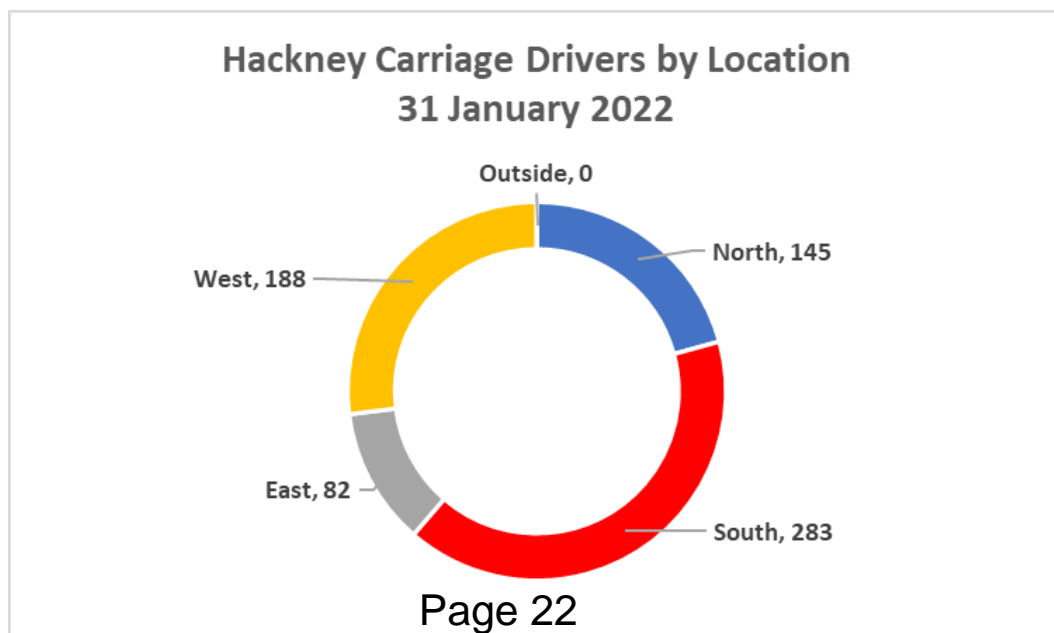


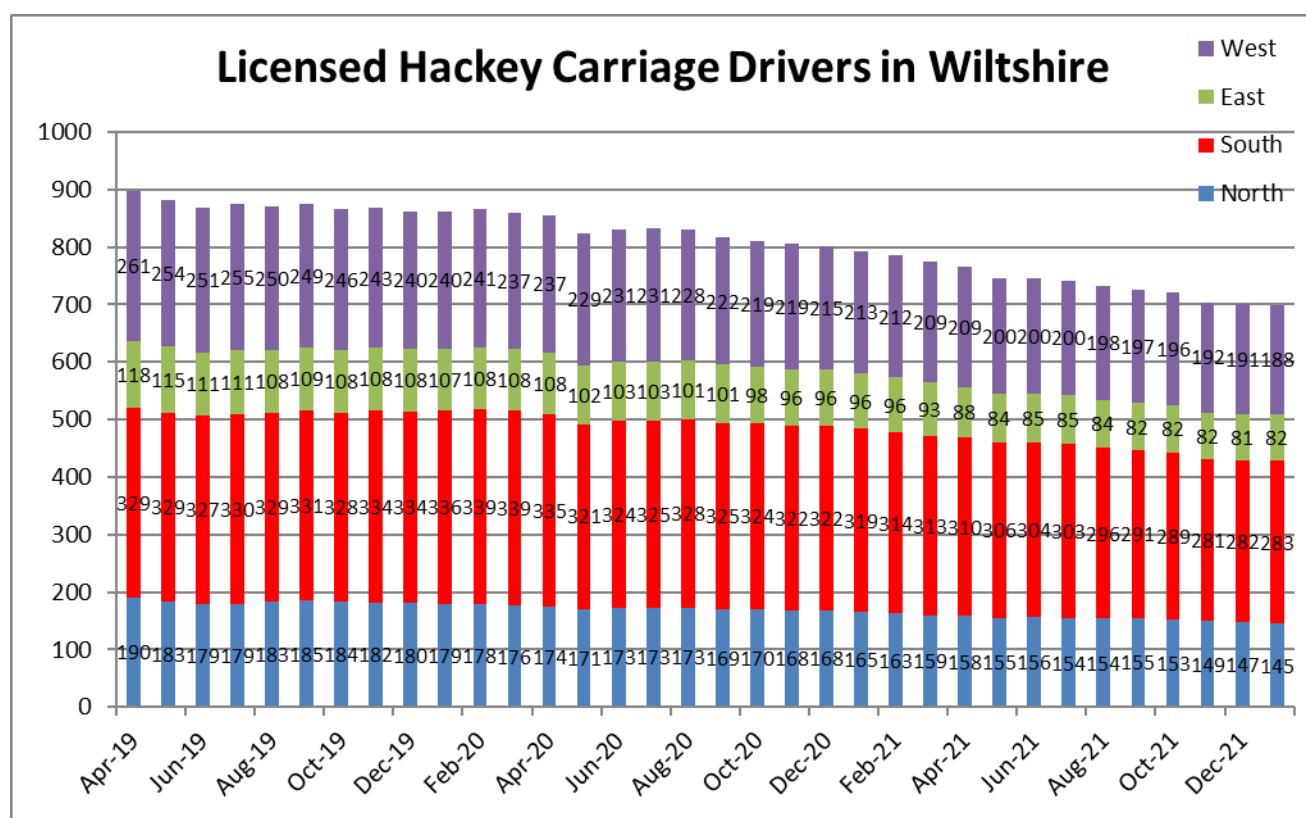
Fig.2

The graph below shows the monthly variation in hackney carriage driver numbers during 2019/20 and 2021/22. During January 2022 numbers fell by 3, numbers in the North fell by 2, the South and East rose by 1 and the West fell by 3 when compared to the previous month.

Since April 2019 Hackney Carriage driver numbers have fallen in all areas, down 73 in the West, 45 in the North, 36 in the East and 46 in the South. The West is clearly the worst affected area.

The falls in hackney carriage driver numbers in each area since the beginning of the pandemic in March 2020 are as follows.

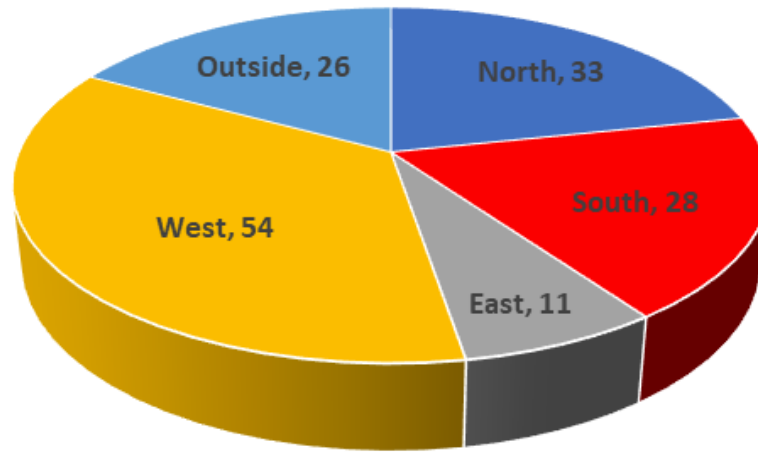
- North – 31 or 18%
- South – 56 or 17%
- East – 26 or 26%
- West – 49 or 21%



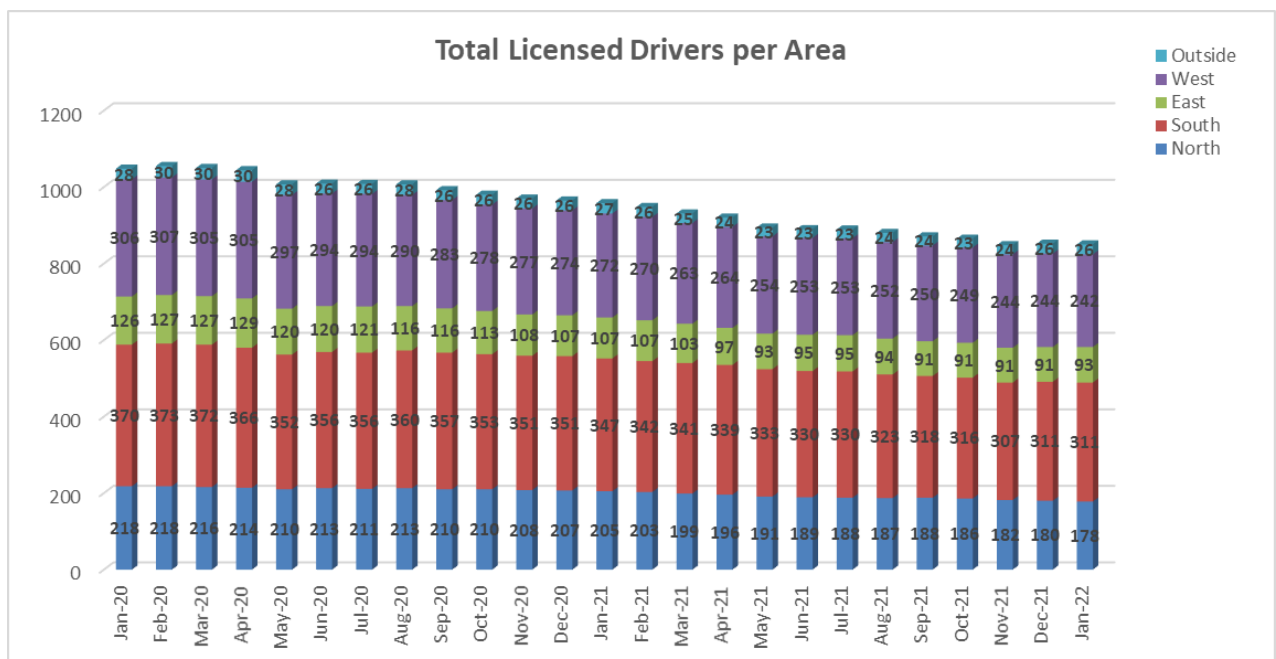
The team also license private hire only drivers, these totalled 152 as at the end of January 2022, an increase of 1 over the month, bringing the total number of drivers licensed to 850, a decrease of 2 over the month.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country. It is interesting to note that we have more private hire drivers living outside of the county than in the east of the county and in similar numbers with the South area. For information the area in which the private hire drivers are registered is as follows;

## Private Hire Drivers by Location 31 January 2022



The graph below shows total driver numbers since January 2020.



Since April 2019 the number of hackney carriage drivers has fallen by 200 and the number of private hire drivers has fallen by 26, an overall fall of 226 drivers or 21%. However 200, a large percentage of the reduction of 226 drivers has occurred since the first national lockdown in March 2020 as a result of Covid-19.

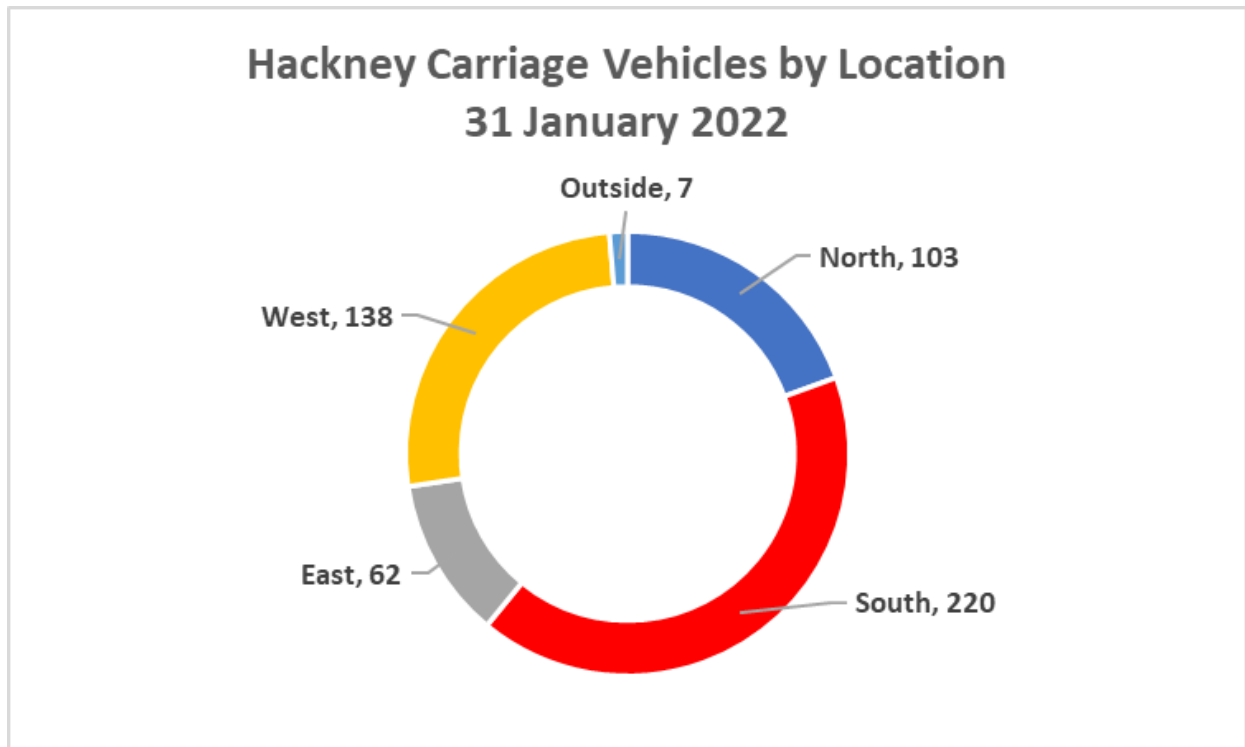
### 2.0 Licensed Vehicles

At the end of January 2022 the taxi licensing team licensed a total of 745 vehicles, down 1 on the previous month. The impact of lockdown and the Covid restrictions has taken effect and vehicle numbers had dropped for 8 consecutive months prior to May 2021, it was hoped numbers would stabilise after restrictions were lifted but this has taken longer than expected



although the team feel numbers have stabilised over the last two months. The vehicle split is as follows, 530 hackney carriage vehicles and 215, private hire vehicles, hackney carriage numbers fell by 2 and private hire vehicle numbers rose by 1 over the month when compared to the previous month. Of the 745 vehicles licensed 13.9% or 104 vehicles are wheelchair accessible. It should be noted that 31% of licensed private hire vehicles are wheelchair accessible compared to 7% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

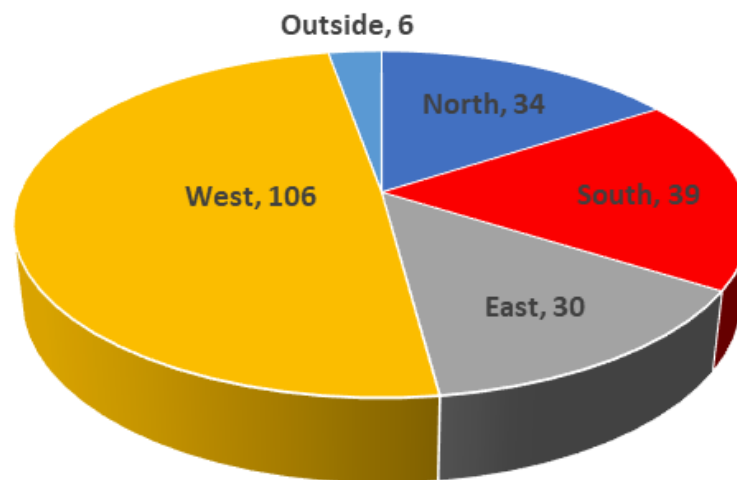
The chart below shows the location split of all hackney carriage vehicles.



The team also license private hire only vehicles, as advised above these totalled 215 as at the end of January 2022.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country if they wish. For information the area in which the private hire vehicles are registered is as follows;

## Private Hire Vehicles by Location 31 January 2022



Between March 2020 and January 2022 the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 186 or 20% since the first Coronavirus lockdown was announced, this is in line with national trends.

### 3.0 Enforcement actions

The team continue to proactively enforce the Council's policies in relation to taxi licensing, ensuring we have a visible presence on the rank, this has seen more enforcement and more penalty points and formal notices issued. The team issued penalty points to on 24 occasions during March 2021, the highest monthly total ever recorded. The enforcement officers also undertook drive by inspections and rank visits within our towns to identify potential issues.

Penalty points were issued on 17 occasions during January 2022 for the following reasons;

11 – Drivers badge not visible

1 – internal, plate not displayed, obstructing an officer, failure to notify the council of a motoring conviction, driving in a pedestrian area in contravention of TRO, dirty vehicle, unable to see number plate and 1 for leaving a vehicle unattended on a rank.

The Council operates an internal penalty points scheme under which a driver will be suspended if they reach 12 points in a rolling 12 month period.

The graph below shows a trend of increased enforcement as the team effectively manage our driver database.

The Team suspended six drivers and revoked one during January 2022.

The team also completed 32 DBS checks during January 2022

### Summary

A new schedule of fares and tariffs for hackney carriages was implemented on 04 January 2022.

The team are taking an active role in the Taxi Provision Working Group and working with colleagues in Passenger Transport Unit to try and address the reducing numbers of drivers and vehicles licenced in Wiltshire.

A recruitment open day is planned which will allow operators, Taxi Licensing and Passenger Transport to encourage driver recruitment in the County. The events can only proceed when the Council's Covid-19 policies in relation to attendance at our offices is updated.

The Group are also working on a Communications plan to encourage more individuals to consider taxi driving as a career choice.

The Coronavirus pandemic has hit the taxi industry very hard and all local authorities have seen reducing driver numbers. The team believe numbers are stabilising and are working with our colleagues in Passenger Transport Unit on initiatives to encourage recruitment of new drivers in Wiltshire.

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**Wiltshire Council**

**Licensing Committee**

**7 March 2022**

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## **Proposed Changes to Wiltshire Council's Hackney Carriage Licensing Zone Structure**

### **Executive Summary**

Wiltshire Council has a statutory responsibility under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 to licence and oversee hackney carriage and private hire vehicle services.

Hackney carriages can pick up passengers from a rank or the street without being pre-booked. Hackney carriages in Wiltshire are currently licensed for a specific zone and cannot pick up a fare outside of their zone unless it is pre-booked. Hackney carriages are restricted to working within their zone.

Private hire vehicles licensed in Wiltshire can operate anywhere in the County as their work is pre-booked, their work is not restricted by zone; however, they are not permitted to pick up off ranks or be flagged down in the street.

The existing zones in Wiltshire are geographically placed in the North, East, South and West reflecting the old district council zones. The Council has a legal obligation to offer vehicle owners an inspection at a location within their zone. This means that the Council is currently operating four workshops to facilitate taxi licensing. These workshops are located at Riverway Depot - Trowbridge, Kennet House Depot - Devizes, Parsonage Way Depot - Chippenham and Churchfields Depot - Salisbury. Each workshop is used one day per week and is underutilised.

Wiltshire Council faces unprecedented budget pressures. Managing four vehicle workshops to facilitate taxi licensing is increasing the budget pressure on Highways Operations as the equipment is old and requires increased maintenance. At some point in the future all workshops will have to be brought up to date with relevant equipment renewals.

It is proposed to move to a single licensing zone within Wiltshire, this will allow the Council to centralise all taxi licensing operations at the Kennet House Depot, Devizes, in line with the Fleet Services strategy of relocating from Horton Road depot Devizes to Kennet House to centralise their service. The County currently has a single fees and charges schedule covering the Wiltshire Council area and moving to a single zone will help align all elements of taxi licensing. The Kennet House Depot has been identified as the most appropriate central location within Wiltshire as part of the Council's depot review project. There are efficiencies and potential future savings for the Council in centralising taxi licensing in Kennet House, Devizes and removing the requirement to operate four workshops and associated office space.

There are also benefits to the taxi industry. Moving to a single zone would provide hackney carriage drivers with the ability to work anywhere within the County and would result in a reduction in dead miles and more efficient fuel usage, in line with the Council's carbon reduction commitment.

A single zone would allow Wiltshire Council to move to one workshop, maximising the use of the one workshop and driving savings, reducing costs and future spend.

A single zone would also provide staff efficiencies and reduce non-productive time by reducing officers travelling time which is currently spent travelling to all four geographical areas of the County.

The Kennet House workshop has been refurbished as part of the Councils Fleet and Depot strategies and is available to take on all the taxi licensing work. If the council were to retain its current model of 4 areas and 4 workshops the workshops in Riverway, Churchfields and Parsonage Way are old and outdated and will require refurbishment if they are to continue in their current guise.

A move to a single zone would mean hackney carriage vehicles from the existing North, South and West zones having to travel further for their vehicle inspections. However, this only occurs twice a year so the burden on vehicle owners is not significant. It is anticipated the benefits of working anywhere in the County and the reduction of 'dead' miles would negate the additional distance to attend two appointments per year.

The Council believes this is acceptable and not an unrealistic expectation.

#### **Proposal(s)**

It is proposed that the Licensing Committee considers and approves adopting the proposal identified in section 15.1 of the report.

The proposal is:

**That the Taxi Licensing team consult with the industry on introducing a single licensing zone for hackney carriages in Wiltshire.**

If approved by the Licensing Committee an update report will be provided to the Licensing Committee by 1 September 2022.

#### **Reason for Proposal**

To ensure that the appropriate consultation takes place to ensure;

The Taxi Licensing service operates in the most effective and efficient way for the Council, saving the Council potential future costs.

That the Taxi Licensing is in line with the Fleet Services strategy of centralising services at Kennet House, Devizes.

There are increased options for income generation for hackney carriage licence holders by allowing them to work anywhere within Wiltshire.

Taxi service provision is easier for the public to understand (for example that the public can use any taxi at any time).

**Parvis Khansari**  
**Director, Highways, Transport & Waste**

**Proposed Changes to Wiltshire Council's Hackney Carriage Licensing Zone Structure**

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**1.0 Purpose of Report**

- 1.1 To provide Wiltshire Council's Licensing Committee with the relevant information to make an informed decision on allowing the Taxi Licensing Team to undertake a consultation on proposed changes to Wiltshire Councils Hackney Carriage Vehicle Licence Zoning arrangements.

**2.0 Relevance to the Council's Business Plan**

- 2.1 Taxi Licensing is relevant to several areas of the Council's business plan.

- **Growing the economy** – Increasing the area drivers and operators can work in may provide opportunity for new business and employment across Wiltshire. This in turn provides access to goods, services and other businesses throughout Wiltshire. A thriving taxi industry can support all forms of retail and the night-time economy as well as the most vulnerable in society.
- **Building strong communities** – Provision of a centralised taxi licensing process can reduce costs for the Council. Funds saved can be reinvested into other services or more taxi enforcement that will have a direct benefit on Wiltshire residents.
- **Protecting those who are most vulnerable** - Ensuring that the most vulnerable have greater access and choice in relation to taxis and transport within their local area. Providing an opportunity for social inclusion by having the freedom to travel.

**3.0 Main Considerations for the Council**

- 3.1 Centralising the Taxi Licensing service may not be popular with vehicle owners and new applicants in the North, South and West regions who would now have to travel further for vehicle inspection appointments. The changes will open up competition throughout the County, some operators will view this positively whilst some will see it as a negative. The Council may suffer negative press coverage and reputational damage if the change is implemented. The Kennet House Depot is the most central in the County with equal journey times for all areas. This ensures that the Kennet House Depot can be reached within 1 hour from most areas within the County. Please note that on average each vehicle is subject to two inspections per year.
- 3.2 Budget pressures indicate that the service cannot continue to be delivered in its current form. Existing workshops are only utilised for one day a week which is not cost effective. Any move to a single zone allows the Council to remove the duplication of office space and equipment across three depots and removes the requirement for future spend on taxi licensing at three of the four depots currently used. This further allows the Council to reduce future funding and assisting it to meet its mid-term financial plans.

- 3.3 There are no staff savings as a result of this proposal, however staff will have additional time to focus on the key objectives of licensing which is safeguarding the public and increased enforcement. Additional time created by reduced officer travel will be used to ensure all driver and vehicle documents and checks are up to date such as DBS, Medical, MOT, Insurance and Safeguarding training checks.
- 3.4 The depot review project, led by Property Services, aims to rationalise the number of depots operated by the Council and ensure that each is used effectively. This project allows us to deliver this objective in respect of taxi licensing and is in line with the overall Fleet Services strategy of centralising Fleet at Kennet House, Devizes.
- 3.5 The move to a single use depot in Devizes will improve current health and safety standards. At present in the Riverway, Churchfields and Parsonage Way depots there is no dedicated waiting area and no physical barriers to prevent drivers from accessing the working yard if no staff are present to supervise. Kennet House has a separated waiting facility for taxi drivers that also provides an area where they can view their vehicle being inspected. The move to centralising in Kennet House will remove this health and safety risk for the Council.

#### **4.0 Background**

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976, Section 50(1) currently dictates the Council must have vehicle inspection facilities available in each zone for which hackney carriages are licensed.
- 4.2 The Council currently has inspection facilities in four depots which are used one day a week on average. The Depots are as follows:  
**North** – Parsonage Way Depot, Chippenham (Wednesday)  
**South** – Churchfields Depot, Salisbury (Thursday)  
**East** – Kennet House Depot, Devizes (Monday)  
**West** – Riverway Depot, Trowbridge (Tuesday)

The number of vehicle inspections completed in each area based on two inspections per year at present is shown below.

North – 275

South – 520

East – 190 these vehicles will be unaffected by the change

West - 490

- 4.3 It should be noted that our current inspection facilities at Parsonage Way Depot in Chippenham are unavailable due to the site being used as a COVID 19 testing site. These inspections have been temporarily moved to Kennet House Depot in Devizes. As of January 2022, our inspection facilities in Riverway are also unavailable due to structural issues, an inoperable inspection ramp and vermin control which are causing health and safety concerns. This leaves the service without inspection facilities within the North and West Zones and as such the Council could face legal challenge due to the current zoning requirements.
- 4.4 Currently each inspection facility has a designated area for inspections, including ramp facilities. Ramps require 6 monthly safety inspections at a cost of £1,500 per ramp per annum or £6,000 per annum.



- 4.5 Wiltshire Council became a Unitary Authority in April 2009. The Unitary Authority amalgamated the four former District Councils along with Wiltshire County Council.
- 4.6 Although Wiltshire Council has been a unitary authority since 2009 taxi licensing continues to operate in four separate zones: North, South, East and West based on the old district council areas.
- 4.7 The Local Government Act 1972 Schedule 14, Part II, Para 25 allows the council to merge the existing zones into a single zone that would cover the whole of the Wiltshire Council area.
- 4.8 Following the formation of Wiltshire Council, extensive consultation was carried out with both the public and the taxi trade. From this a unified set of guidelines, policies and procedures for hackney carriage and private hire licensing were approved by the Licensing Committee on 26 May 2010 and introduced across the Wiltshire Council Zones on 1 October 2010.
- 4.9 The consultation in 2010 proposed to amalgamate the existing four tariff structures in to one tariff structure and one zone throughout the council area. However, due to the complications of creating a one tariff structure it was agreed that more consultation should take place on these proposals.
- 4.10 On 3 September 2013 the Licensing Committee agreed at its meeting to further consult on the move to one tariff and one zone across the Wiltshire Council area. A consultation was carried out with the trade from 23 June 2014 for 8 weeks. Following this, the Licensing Committee agreed at its meeting on 8 December 2014 to advertise the proposal for one tariff across the four zones but to retain the existing four zones.
- 4.11 In May 2015 the Council introduced one tariff structure that covered each of the existing zones throughout the council area with the intention of looking to move to one zone for Wiltshire Council in the future.
- 4.12 The Department of Transport (DfT) best practice guidance for taxi licensing was issued in March 2010 and recommended the abolition of zones. This was chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice. For example, if fifty taxis were licensed overall by a local authority only twenty-five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency and reduce carbon emissions. This is because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
- 4.13 The Council has a single set of policies and guidelines covering all zones. A single schedule of fares and tariffs is also in operation across Wiltshire. Creating a single licensing zone and licensing vehicles for the whole of the Wiltshire area will bring the above components of taxi licensing into line and standardise taxi licensing across the county.

## **5.0 Safeguarding Implications**

- 5.1 Moving to a single zone and one office does not have any additional safeguarding implications.

## **6.0 Public Health Implications**

- 6.1 The proposal to centralise taxi licensing and move to a single zone across the whole of Wiltshire has potentially positive public health implications as taxis would be more readily available across the County.

- 6.2 A single zone would assist in protecting the vulnerable in our society as there will be less confusion over tariffs and which vehicles can or cannot pick people up. Abolition of zones also promote fuel efficiency and reduce carbon emissions. This is because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone. The health impacts of high emissions/poor air quality are well documented and any reduction of traffic on busy routes and at peak times will play a part in improving the health of the population.

## **7.0 Environmental and Climate Change Considerations**

- 7.1 There are potential environmental or climate change considerations arising from this report proposal. The proposal would reduce the mileage of staff travelling between depots, thus reducing the Council's carbon footprint; however, this would be offset by some vehicle owners and new applicants having to drive further for appointments, it should be noted this occurs only twice per annum. The reduction in staff mileage and the reduced use of office space with associated heating and lighting would reduce the Council's overall carbon footprint. Staff mileage to the depots in a non-Covid environment is approximately 16,500, this is anticipated to drop to 8,600, a decrease of 8000 miles. The impact on the Council's staff carbon footprint would be a reduction of approximately 2 tonnes of CO2 per annum.

## **8.0 Corporate Procurement Implications**

- 8.1 There are no direct procurement implications arising from this report.

## **9.0 Equalities Impact of the Proposal**

- 9.1 The impact of these proposals is assessed as 'medium' against the council's statutory responsibilities.

The new zone would allow drivers to work anywhere within the County, creating a level playing field for all. Basing the service in Devizes will have a negative impact on some who would have to travel further than others to attend an appointment, however this only occurs twice per annum, so the Council does not consider the move unreasonable. The move would not adversely impact disabled drivers in the South, North and West as whilst they would have to driver slightly further for a vehicle inspection twice a year, as professional drivers the Council do not believe this disadvantages them in any way.

## **10.0 Risk Assessment**

**Risks that may arise if the proposed decision and related work is not taken**

- 10.1 Budget pressures may not allow the current model of delivering the service to continue and sufficient funding may not exist for equipment to be maintained or procured resulting in non-delivery of the service. This could lead to a legal challenge from the industry as the Council is legally required to provide inspection facilities in all zones for which vehicles are licensed.
- 10.2 The Council will continue to deliver the service in a less efficient way by working from multiple locations one day per week.
- 10.3 Three of the existing depots have no safe area for drivers to wait whilst their vehicles are inspected. Any driver unsupervised in a Council yard does not meet the required policies or health and safety measures placed on all council depots and should an incident occur with an unsupervised driver, there is a risk of a potential claim against the Council.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

- 10.3 There is the possibility of negative press coverage and reputational damage as licence holders in some areas view the proposal as a reduction in service as they travel further to fulfil appointments.
- 10.4 Licence holders may migrate to a specific area which may create an oversupply of taxis in one area and an undersupply in others. The Council believe that demand and supply will level out this problem over time, however it does note that the increased options and competition in some areas may have a negative impact on some taxi operators. It is believed that the move will drive up standards in the longer term.

**11.0 Financial Implications**

- 11.1 The recommendation in this report is to go out to consultation with the industry on a single licensing zone for hackney carriages in Wiltshire, the cost of consultation will be minimal and will be met by the Highways Operations Budget in 21/22.
- 11.2 There are potential future savings for the Council by centralising the Taxi Licensing service to a single zone. Any future savings and implications would be detailed in a future report once the results of the consultation have been reviewed and a recommendation is presented.

**12.0 Legal Implications**

- 12.1 The Council's has a legal obligation to advertise the proposed changes for two weeks. There are currently no legal reasons that prohibit the Council implementing the proposed single zone.
- 12.2 There is no legal requirement to consult with the industry, however the Council would want to work with the industry on any change and implementation.
- 12.3 The Local Government Act 1972, Schedule 14, Part II, Para 25 dictates any change to the existing hackney carriage zones would have to be advertised in the local press for two consecutive weeks served, and not later than the date on which the advertisement is first published. This is to be served on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting to allow the public and drivers to raise objections.

- 12.4 The cost of advertising the proposal would be approximately £5,000, this will be covered by the service area budget.
- 12.5 If the service is moved to a single zone model it should be implemented during the 2022/23 financial year.

### 13.0 Options Considered

- 13.1 The following options have been considered:

#### Leave the existing hackney carriage zones in place (Under the current arrangements)

Benefits	Risks
No costs incurred with carrying out advertising and notification.	Council must have vehicle inspection facilities in each zone. Inspections carried out one day a week in each zone.  Each depot requires inspection facilities which include ramp and workshop facilities, this is not cost effective when only used one day a week. Two of the four workshops are currently out of action and require significant spend to make them fit for purpose. The Council is currently open to a legal challenge for not providing inspection facilities within the zone.
Less travelling time for drivers and vehicle owners, an inspection facility in their local area.	Staff expenses and lost time travelling between depots.
	Does not support the council's business plan for staff to reduce carbon footprint.

#### Move to one zone for hackney carriage licensing throughout the Wiltshire Council area

Benefits	Risks
Long term costs greatly reduced	Cost of advertising proposal
Reduction in staff carbon footprint	Trade may be unhappy with travelling to inspection facilities outside of their current area although , it should be noted on average each licensed vehicle would only have to undertake this twice a year. Drivers in the North have been doing this for a number of months because Parsonage Way is currently being used as a Covid test centre.
Reduction in staff travel time	
Reduction in staff mileage	

Reduction in costs of having to provide a workshop and inspection facilities in each zone	
Reduction of costs involved in maintaining ramps. (4 ramps down to 1 ramp).	
Reduction in dead miles for taxi drivers dropping off outside their current zone	

## 14.0 Conclusion

14.1 Wiltshire Council should undertake a consultation to ensure it has evaluated all options for service delivery in conjunction with industry feedback which will ensure the future sustainability of the taxi licensing function. The consultation will assist in identifying the most efficient and effective service model for both the Council and the industry. Any move to a single zone would reduce the number of offices and workshops used by 75%, saving the Council future spend to bring three workshops to up to date standards. A single zone would also allow drivers to work anywhere within the County, providing them with more flexibility and income earning opportunities. However it is recognised that the public consultation may provide other potential solutions for service delivery for the benefit of the public and the taxi industry.

## 15.0 Proposal

15.1 It is proposed that the Licensing Committee authorises the Taxi Licensing team to undertake a consultation with the industry in relation to implementing a single licensing zone for hackney carriage vehicles across Wiltshire.

## 16.0 Reasons for Proposal

To ensure that the appropriate consultation takes place to ensure;

- The Taxi Licensing service operates in the most effective and efficient way for the Council, saving the Council potential future costs.
- That the Taxi Licensing is in line with the Fleet Services strategy of centralising services at Kennet House, Devizes.
- There are increased options for income generation for hackney carriage licence holders by allowing them to work anywhere within Wiltshire.
- Taxi service provision is easier for the public to understand (for example that the public can use any taxi at any time).

**Parvis Khansari**  
**Director, Highways, Transport & Waste**

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Report Authors:  
 Jo Hulbert & Danial Farr  
 Fleet Compliance Officers  
[Jo.hulbert@wiltshire.gov.uk](mailto:Jo.hulbert@wiltshire.gov.uk) and [Danial.farr@wiltshire.gov.uk](mailto:Danial.farr@wiltshire.gov.uk)  
 Tom Ince, Principal Compliance Officer  
[Tom.ince@wiltshire.gov.uk](mailto:Tom.ince@wiltshire.gov.uk)  
 Tel: 01380 826334

18 February 2022

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**Wiltshire Council**

**Licensing Committee**

**7 March 2022**

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**Licensing Act 2003: Adoption of procedures in relation to personal licence holders convicted of relevant offences**

**Summary**

The purpose of this report is to inform members of the amendments to the Licensing Act 2003 made by the Policing and Crime Act 2017 and to introduce new procedures relating to these changes.

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave licensing authorities the power to revoke or suspend personal licences. This is a discretionary power, there is not a positive duty placed upon licensing authorities to consider all personal licence holders who may have been convicted. A summary of relevant offences is attached at **Appendix 1**.

Should this licensing authority choose to use this power, the process which must be undertaken by the authority to suspend or revoke a personal licence is set out at section 132A of the Licensing Act 2003.

The decision to revoke or suspend a personal licence must be made by the licensing committee or sub committee, but the action required before making a final decision may be taken by a licensing officer.

Where the licensing authority becomes aware that a holder of a personal licence has been convicted of a relevant offence or foreign offence, a notice must be sent to the holder of a personal licence inviting the holder to make representations regarding the conviction within 28 days. This notice cannot be sent until after the period for lodging an appeal against the conviction for a relevant offence has passed. Where an appeal has been lodged, it must be decided, and the conviction upheld for the licensing authority to exercise its powers.

This notice can be issued by the licensing manager. At the expiry of the 28 day period, the licensing authority must determine whether or not to suspend/revoke the licence. Where the licensing authority is minded not to revoke the licence, it must notify the Chief Constable of the Wiltshire Police of this decision. The Chief Constable may make representations within 14 days of being notified of the licensing authority's proposed decision. A final decision on the suspension/revocation of the personal licence can be made after the expiry of the 14 day period. The personal licence holder may appeal the decision to the Magistrates' Court.

A proposed general procedure that Wiltshire Council could undertake is attached to this report as **Appendix 3**.

### **Proposal(s)**

That the Licensing Committee:

1. Note the content of the report and consider the legislative changes.
2. Delegate the licensing authority's responsibility to a licensing sub committee where relevant.
3. Consider approving the use of a 4<sup>th</sup> Option - Final Warning letter.
4. Approve the procedure as set out in **Appendix 3** in regard to consideration of personal licence holders with relevant convictions.
5. Note the legislative requirements in regard to revoking or suspending a personal licence as set out in **Appendix 4**.
6. Review the application of these procedures in 18 months.
7. If on review it is agreed to continue with these procedures that the Council's Statement of Licensing Policy be updated to reflect these procedural changes at next review.

### **Reason for Proposal**

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave licensing authorities the power to revoke or suspend personal licences with effect from 6th April 2017.

The proposals are set out to ensure the Council meets its obligations under the Act should it choose to do so.

**Author name:** Linda Holland

**Title:** Licensing Manager

Parvis Khansari

Interim Corporate Director Place



**Licensing Act 2003: Adoption of procedures in relation to personal licence holders convicted of relevant offences**

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**Purpose of Report**

1. To advise members of changes to the Licensing Act 2003 which came into force on 6th April 2017 and to introduce new procedures relating to these changes. Prior to 2017, only the Magistrates' Court had the power to revoke or suspend a personal licence where the licence holder had been convicted of a relevant offence.
- 1.1 This report proposes procedures to be carried out in line with legislation when considering the appropriate action to be taken against personal licence holders with relevant convictions.

**Relevance to the Council's Business Plan**

2. The Wiltshire Council Business Plan 2017- 2027 sets out the vision to create strong communities, with priorities for growing the economy and protecting the vulnerable and where people are protected from harm and feel safe. This is reflected in the Business Plan Principles 2022-2032.

**Main Considerations for the Council**

3. As licensing authority responsibilities in relation to personal licence holders holding relevant convictions are now incorporated in the Licensing Act 2003, it is necessary for Wiltshire Council's licensing committee to adopt a procedure to deal with these matters.

**Background**

- 4 Previously only the Magistrates' Court had the power to revoke or suspend a personal licence where the licence holder had been convicted of a relevant offence.
- 4.1 The amendments to the Licensing Act 2003 now give this power to licensing authorities for convictions received on or after 6 April 2017. Where a licensing authority, which has granted a personal licence, becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or has been required to pay an immigration penalty on or after this date, the authority has the discretionary power to revoke the licence or suspend the licence for a period of up to six months. Relevant offences are listed in Schedule 4 to the Licensing Act 2003 (as amended).

- 4.2 The Policing and Crime Act 2017 does not set out any hearing procedures for determining whether to suspend/revoke personal licences. The Section 182 Guidance issued by the Secretary of State specifies at paragraph 4.45 that a licensing committee or sub committee should determine the application to revoke a personal licence. However, it does not specify whether a hearing needs to take place. It is proposed that a similar process to that used in licensing hearings be adopted which is an approach used by other licensing authorities. This approach would satisfy the principles of natural justice and provide a recognised framework in the event of an appeal to the Magistrates' Court. The public can be excluded from a hearing if the sub committee considers that the public interest in so doing outweighs the public interest in the hearing.
- 4.3 The Licensing Act 2003 Part 6 places an obligation upon a personal licence holder charged with a relevant offence to inform the Court on charge or no later than first appearance of their status as a personal licence holder. The personal licence holder is under a duty to *inform* the licensing authority of their conviction by way of a notice to the licensing authority stating the nature and date of conviction and sentence. Unless exceptional circumstances apply, that licence should be produced to the Court. The holder of a personal licence must as soon as reasonably practicable, give the relevant licensing authority notice of any relevant conviction and sentence. A personal licence holder who fails to notify as described, commits a further offence. The same provision applies to any determination of appeal against a conviction or sentence.
- 4.4 Section 138(2) of the Policing and Crime Act 2017 dictates that these powers cannot be delegated to Officers. However, the discretionary nature of the powers allows officer consideration as to whether a personal licence holder should be referred to a committee for determination to take place. Such considerations will necessarily be carried out on a case by case basis.

### **Proposed Procedure**

5. Where a licensing officer determines that it is a relevant offence, a decision will be made by the officer whether it may be appropriate for the licensing sub committee to consider whether the licence should be revoked or suspended. A notice must be given to the licence holder confirming the intention to take the matter to licensing sub committee for consideration.
- 5.1 The licence holder has 28 days to provide any relevant information as explained in the notice. Any representation made by the licence holder will be considered along with any other relevant information received from the officer's investigation. This could involve evidence and statements provided by the Police or Home Office in regard to the circumstances surrounding the conviction.
- 5.2 A report will be produced for sub committee detailing the conviction and relevant offence, information supplied by licence holder and any further information gathered during the course of an investigation. A sub committee hearing will be held where the report will be presented, and the licence holder invited to attend to provide a submission and answer any questions from members.
- 5.3 The licensing sub committee members would have the option of 3 decisions that can be made under the Act:

1. To take no action
2. To suspend the personal licence for a period not exceeding 6 months
3. To revoke the personal licence

If the decision made is to take no action, or suspend the personal licence, the officer must then notify the Chief Constable of Wiltshire Police of the decision and give them 14 days to make any representations. Where the licence holder is convicted of immigration offences or paid a civil penalty, the licensing authority should notify Home Office Immigration Enforcement and allow representations in the same manner.

- 5.4 A consideration for licensing committee members is whether the Council wishes to adopt a 4<sup>th</sup> option: that of a final warning letter, where circumstances are such that members consider that options 1-3 are not decisions they wish to pursue, but on the balance of evidence the sub committee conclude a final warning is merited.
- 5.5 The Act does not allow for warning letters specifically (neither does it elsewhere in licensing) however this option is an established procedure adopted by other authorities. We would, as with other outcomes, have to notify any such decision to Wiltshire Police as relevant information to them.
- 5.6 If Police or Home Office Immigration Enforcement respond and ask for the revocation of personal licence, a second hearing will be held for members to reconsider the original information, the new representations from police, any representations from the licence holder and give a final decision. Following consideration of the new information, the same 3 or 4 options apply.
- 5.7 If no response is received from Police or the response indicates it is for information only, then the licensing manager will need to confirm if the original decision stands. This may be done without a second hearing.
- 5.8 The provisions of the Rehabilitation of Offenders Act 1974 will apply for the purposes of this guidance. Where there is a delay between conviction and notification to the licensing authority, the licensing officer will consider whether that conviction is 'spent' and make an appropriate decision as to whether the matter is referred to the licensing sub committee: **Appendix 2**.
- 5.9 The overall volume of conviction notifications and subsequent decision appeals is expected to be low. It is *not* proposed that retrospective vetting of personal licence holders for previous convictions is conducted.

### **Licensing Policy**

6. Section 6.7 of Wiltshire Council's Statement of Licensing Policy acknowledges that the Policing and Crime Act 2017 amended the Licensing Act 2003 and allows the licensing authority to suspend up to 6 months or revoke a personal licence upon a personal licence holder being convicted of a relevant offence.

### **Recent indications**

7. The licensing authority has become more aware that on occasion licence holders have failed or are failing to advise the Court that they hold a personal licence, so the matter has not been addressed at point of conviction.

### **Safeguarding Implications**

8. Where appropriate, ensuring that any individual holding a personal licence that is convicted of a relevant offence(s) ability to continue to hold said licence is appropriately and proportionally reviewed by the licensing authority, thus, ensuring any safeguarding implications are considered.

### **Public Health Implications**

9. None

### **Environmental and Climate Change Considerations**

10. None

### **Corporate Procurement Implications**

11. None

### **Equalities Impact of the Proposal**

12. None

### **Risk Assessment**

13. There are no significant risks arising from adoption of the procedure.

### **Risks that may arise if the proposed decision and related work is not taken**

14. Wiltshire Council will not be able to demonstrate it has an appropriate procedure in place to address personal licence holders convicted of relevant offence under the Licensing Act 2003.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

15. None

### **Financial Implications**

16. It is possible that if a licensing committee decision is appealed to the Magistrates Court and the appeal is upheld, costs may be awarded against the Council.
- 16.1 The Council could incur additional costs as a result of an increase in licensing hearings however the numbers of hearings anticipated are minimal and therefore it is not anticipated to be significant in the context of the Council's overall finances.

## Legal Implications

17. The Policing & Crime Act 2017 does not set out any hearing procedures for determining whether or not to revoke/suspend personal licences. The s.182 guidance issued by the Secretary of State specifies that a licensing committee or a sub committee should determine the application to revoke a personal licence but does not specify whether or not a hearing needs to take place.

17.1 Section 7(1) of the Licensing Act 2003 empowers a licensing committee to determine the decision making procedures for applications under the Licensing Act 2003. It is therefore open to the licensing committee to elect to dispose of these hearings by:

1. Delegating to the licensing sub committee the power to determine the application on the papers without a formal hearing; or
2. Delegating the decision making powers to the licensing sub committee. The hearing procedure and timescales that apply to contested personal licence applications can apply to applications to revoke/suspend personal licences.

The provisions for appeal under Schedule 5, Part of the Licensing Act 2003 provides for appeal to be made to the Magistrates Court in the usual way within 21 days of the determination.

17.2 All relevant applicant types under the Licensing Act are already determined by a process of hearings by a sub committee. If the licensing sub committee is further delegated to make these decisions, it will align with the functions of the licensing sub committee.

## Options Considered

18. The options are detailed under the Licensing Act 2003.

## Proposals

19. The Licensing Committee is asked to:

- Note the content of the report and the legislative changes.
- Confirm that the licensing sub committees hold the authority to suspend or revoke a personal licence.
- Approve the use of a 4<sup>th</sup> Option - Final Warning letter.
- Approve the general procedure in regard to revoking or suspending a personal licence as set out in **Appendix 3**.
- To note the legislative procedure in regard to revoking or suspending a personal licence as set out in **Appendix 4**.

- To review the application of these procedures in 18 months.
- If on review it is agreed to continue with these procedures that the Council's Statement of Licensing Policy be updated to reflect these procedural changes at next review.

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Report Author: Linda Holland

Licensing Manger Public Protection. Tel: 01249 706410  
linda.holland@wiltshire.gov.uk

**Background Papers:**

**Licensing Act 2003**  
**Section 182 Guidance**  
**Policing and Crime Act 2017**

**Appendices**

**Appendix 1 - Relevant Offences**  
**Appendix 2 - Rehabilitation of Offenders**  
**Appendix 3 - General working Procedure**  
**Appendix 4 - Legislative Procedure**

## Licensing Act 2003

## SCHEDULE 4

Section 113

## PERSONAL LICENCE: RELEVANT OFFENCES

- 1 An offence under this Act.
- 2 An offence under any of the following enactments—
  - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
  - (b) the Licensing Act 1964 (c. 26)
  - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
  - (d) section 13 of the Theatres Act 1968 (c. 54)
  - (e) the Late-Night Refreshment Houses Act 1969 (c. 53)
  - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
  - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24)
  - (h) the Cinemas Act 1985 (c. 13)
  - (i) the London Local Authorities Act 1990 (c. vii).
- 2A An offence under the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.]
- 3 An offence under the Firearms Act 1968 (c. 27).

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- 4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
- 5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)—
  - (a) section 1 (theft)
  - (b) section 8 (robbery)
  - (c) section 9 (burglary)
  - (d) section 10 (aggravated burglary)
  - (e) section 11 (removal of articles from places open to the public)
  - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person
  - (g) section 13 (abstracting of electricity)
  - (h) section 15 (obtaining property by deception)
  - (i) section 15A (obtaining a money transfer by deception)

- (j) section 16 (obtaining pecuniary advantage by deception)
  - (k) section 17 (false accounting)
  - (l) section 19 (false statements by company directors etc.)
  - (m) section 20 (suppression, etc. of documents)
  - (n) section 21 (blackmail)
  - (o) section 22 (handling stolen goods)
  - (p) section 24A (dishonestly retaining a wrongful credit)
  - (q) section 25 (going equipped for stealing etc.).
- 6 An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
- 7 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) (production of a controlled drug)
  - (b) section 4(3) (supply of a controlled drug)
  - (c) section 5(3) (possession of a controlled drug with intent to supply)
  - (d) section 8 (permitting activities to take place on premises).
- 7A An offence under any of the Immigration Acts.]
- 8 An offence under either of the following provisions of the Theft Act 1978 (c. 31)—
- (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).
- 9 An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)—
- (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.)
  - (b) section 170B (taking preparatory steps for evasion of duty).
- 10 An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)—
- (a) section 8G (possession and sale of unmarked tobacco)
  - (b) section 8H (use of premises for sale of unmarked tobacco).
- 11 An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
- 12 An offence under the Firearms (Amendment) Act 1988 (c. 45).
- 13 An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright)
  - (b) section 107(3) (infringement of copyright by public performance of work etc.)



- (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent)
  - (d) section 297 (1) (fraudulent reception of transmission);
  - (e) section 297A (1) (supply etc. of unauthorised decoder).
- 14 An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)—
- (a) section 3A (causing death by careless driving while under the influence of drink or drugs)
  - (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs)
  - (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
  - (d) section 6(6) (failing to co-operate with a preliminary test).]
- 15 An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol—
- (a) section 14 (selling food or drink not of the nature, substance or quality demanded)
  - (b) section 15 (falsely describing or presenting food or drink).
- 16 An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
- 17 An offence under the Firearms (Amendment) Act 1997 (c. 5).
- 18 A sexual offence, being an offence —
- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 <sup>F5</sup>, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));  
    - [ listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);]
  - (b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective)
  - (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).]
- 19 A violent offence, being any offence, which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which

is required to be charged as arson (whether or not it would otherwise fall within this definition).]

- 19A An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).]
- 19B An offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).]
- 20 An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).
- 21 An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.]
- 22 An offence under the Fraud Act 2006.]
- 22ZA An offence under any of the following provisions of the Violent Crime Reduction Act 2006—
- (a) section 28 (using someone to mind a weapon)
  - (b) section 36 (manufacture, import and sale of realistic imitation firearms).
- 22A An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.
- 23 An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.]
- 23A An offence under any of the following provisions of the Psychoactive Substances Act 2016—
- (a) section 4 (producing a psychoactive substance);
  - (b) section 5 (supplying, or offering to supply, a psychoactive substance);
  - (c) section 7 (possession of psychoactive substance with intent to supply);
  - (d) section 8 (importing or exporting a psychoactive substance).]
- 23B An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).]
- 24 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
- 25 An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.
- 26 The offence at common law of conspiracy to defraud.

**Rehabilitation of Offenders Act 1974**

For the purposes of the guidance proposed in this section, the principles set out in the Rehabilitation of Offenders Act should be followed. For example, where the LA become aware of a conviction after the fact, this act ought to be considered and it is not proposed an officer should pursue suspension or revocation of a Personal License where a conviction is likely to spent by the time the process if review is likely to be complete.

Full details of the act can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216089/rehabilitation-offenders.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216089/rehabilitation-offenders.pdf)

In complex cases, definitive legal advice should always be sought to properly interpret the act.

The main provisions here:

**Rehabilitation Periods table**

Sentence or disposal	Rehabilitation period if aged 18 or over when convicted or disposal administered	Rehabilitation period if aged under 18 when convicted or disposal administered
<ul style="list-style-type: none"> <li>• Sentence of imprisonment for life</li> <li>• Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years</li> <li>• Sentence of preventive detention</li> <li>• Sentence of detention at Her Majesty’s Pleasure</li> <li>• Sentence of custody for life</li> <li>• Public protection sentences* (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders)</li> </ul>	<p>These sentences are excluded from rehabilitation and so will always be disclosed</p>	<p>These sentences are excluded from rehabilitation and so will always be disclosed</p>

\*A public protection sentence (the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces

Act 2006 means a sentence of imprisonment or detention, as detailed above, imposed for specified sexual and violent offences.

A custodial sentence of over 2 years 6 months but not exceeding 4 years	7 years from the date on which the sentence (including any licence period) is completed	3 years 6 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 2 years 6 months*	4 years from the date on which the sentence (including any licence period) is completed	2 years from the date on which the sentence (including any licence period) is completed
A custodial sentence of up to 6 months*	2 years from the date on which the sentence (including any licence period) is completed	1 year 6 months from the date on which the sentence (including any licence period) is completed
A sentence of service detention	1 year from the date on which the sentence was completed	6 months from the date on which the sentence was completed
Dismissal from Her Majesty's Service	1 year from the date of conviction	6 months from the date of conviction
Fine	1 year from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order or youth rehabilitation order	1 year from the last day on which the order has effect	6 months from the last day on which the order has effect
Driving endorsements	5 years from the date of conviction	2 years 6 months from the date of conviction
Driving disqualification	When the period of the disqualification has passed	When the period of the disqualification has passed
Simple caution, youth caution	Spent immediately	Spent immediately
Conditional caution, youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Compensation order	On discharge of the order (i.e. when it is paid in full). Proof of payment will be required	On discharge of the order (i.e. when it is paid in full). Proof of payment will be required
Absolute discharge	Spent immediately	Spent immediately

Relevant orders\*\* (orders that impose a disqualification, disability, prohibition or other penalty)

The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent

The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent

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**General Procedure for Revoking or Suspending a Personal Licence**

1. Licensing officer becomes aware of a conviction of a *relevant offence* or immigration penalty. **Note:** The personal licence holder is under a duty to *inform* both the licensing authority and the court on conviction. Information to the local authority should come from the individual but may also originate from Police or Court service.
2. After the officer determines that it is a relevant offence, a decision will be made by the officer whether it may be appropriate for the licence to be considered for revocation or suspension. Where there is a delay between conviction and notification the officer must consider the Rehabilitation of Offenders Act. Where any conviction is likely to be spent before completion of this process, it should not be started, unless exceptional circumstances apply.
3. If the officer believes it may be appropriate to refer the matter to members for consideration, a notice must be given to the licence holder confirming the intention.
4. The Personal licence holder has 28 days to provide any relevant information as explained in the notice.
5. The licensing officer also collects any addition information that may be relevant to the case and prepares the information to be placed before the Licensing Sub Committee. This guidance is not intended to be prescriptive as to the scope of any investigation; however, established Licensing Objectives; the Council Business Plan, relevant local context and public interest may be reasonable considerations.
6. Representation made by the licence holder will be considered along with any other information received from the officer investigation. This could involve any evidence and statements provided by the Police or Home Office regarding the circumstances surrounding the convictions. Context of the offending and established Licensing Objectives / Statement of Licensing Policy are key considerations.
7. A report will be produced for the Licensing Sub Committee detailing the convictions, sentence received and relevant offence, information supplied by licence holder and any further information gathered during course of the wider investigation.
8. A Licensing Sub Committee hearing will be held where the report will be presented, and the Personal licence holder invited to attend to provide a submission and answer any questions from members.
9. Members will have the option of 3 or if approved 4 decisions that can be made:
  - To take no action
  - To issue a warning letter
  - To suspend the personal licence for a period not exceeding 6 months
  - To revoke the personal licence

Such hearings ought to be held in private on the basis that an individual's conviction/s might be reasonably considered to be private information and not for discussion in public forum. It is recognised that Courts themselves are public and convictions are publicised at the time. The licensing authority may wish to consider publicising the outcome of a hearing after a determination in some cases. Consultation at executive level and appropriate legal advice should be sought in such circumstances.

- 10.** If the decision made is anything other than revocation the officer must then notify the Chief Constable and/or Home Office of the decision and give them 14 days to make any representations. This notification should pass via the Police Licensing Officer and Community Policing Inspector for the geographic area concerned.
- 11.** If the Police and/or Home Office respond and ask for the revocation of personal licence, a second hearing will be held for members to reconsider the original information, the new representations from Police or Home Office and give a final decision. Following consideration of the new information, the same three or four options apply:
  - To take no action
  - To issue a final warning letter
  - To suspend the personal licence for a period not exceeding 6 months
  - To revoke the personal licence
- 12.** If no response is received from Police or Home Office, or the response indicates it is for information only, then Licensing Manager will need to confirm if the original decision stands. This may be done via email/phone or similar method. There is no requirement for a second hearing.
- 13.** Once a final decision has been made, a decision letter will be sent to licence holder, Police and/or Home Officer detailing the decision made and reasons for it. All parties will have 21 days to appeal to Magistrates Court.



**Section 132A of the Licensing Act 2003**  
**132A Convictions etc of licence-holder: powers of licensing authority**

- (1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence (“the licence holder”) has been, at any time before or after the grant of the licence—
  - (a) convicted of any relevant offence or foreign offence, or
  - (b) required to pay an immigration penalty.
- (2) But this section does not apply at any time when in the case of a licence holder who has been convicted of any relevant offence or foreign offence—
  - (a) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or
  - (b) the time limit for appealing against such a conviction or sentence has not expired.
- (3) The relevant licensing authority may—
  - (a) suspend the licence for a period not exceeding six months, or
  - (b) revoke the licence.
- (4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.
- (5) A notice under subsection (4) must invite the licence holder to make representations regarding—
  - (a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,
  - (b) any decision of a court under section 129 or 130 in relation to the licence, and
  - (c) any other relevant information (including information regarding the licence holder's personal circumstances).
- (6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.
- (7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account—
  - (a) any representations made by the licence holder under this section,
  - (b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and
  - (c) any other information which the authority considers relevant.
- (8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence unless subsection (9) applies.

- (9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.
- (10) Where subsection (9) applies the authority must—
  - (a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and
  - (b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.
- (11) The chief officer of police may make representations under subsection (10)(b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.
- (12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account—
  - (a) any representations from the officer, and
  - (b) the matters described in subsection (7),and then make a decision whether to suspend or revoke the licence.
- (13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.
- (14) A decision under this section does not have effect—
  - (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.
- (15) A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).

## Licensing Act 2003 - Representations

### Further Update on Levels of Personal Information to be Supplied on Parties who make a Relevant Representation at a Licensing Sub Committee Hearing

#### 1. Licensing Sub Committee Hearings Trial Period

Two Sub Committee hearings have taken place face to face since 6 December 2021. Four further Sub Committee hearings are due to take place on 7,8, 22 and 31 March 2022.

- a. Parties who have made representations have been informed verbally by officers if telephone contact is made or through the Council's website and by letter/email when their representation is acknowledged by officers, that their name and address will form part of a publicly available document.
- b. Hearing letters and invitations to attend the Sub Committee hearing have confirmed that any recording of the hearings will be available for six months and that third parties may record those hearings unknown to the Council.
- c. Personal Information (names, house names/numbers) have been removed from Reports to the Licensing Sub Committee. However, this information is available to the Sub Committee on their request.
- d. The Sub Committee Chairperson's announcements have informed the public attending or listening to a virtual hearing that the hearing is open to the public and any recording of the hearing made by the Council will be made publicly available on the Councils website for six months and that third parties may record hearings unknown to the Council. The Sub Committee hearing agendas have also informed the public that the hearing is open to the public and the information and any recording of the hearing made by the Council will be made publicly available for six months and that third parties can record hearings unknown to the Council.
- e. Parties attending the hearing including those making representations have been required to identify themselves at the hearing.
- f. Persons making a representation on a person's behalf have been required to confirm to the Sub Committee their identity and the identity of the person for who they are making the representation.
- g. The Sub Committee minutes have only identified individuals making a representation where this is considered necessary to ensure clarity on a particular issue raised at the hearing. Public and corporate bodies attending the hearings and legal representatives of the parties have continued to be identified.

- h. Decision Notices have identified parties making representations only where considered necessary for clarity on a point or issue raised at the hearing.

2. Impact to date

- a. Members of the public making representations attended the Review hearing which took place on 26 January 2022. The public did not attend the TEN hearing on 7 February 2022. Neither the Sub Committees or Officers have received any comments or responses concerning personal information since the trial was commenced.
- b. Officers have confirmed that the additional work required to redact the details continues to have no adverse impact.

Mrs Sarah Marshall  
Senior Solicitor  
18 February 2022