

## 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.**

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### **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)

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