

Licensing Committee

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 7 MARCH 2022 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 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), Cllr Jerry Kunkler, Sarah Marshall (Senior Solicitor), DS Louise Morley (Wiltshire Police - Strategic Support Officer) and Lisa Pullin (Democratic Services Officer)

27 **Apologies/Substitutions**

Apologies were received from Cllr Daniel Cave and from Adrian Hampton (Head of Highway Operations).

There were no substitutions or membership changes.

28 **Minutes**

The minutes of the meeting held on 6 December 2021 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 6 December 2021 be approved and signed as a correct record.

29 **Chairman's Announcements**

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

Notification of Licensing Sub Committee Decisions

Officers have reviewed the Council's processes and consider that so far as notification of Licensing Sub Committee decisions are concerned, the notification process for decisions is sound under the current statute and regulations.

Currently a summary of the decision is given to parties to the Applicants and those who have made a relevant representation at the conclusion of the hearing

but not the detail of conditions (as there may be a number of conditions in particular with complex hearings) and the Applicant and/or parties who have made representations are not always present when the decision is given.

The decision notice including the reasons for the decision and the conditions are published and sent to the parties within 5 working days of the decision. It should be noted that a decision notice would be required for any appeal.

To date no issue has been raised by any party regarding the notification of the Sub Committee decisions.

Membership attendance at Licensing Sub Committee Hearings

Thank you to those members who have taken part in the Sub Committee hearings since December – there were more in the pipeline and the Clerk would endeavour to get as many members involved as possible.

Update from the Licensing Manager

The Chairman asked Linda Holland (Licensing Manager) for a brief update on Licensing Act applications. Linda highlighted the following:

- To date there had been/were scheduled five Licensing Sub Committee hearings compared to just one this time last year and there were more hearings in the pipeline;
- There were a number of new and variation applications coming through and whilst a few premises had closed down there seemed to be a positive vibe with many premises seeking other activities on their licences. There was some challenge for applications and this would mean more applications going through to a hearing and there was also an increase in applications for festivals;
- The number of TENS applications has increased from 17 this time last year (whilst we were in a Covid lockdown) to 169 to date – it would seem that the world is trying to get back out and about; and
- They had not yet seen the anticipated increase in TENS for the Queen's Platinum Jubilee celebrations.

The Chairman requested that there be a further press release issued to remind town and parish councils and any others who wished to organise celebrations to ensure that they put in the relevant applications for any events, road closures and licensing in plenty of time for this to be processed as late applications may not be processed and they wished to avoid a late influx that could mean that Officers were overwhelmed.

Resolved:

That a reminder press release be issued in relation to relevant deadlines for the Queens Platinum Jubilee celebrations.

30 **Declarations of Interest**

There were no declarations of interest.

31 **Public Participation**

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

32 **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.

33 **Briefing on Project Vigilant**

DS Louise Morley (Strategic Support Officer – Wiltshire Police) attended the meeting to brief the Licensing Committee on Project Vigilant which was a collaborative approach to target predatory behaviour within the Night Time economies in Wiltshire. DS Morley highlighted the following:

- Project Vigilant was piloted by Thames Valley Police and is an operation that deployed plain clothes police officers into the Night Time economy in Oxford – this was a structured approach to focus on potential perpetrators of sexual violence. The operation was perpetrator focused and sought to deploy a number of disruption tactics to prevent offences taking place. Project Vigilant was found to be an effective tool to combat sexual offending. Its perpetrator focus uncovered subjects that are known sexual offenders as well as those that have been assessed as posing a significant risk. Once the tactic has been used, even if arrests were not made, potential perpetrators were dispersed from the area and Thames Valley Police saw a positive reduction of offending and the community appreciated the proactive response and the operation did not victim blame, something that other forces have been criticised for;
- Det Chief Insp Gemma Vinton is the Wiltshire Police Lead for Project Vigilant in Wiltshire which saw both uniformed and plain clothes officers targeting pubs and clubs in some of the towns in Wiltshire in September and October 2021;
- The intention of the project was to
 - i) safeguard the vulnerable from sexual violence through proactive disruptive patrols and providing an enhanced response to serious sexual offences
 - ii) identify vulnerable persons and safeguard them through engagement and advice
 - iii) identify predatory behaviour by potential perpetrators and prevent further offences through overt intervention

- iv) gather intelligence around potential perpetrators for future disruption and to assist further investigations
- v) Improve standard of initial investigation and golden hour enquiries through using detective resources
- There were a number of risk factors that had been identified from the National Crime Agency for Officers to look out to identify potential perpetrators;
- Intervention Officers were tasked to speak with the individuals displaying some of the behaviours and discussed within them why their behaviour was of concern. Officers took details and conducted Police intelligence checks. They gathered intel e. vehicles, associates, work and links to the area and then encouraged them to leave. Using all of the information gathered, a full risk assessment was conducted on each individual and they were scored using a risk matrix;
- The perpetrator categories are as below:

Category A +

- i) Strong evidence that the subject has committed a serious stranger sexual violent act in the Night Time economy in the last 12 months and is not currently imprisoned or has recently been released from prison for such an offence.

Category A

- ii) Has displayed four or more risk factors or is a current or historic registered sexual offender displaying more than one risk factor.

Category B

- iii) Has displayed more than one warning behaviour or the SIO has reason to believe that the subject poses a risk to the community.

Category C

- iv) Has displayed one warning behaviour indicating a potential risk

No risk

- v) Based upon officer observations and information known, the subject has been precluded by the SIO as posing a sexual risk in the community.
- So far, Operation Vigilant as been deployed once in Trowbridge and Amesbury and three times in Swindon. There would be another operation taking place at the end of March;
- The positive learning so far has been that it was very easy to spot individuals displaying the risk factors, individuals displaying concerning behaviours were successfully dispersed, essential intelligence was gathered and there was high public praise received due to the perpetrator focus;

- There were some areas for development and they had found that in Swindon there were more taxis available to get people away who were being dispersed – they found that there were limited taxis in the Wiltshire areas they visited;
- As part of their partnership approach they would offer training for staff to be able to spot and acknowledge perpetrator risk factors and ask for people to look at the behaviours socially and morally of those around them in their own organisations and consider what was once normal practice to ignore that it should not be now;
- They were planning to build the work of the operation into their business as usual and not have it as just a pre-planned operation; and
- If you notice behaviour that causes concern then this should be monitored with any CCTV being retained and intelligence being supplied to the Police to build up a picture and enable there to be intervention with individuals of concern and there were posters to display in premises.

The Chairman thanked Ds Morley for her presentation and asked in relation to the intelligence gathering and sharing if they would be willing/able to make a connection with the Taxi operators to share their intelligence. DS Morley confirmed that they would be willing to share images of those that they had concerns. DS Morley would liaise with Tom Ince (Principal Compliance Officer) outside of the meeting to progress this.

Committee Members asked the following:

- What allowances would be made for those with mental health problems and those under the influence. DS Morley explained that the safety of all persons is a priority and that officers are sensitive to the mental health needs and dependency related issues for all. She gave an example of how they deal with Online Child Exploitation Activist groups. These groups inform the police of potential CSE perpetrators and often attend the potential perpetrators addresses causing potential risks. Attending officers would always take into account potential mental health needs or learning needs and officers always ensure their safety.
- Why did you choose Amesbury to carry out the operation in Amesbury – did you attend various locations? DS Morley reported that nothing stood out on these visits – they picked the busiest locations and found that there was good public engagement with no negative comments and they wanted to get the message out that this type of behaviour is not acceptable and that they were monitoring it.
- What happens if they if they decline the request to leave the premises/area? DS Morley reported that there were no Police powers available to them in these instances but that they select Officers who are

highly skilled in communication for these discussions and then continue to monitor those individuals. They found that some did leave the premises and come back and there was a bit of cat and mouse but this reduced the opportunity for offending to take place.

- Is the project linked with the Ask Angela initiative? DS Morley reported that it would be good to get these linked up and following a staff restructure her Superintendent had just picked up the lead role for violence against women and girls so they would go together well.

Linda Holland (Licensing Manager) asked about the numbers that they had engaged with in Wiltshire compared to Swindon and if they had considered going to Pubwatch meetings to raise awareness of Project Vigilant? DS Morley responded that on average between 5 and 10 persons were engaged with and they were displaying behaviours of varying degrees. All interactions were positive and had not turned sour. They would appreciate the opportunity to present at Pubwatch meetings and spread awareness of behaviours, how to notice them and then deal with those behaviours.

The Chairman stated that he was aware that there were lots of Town Councils involved in the monitoring of CCTV and that there could be observations made by PCSO's. He would not wish for any work to be overlapped but noted that there was a link with Town and Parish Councils and highlighted that convenience stores too were a key part of intelligence and so asked if they planned to link in with all premises that operate for the late night economy? DS Morley agreed that they needed to get the message out that this would not be tolerated and intended to reach far and wide with this. In November there was White Ribbon day which was weeks of action to build a multi-agency working group together to really combat this.

The Committee asked for an update on Project Vigilant in six months' time and this would be brought back to the September 2022 meeting of the Committee.

Resolved:

- 1. That the Licensing Committee note the briefing on project Vigilant.**
- 2. That the Licensing Committee receive a further update on Project Vigilant at their meeting on 12 September 2022.**

34 Update from the Taxi Provision Working Group

Cllr Allison Bucknell (Chair of the TPWG) reported that the Working Group had last met on 13 December 2021 (the notes of that meeting were attached with the Agenda) and we due to meet again on 14 March 2022.

Tom Ince (Principal Compliance Officer) reported that they wished to host a recruitment day for taxi drivers in the atrium at County Hall but did not have permission for this to go ahead at the current time. They would continue to

work with Facilities Management to arrange for this to go ahead on a suitable date.

Tom and Adrian Weissenbruch (SEND and Passenger Assistant Manager) had met with the Communications Team to create a specific communications plan/campaign for the recruitment of drivers and they were in the process of designing flyers and thinking of other initiatives to move this forward.

The Working Group had asked Officers to consider reviewing the policy which refers to the age of vehicles that can be used as a taxi provision. The current policy states that all vehicles must be no more than 5 years old on registration and no more than 7 years old for wheelchair accessible vehicles. Officers felt it went against the Council's policy in relation to looking to lower vehicle emissions and that they wanted to drive up standards for customers.

Resolved:

That the Licensing Committee note the minutes of the meeting of the Taxi Provision Working Group held on 13 December 2021 and the update received at the meeting.

35 **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 report information was based on the data for January 2022 and at that point the numbers seem to have stabilised and at the end of February there was a small increase in both drivers and vehicles numbers so it was hoped that the corner had been turned – it was definitely a step in the right direction;
- The team continue to proactively enforce the Council's policies in relation to taxi licensing, ensuring they have a visible presence on the rank. Penalty points were issued on 17 occasions during January 2022 with 11 of these points being issued because the drivers badge was not visible. Drivers need to be clearly identified;
- The team were seeing some safeguarding issues and there had been involvement with the multi-agency safeguarding hub in relation to this; and
- The trend for the reduction in hackney carriage drivers was continuing – this was offset by those with private hire vehicles where all of the work is prebooked. This reflects the change in industry with reduced footfall in towns. The rank work has dried up and drivers are having to look to secure other contracts to make a living.

Committee Members asked the following:

- With reference to the drift towards private hire drivers from Hackney carriage drivers – at what point might you look to review the taxi rank provision? Tom Ince responded that they would always need to review this on a town by town basis and collect more information to decide on what steps if any to take.
- Do we look at taxi ranks to check that they are in the right location - do we review their appropriateness? Tom Ince responded that they do not proactively review the ranks but for example in Trowbridge a rank was added near St Stephens Place where the leisure and entertainment areas are now situated.
- Are there any areas of the county that are poorly served by transportation? Tom Ince responded that the east of the county has the lowest number of drivers. The Taxi Provision Working Group have asked for a demand survey to be completed so the demand can be fully established. DS Morley had suggested earlier in the meeting that there may be an issue with taxi sufficiency for the night time economy and whilst Officers would be looking at the overall provision for Wiltshire, they don't have any data as yet.
- How often is the safeguarding training for drivers? Tom Ince reported that safeguarding training is required before a licence can be issued and then repeated every 3 years. Drivers are notified of the pending expiry of the training a month before and we ask for this to be completed in a timely manner and if the training is not completed then their licence would be suspended.

Resolved:

1. **That the Licensing Committee note the update on Taxi Licensing.**
2. **That DS Morley shares information about Project Vigilant to Tom Ince so that this can be shared with the drivers licenced by Wiltshire Council.**

36

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

Tom Ince referred to the report which sought 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 and highlighted the following:

- Hackney carriage vehicles can pick up customers off of the ranks or pick up from the street. Although Wiltshire Council has been a unitary authority since 2009, taxi licensing continues to operate in four separate zones. Under the existing rules a hackney carriage driver can take a non pre-booked journey from Salisbury to Chippenham but they would be unable to take a non pre-booked passenger back to Salisbury;

- Officers were seeking approval from the Committee to consult with the trade on the proposal to implement a single licensing zone for hackney carriage vehicles across Wiltshire. It was likely that some would view this as a positive and some as a negative but Officers wanted to get a feel for the changes proposed for Wiltshire;
- 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. There are currently 4 workshops but these are only utilised one day a week;
- Officers were seeking approval from the Committee to consult with the industry regarding the proposal to move the inspection workshop to one central location with the preferred option to be to utilise the Kennet House depot at which the workshop had recently been refurbished and there being a safe area for to drivers to wait during the inspections;

Committee members asked the following:

- Is the consultation open and not yet decided on what the outcome will be? Tom Ince responded that the outcome was not yet decided and that another option could be to continue to carry out vehicle inspections in 2 zones, although it made more sense to centralise the provision to a single location, they were open to the feedback and where it might take them. The inspection facilities at Parsonage Way depot in Chippenham were currently unavailable due to the site being used as a Covid testing site and as of January 2022, the inspection facilities in Riverway (Trowbridge) were also unavailable due to structural issues, an inoperable inspection ramp and vermin control which are causing health and safety concerns. This means that 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 and they do have a legal obligation to provide the facility.
- How often are the inspections and how many inspections would this be? Tom Ince responded that vehicle inspections have to be carried out every six months. This was for 750 licensed vehicles which meant there would be 1500 inspections a year. If they moved to single zone inspections the workshops would be open 5 days a week, usually for the 4 zones each workshop is only open 1 day week and so they are being underutilised. The equipment is old and needs regular maintenance/replacement and it would be more efficient to work out of one zone but the team wish to hear what the industry thinks about the plans.
- Would you have a plan B to carry out an inspection if for any reason Kennet House was out of action as an inspection site? Tom Ince responded that in that instance they would look to utilise the Churchfields site as that would be the obvious site to retain.

- What happens currently if a driver cannot get to their nearest inspection workshop on the day it is open? Tom Ince responded that drivers were able to travel to another inspection workshop if they were not able to attend their local one. Officers were interested to hear what the operators would have to say about this proposal.
- When will we hear the outcome of the consultation? Tom Ince responded that the intention was to report back the findings and recommendations following the consultation to the Licensing Committee meeting on 12 September 2022.

Resolved:

1. **That the Licensing Committee authorise the Taxi Licensing team to undertake a consultation with the industry in relation to implementing a single licensing zone for hackney carriages across Wiltshire.**
2. **That a report be brought back to the Licensing Committee outlining the results of the consultation at their meeting on 12 September 2022.**

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

Linda Holland (Licensing Manager) referred to the report which sought 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 detailed 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. Linda highlighted the following:

- 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 – Agreement was now being sought from the Committee to implement procedures to be carried out in line with the changes to legislation when considering the appropriate action to be taken against personal licence holders with relevant convictions;
- There were currently 7583 personal licences holders and following a change in legislation in 2005 when personal licences had been held for a 10 year period the change then meant that a personal licence was open ended with no need for a renewal. There was a requirement for a personal licence holder to notify their issuing authority of a change of address as that authority would remain even if the person moved around the country;
- It was proposed that the Committee agree to delegate the licensing authority's responsibility to determine whether a personal licence should be revoked or suspended to the licensing sub committee where relevant

and if the local authority became aware that a personal licence holder had been convicted of a relevant offence;

- The Licensing Act 2003 places an obligation upon a personal licence holder who is charged with a relevant offence to inform the Court of their status as a personal licence holder and they also have a duty to inform the Licensing authority of the nature and date of their conviction and the sentence. To date only one such notification had been received by the Licensing Team;
- If it was felt that if some individuals were not appropriate to hold a personal licence the adoption of these procedures would give the local authority a route to challenge this and make a determination based on their convictions as to their suitability to hold a personal licence; and
- The report clearly sets out how the route of the determination process to ensure that this was open and fair to all and whilst this was a discretionary power, most other local authorities had sought to adopt these procedures. It was proposed that the process be set in place with a review put in place in 18 months to ascertain what Officers and the Committee thought on the process and to consider if any changes were needed. It was anticipated that there would be an average of 4 to 5 personal licences determinations per year.

Committee Members asked the following:

- Was there an example of the final warning letter to be used and what would follow a final warning? Linda Holland responded that a copy of the proposed letter would be shared with committee via the Clerk following the meeting. If a Personal Licence holder continued to breach their licence the opportunity to review the licence would be an option. There would be an awareness that we know if they have a conviction and Officers would seek to engage them positively with the licensing process and highlight any concerns with their behaviour. If there were any further problems this would then be referred to the Licensing Sub Committee.
- Should personal licence holders tell you about convictions – have you found that some have kept quiet and you have heard about things through the Police? Linda Holland responded that the onus is on the personal licence holder to inform the Courts that they hold a licence but they don't always think about it and the CPS and the Police don't highlight it to them and for some they probably don't deliberately not inform the Court they are just not aware of the need to do it.
- Are you aware of any personal licence holders currently with convictions and do you get notified of changes of address? Linda Holland responded that some inform the licensing authority of changes but of course many don't remember to inform of a change of address. The team did not have the resources to check over 7000 personal licences for convictions or that

the addresses were up to date. Linda was aware of some individuals she considered not to be suitable as a personal licence holder and they could see further intelligence on that but needed to have cause a reason to ask for further information.

- Could the request for personal licences holders to ensure they were up to date be a focus on a “licensing week”? Linda Holland reported that there was a national licensing week in June and that she would explore this suggestion further.
- Was there a facility for “whistleblowing” for the public to be able to use in relation to personal licence holders and when individuals apply to be a Designated Premises Supervisor is a personal licence checked at that time to ensure that it is up to date? Linda Holland confirmed that for a DPS application a personal licence would be checked and that other local authorities would be consulted on this if Wiltshire was not the issuing authority. A few discrepancies are sometimes picked up through this process and Officers were still waiting to hear on the introduction of a national database that licence holders could log into and update themselves – currently this has to be done through the issuing authority which is a weak system.
- Have you received any information about any personal licence holders through whistleblowing? Linda Holland responded that they had received some emails/phone calls of concerns from people and that would be followed up with a trawl through the internet to carry out research on those concerns.
- When you receive information from a whistle-blower – what evidence do you need? Linda Holland reported that they would need to have just cause to get more information from the Police. It would also depend on the quality of evidence provided. They would attempt to look at published Court records or speak to Police colleagues or counterpart Police licensing officers but they would be aware not to step on others toes as there may be some ongoing investigations if there are troubled premises in towns.
- What is the status of those who have committed a crime whilst being a minor when applying for a personal licence? Linda Holland responded that for most under the age of 19 this would not be considered relevant – the Rehabilitation of Officers Act sets out how long the offences can be considered for. Officers would intend to look at more recent convictions, including the habit of those convictions, continuation of criminality with only small minor offences but a number of them. When a personal licence is first applied for a DBS check is carried out.

Sarah Marshall (Senior Solicitor) confirmed that that she was satisfied that the Licensing Committee have the powers grant agreement for the authority to be delegated to the Licensing Sub Committee to set up the new process to review personal licences.

Resolved 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. Approve the use of a 4th 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. Consider a review of the application of these procedures in September 2023.**
- 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.**

38 Further 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 a further 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:

- There had been two face to face hearings since the last meeting of the Licensing Committee and four more were planned. There had been minimal additional work for Licensing Officers to anonymise those who had made a relevant representation in the report prepared for the Sub Committee and they would simply be referred to as Rep 1, Rep 2 etc in the report and decision notice and minutes;
- If there was a freedom of information request the sharing of the information would appropriately considered; and
- None of the parties to the hearings that had been attended had raised any issues in relation to the changes made to the level of personal information shared within the agenda, decision notice and minutes.

Resolved:

- 1. 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.**

2. That the Committee agree to adopt the procedure on of the restriction of information provided on those who have made a relevant representation on a permanent basis.

39 **Dates of Future Committee Meetings**

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

20 June 2022
12 September 2022
5 December 2022.

40 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.45 am)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email committee@wiltshire.gov.uk of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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