

# Minutes

## Licensing Committee

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Venue:	Microsoft Teams - Remote
Date:	Monday, 7 December 2020
Time:	10.00 am
Present remotely via Teams:	Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, M Jordan, J Cattanach, P Welch and J Duggan
Officers present remotely via Teams:	Joan Smith, Lawyer, Sharon Cousins, Licensing Manager, Victoria Foreman, Democratic Services Officer; and Dawn Drury, Democratic Services Officer

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### **8 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Duckett, McCartney, Brook and Mackman.

### **9 MINUTES**

The Committee considered the minutes of the meeting held on 20 August 2020.

#### **RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 20 August 2020.**

### **10 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **11 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair thanked Councillor Ellis as outgoing Chair and Councillor Grogan who had served on the Licensing Committee during 2019-20 for their support and hard work and welcomed Councillors Cattanach and Mackman to the Committee.

Members noted that since the last Licensing Committee in August 2020 both the Statement of Licensing and Animal Licensing Policies had come into effect.

The Chair thanked Members who had attended the councillor Licensing training sessions in November 2020 and thanked the officers involved for providing very successful and positive training sessions.

The Chair informed Members that he and Councillor Chilvers had visited several licensed premises alongside the Licensing Manager and Enforcement Officer on the evening of 16th October 2020. The Chair confirmed that the reason for the visits was to ensure premises were complying with the Covid restrictions in accordance with the area's tier rules. The Chair added that both Councillors and officers had been impressed with the premises visited and the evening had been very successful. It was further confirmed that there would be more evening premise visits made in the early part of 2021.

The Chair informed Members that he had requested that an update be provided to the Committee at each meeting regarding ongoing work with premises and the Covid regulations in the Selby district.

Finally, the Chair drew the Committee's attention to items 7 and 8 of the agenda which had been added to the agenda pack after the initial publication.

## **12 DRIVER MEDICALS**

The Licensing Manager presented the report, which asked the Committee to consider temporarily departing from Selby's taxi licensing policy, to allow drivers to find an alternative General Practitioner (GP) to carry out the requirement to have a group 2 medical, if their own practice was not offering this service; and holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder was able to produce proof of current medical examination less than 3 months old, should not be required to undergo a medical examination on first application or when their medical was due.

The Committee were informed that Selby's taxi licensing policy stated that the group 2 medical must be carried out at the drivers own GP, however due to the Covid-19 pandemic some GP practices had ceased offering group 2 medicals, and there remained ongoing uncertainty as to when some GP's would resume testing.

Members noted that during the pandemic driver medicals had been deferred but that an alternative temporary measure was required to ensure protection of the public. It was therefore recommended that a temporary alternative measure be put in place which would allow the driver to source an alternative GP to carry out the medical if the driver informed the Licensing section that their current practice was not offering

the service.

The Licensing Manager stated that in the case of holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, if the holder was able to produce proof of a current medical examination less than 3 months old, it was recommended that they should not be required to undergo a medical examination on first application or when their medical was due.

The Committee raised concerns around how long the temporary measure would be in place, and as the Covid-19 vaccine programme was due to begin would GP's have the extra capacity to undertake driver medicals. The Licensing Manager confirmed it was a temporary measure until normal service resumed with GP practices, and the situation would be monitored closely by the Licensing team; and that private GP practices could be used as an alternative.

**RESOLVED:**

- i. **To temporarily depart from Selby's taxi licensing policy, to allow drivers to find an alternative General Practitioner (GP) to carry out the requirement to have a group 2 medical, if their own practice was not offering this service, and**
- ii. **Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder was able to produce proof of current medical examination less than 3 months old, should not be required to undergo a medical examination on first application or when their medical was due.**

*Reason for decision:*

*Drivers are required to be in a good condition of health to ensure the safety of their passengers, themselves, and other road users. This would allow drivers to temporarily source alternative GP practices to undertake their driver medicals, to ensure they are medically fit thereby offering protection for the public.*

## **13 STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

The Licensing Manager presented the report, which asked the Committee to note the new statutory guidance, as shown at Appendix A, which the Licensing Authority would have regard to until it was fully considered, and if required incorporated into the councils Taxi Licensing Policy.

Members heard that the Secretary of State for Transport (DfT) had issued new Statutory Taxi and Private Hire Vehicle Standards to Licensing Authorities, the Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, and in particular those most vulnerable.

The Licensing Manager explained that there were twenty key points as Statutory Standards, as shown at Appendix B, for all licensing authorities to address. It had been identified that there were just four key points that required further examination and review by this authority which were: -

- Licence holders would be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence,
- Driver criminality checks would require DBS checking every six months, being far more frequent than currently with an impact on officers and licence holders,
- Language proficiencies test a driver's proficiency in both oral and written English language, and
- CCTV and audio recording assessment and whether it was necessary in this district; this authority had been awaiting national guidance on this point. Prohibitive costs for licence holders needed to be assessed against a specific need for mandating all vehicles.

Members noted that officers would develop a proposed consultation document that would be put before the Licensing Committee in due course. The Department for Transport would monitor licensing authorities' responses to the Statutory Standards and all authorities were expected to provide an update by 31st January 2021 in developing the standard.

**RESOLVED:**

**To note the new statutory guidance, as shown at Appendix A, which the Licensing Authority would have regard to until it was fully considered, and if required incorporated into the councils Taxi Licensing Policy.**

*Reason for decision:*

*The Statutory Standards provided a range of robust measures to protect taxi and private hire vehicle passengers, and in particular those most vulnerable. Any proposed changes to Selby's Taxi Licensing Policy 2020 would strengthen the current policy by endorsing the requirement that public safety was paramount.*

**14 URGENT ITEM - VERBAL UPDATE ON COVID-19**

The Licensing Manager provided an update to the Committee on the new Tier 2 (High Alert) which the Selby district had moved to on Wednesday 2nd December 2020, following a month-long lockdown.

Members noted that the new guidance around Tier 2 allowed licensed premises to open and serve alcohol, however the alcohol had to be

accompanied by a table meal and in addition the meal had to be eaten by a person seated at a table, or at a counter or other structure which served the purposes of a table. It was explained that a substantial meal was not mentioned in the regulations, only in the guidance and the legislation and guidance did not set requirements about how long alcohol could be served for.

The Committee were informed that Licensing and Environmental Health Officers, along with North Yorkshire Police licensing officers had made a number of visits to licensed premises in the district, this was to establish how businesses were operating to comply with the regulations and establish if any clear breaches had been made. In addition, several joint agency enforcement evenings had been planned in the month of December with new Covid Marshals working over a number of evenings.

Members acknowledged the difficulty for the Licensing team in determining what a table meal would consist of and agreed that clarification should be sought from Central government.

**RESOLVED:**

**To note the update.**

*Councillor Jordan left the meeting at this point and did not return.*

**15 VERBAL UPDATE ON WHEELCHAIR ACCESSIBLE VEHICLES**

Members were informed by the Licensing Manager that since the Licensing Committee had agreed to endorse the new taxi licensing policy, which was adopted by the Executive and came into effect in January 2020, as part of this endorsement the Committee had recommended that the number of wheelchair accessible hackney carriage vehicle be reported annually to the Committee.

The Committee heard that of the 60 hackney carriage vehicles licensed by Selby District Council, 9 vehicles were now licensed as wheelchair accessible to the new standard; prior to the new policy coming into force, only 6 vehicles complied to the new standard.

The Licensing Manager updated Members that although the year had been quieter than usual due to the COVID-19 pandemic no complaints had been received by the Licensing department around wheelchair accessible vehicles, and the response from drivers appeared to be positive with some of the proprietors applying for NHS work.

**RESOLVED:**

**To note the update.**

The meeting closed at 10.23 am.

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