

LICENSING COMMITTEE

21 March 2016

10.00 - 11.30 am

Present: Councillors Benstead (Chair), Bird (Vice-Chair), Austin, Bick, Gawthrope, McPherson, Meftah, O'Connell, O'Reilly, Pippas, Ratcliffe and Sinnott

Officers Present:

Environmental Health Manager: Yvonne O'Donnell

Licensing & Enforcement Manager: Lewis Ducket

Legal Advisor: Carol Patton

Committee Manager: Claire Tunncliffe

FOR THE INFORMATION OF THE COUNCIL

1632/Lic Apologies for absence

No apologies were received.

1633/Lic Declarations of Interest

No declarations of interest were declared.

1634/Lic Minutes of the previous meeting

The minutes of meeting of the 25 January 2016 were agreed and signed as a correct record.

1635/Lic Public Questions

There were no public questions.

1636/Lic Hackney Carriage, Private Hire, Dual Driver, Proprietor & Operator – Safeguarding Children & Adults

The Committee received a report from the Environmental Health Manager, referring to the introduction of mandatory safeguarding training for all licensed hackney carriage, private hire and dual drivers, proprietors and operators. This would increase safeguarding awareness and provide the taxi trade with information and skills to recognise their responsibilities and what to do if they

have any concerns about the safety or welfare of an individual. Safeguarding also applies to the drivers themselves.

In response to the Committee's questions, the Environmental Health Manager and the Licensing & Enforcement Manager confirmed the following:

- i. The subject of domestic violence had been included in the wider safeguarding issue and would welcome further conversations with Councillors outside of this meeting.
- ii. The application form which is sent to the Disclosure and Barring Service (DBS) would be completed by the individual but sent from the City Council. The response would be returned to the driver, who would have to produce the completed document to the Officer who would review the DBS check and sign off before the licence could be issued.
- iii. The 'Prevent' agenda had been considered and some Local Authorities who have used this as part of their Safeguarding training are in areas where there is a high population of ethnic minorities or known extremist groups. However there would be training delivered on this; training would include the safeguarding of children but details had not yet been finalised.
- iv. Drivers Licences were valid for one or three years and then needed to be renewed.
- v. New drivers would have to undertake the knowledge test, DBS check and the Safeguarding training as part of the licence application.
- vi. DBS checks were relevant to the trade which the individual worked in and generally are not portable. It was possible for an individual to have more than one DBS check.
- vii. To have a ladies only taxi firm would be viewed as positive discrimination. Individuals have a choice whether to use a taxi driven by a male or female.
- viii. Policy did state that drivers must inform City Council Officers of any arrests / motoring offences that occur during the three year period.
- ix. An interactive knowledge test would be included as part of the training to demonstrate that the information had been understood.

Councillor Bick proposed the following amendment to the recommendation (additional text underlined) to recommendations 2.2 and 2.3 of the Officer's reports.

- 2.2 Members agree to a change in policy to include the requirement that all new hackney carriage, private hire and dual driver, proprietor and

operator applicants attend mandatory and successfully complete safeguarding training before submitting an application.

- 2.3 Members agree that a programme be developed to ensure that all existing licensed drivers, proprietors and operators undertake the training (free of charge) and successfully complete within 12 months so that all licence holders will be trained by 1 November 2017.

Members resolved (nem com) to accept the additional wording to the recommendations.

The Committee:

Resolved unanimously to:

- i. Agree to the introduction of mandatory safeguarding training for all new and existing hackney carriage, private hire and dual drivers, proprietors and operators with effect from 1 November 2016.
- ii. Members agree to a change in policy to include the requirement that all new hackney carriage, private hire and dual driver, proprietor and operator applicants attend mandatory and successfully complete safeguarding training before submitting an application.
- iii. Members agree that a programme be developed to ensure that all existing licensed drivers, proprietors and operators undertake the training (free of charge) and successfully complete within 12 months so that all licence holders will be trained by 1 November 2017.
- iv. Members agree that mandatory safeguarding update training is undertaken three yearly by all licence holders to ensure understanding of processes and to keep updated on any changes.
- v. Members agree to amend the taxi policy at parts 2, 3 and 4 of the policy in accordance with 2.1, 2.2, 2.3 and 2.4 above.

1637/Lic Gambling Act 2005 Statement of Policy - Revisions

The Committee received a report from the Environmental Health Manager, advising that a public consultation on the updated Statement of Principles under the Gambling Act 2005 was undertaken from 3rd July 2015 to 3 September 2015. The updated statement was approved at Licensing Committee on 12 October and a meeting on of Full Council on 22 October 2015.

A detailed review had subsequently been undertaken by Officers following the approval of the Statement of Principles to develop a Local Area Profile, Local

Gambling Risk Assessment Guidance and Risk Assessment Template which formed part of the Gambling Statement.

In response to the Committee's questions, the Environmental Health Manager and the Licensing & Enforcement Manager confirmed the following:

- i. The reference to the 'places of worship and religious buildings' were not to highlight the consideration of moral and ethical views on gambling.
- ii. A number of religious buildings in the local area were used for additional community purposes by various members of the community such as school groups, young adults, and the homeless community and therefore needed to be included in the Local Area Profile.
- iii. If operators were not asked to take into consideration the proximity of their business to places of worship and religious buildings (as with all community centres) a reasonable risk to certain groups would not be highlighted and could be missed.
- iv. Operators would be asked to demonstrate how they would operate in close proximity to these buildings and not how they operated within the views of the place of worship or religious building that they might be suited close to.
- v. By using places of worship and religious buildings in the Local Area Profile this would help operators identify that these buildings could also be used as community centres and consider what additional risks there could be.
- vi. Had no objections to the results of the community facilities audit being undertaken by the community services scrutiny committee being included in the Local Area Profile when it had been completed.
- vii. The Local Area Profile and Statement of Gambling Principles highlighted the risks to the operators' business and they needed to demonstrate how those risks would be mitigated.
- viii. Betting shops required an operating licence (issued by the Gambling Commission) and a premise licence (issued by the Local Authority) which set out the activities undertaken on the premise. The premise licence had an unlimited duration unless there had been a significant change to the Local Area Profile which could then be reviewed.
- ix. Those premises with fixed gambling terminals were asked to demonstrate what was being done to eliminate the risk to children and the vulnerable. City Council Officers had undertaken local inspections and were satisfied that the risks were being mitigated; there had been no infringements in the last twelve months.

The Committee:**Resolved unanimously to recommend to Council to:**

- i. Endorse the post-consultation updated Statement of Gambling Principles shown in Appendix A of the Officer's report and recommend to full Council that the policy is approved for publication on 15 April 2016 for it to come into effect on 13 May 2016.

The meeting ended at 11.30 am

CHAIR

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