

MENDIP DISTRICT COUNCIL

Minutes of the meeting of the Licensing Board held on Wednesday, 12 August 2020 by Live Stream, commencing at 6.30 pm.

PRESENT: Councillors Sam Phripp (Chair), Simon Carswell (Vice Chair), Shannon Brooke, Michael Dunk, Drew Gardner, John Greenhalgh, Bente Height, Francis Hayden, Damon Hooton, Garfield Kennedy, Barry O’Leary, Lois Rogers, Heather Shearer

OFFICERS

PRESENT:

Helen Bowen	Democratic Services Officer
Olivia Denis	Licensing & Business Support Officer
Marietta Gill	Team Leader – Public Protection
Jack Godley	Senior Licensing & Business Support Officer
Claire Malcolmson	Group Manager – Community Health Services
James North	Democratic Services Officer
Ben Sugg	Democratic Services Officer
Phil Wake	Licensing and Compliance Officer

Agenda Item	Subject	Actioned by
1	<p>Chair’s Announcements</p> <p>The Chair of the Licensing Board welcomed all to the meeting. The Committee Officer then confirmed that the Live Stream was in progress.</p> <p>The Chair then asked participants to keep their microphones muted and camera off, unless they wished to speak in which case they should switch both on. He also asked that Members use the chat function on Microsoft Teams to make a request to speak, and to keep the chat function for this purpose alone. He requested that Members keep their contributions to two minutes and noted that mobile phones should be set to silent.</p>	
2	<p>Apologies for Absence</p> <p>Apologies were received from Councillors Nick Cottle and Helen Sprawson-White</p>	
3	<p>Declarations of Interest</p> <p>None</p>	

4	<p>Public Participation</p> <p>a) Items on the agenda</p> <p>None</p> <p>b) Items not on the agenda</p> <p>None</p>	
5	<p>Minutes of the Previous Meeting</p> <p>The Chair called for the Licensing Board to vote on accepting the minutes from the meeting held on 10 June 2020.</p> <p>Councillor Damon Hooton proposed acceptance of the minutes, Councillor Garfield seconded. The minutes were unanimously agreed.</p> <p>Members also asked whether the Council had written to the Government to ask that they consider waiving the annual licence fee for events and festivals, as noted on pages 9-10 of the minutes. The Chair stated that he had sent a letter to the Government containing this suggestion, but had not received any reply as yet.</p>	James North
6	<p>Introduction Of Statutory Taxi & Private Hire Vehicle Standards</p> <p>The Senior Licensing and Business Support Officer stated that all members of the Licensing Board had previously received a copy of the new guidance. He also noted that he had received some written questions from Councillor Shannon Brooke. He summarised the answers to these questions and invited questions on these and other issues contained in the guidance from the Members of the Board.</p> <p>In the discussion that followed, Members noted that Mendip had anticipated national changes in various cases and asked how we could continue to do this. The Senior Licensing and Business Support Officer stated that the Licensing Board would continue to receive regular updates and advance notice of any amendments to policy that might be necessary.</p>	Jack Godley

	<p>Members noted that the review of the issue of vulnerable children, following the Rotheram cases, had been facilitated by the taxi trade. Members also asked whether there were effective whistleblowing procedures in place and whether staff were aware of these. The Senior Licensing and Business Support Officer stated that the relevant guidance was contained in Appendix J of the Constitution.</p> <p>Members referred to the case of the Mendip driver who sexually assaulted a 12 year old girl in 2019 and asked whether we had referred this information to the DBS. The Senior Licensing and Business Support Officer stated that the driver in question had been convicted at Swindon Crown Court and been given a sentence of six and a half years, as well as being placed on the National Register for Revocations. In this instance, it was for the police to inform the DBS, but in a different situation, licensing officers would have done so.</p> <p>The Senior Licensing and Business Support Officer suggested that Democratic Services could help the Chair of the Licensing Board meet with other Chairs in Somerset to share information.</p> <p>Some Members suggested that the complaints procedure on the Mendip website could be improved and made more accessible; there was general agreement that this would be helpful.</p> <p>Members queried how we could become aware of situations where a driver might be active on the border between two Counties. The Senior Licensing and Business Support Officer noted that in these situations, social services are notified and LADOs (Local Authority Designated Officers) acted as conduits between Local Authorities, the Police and Social Services.</p> <p>Members noted that the report contained numerous recommendations, and queried whether there were any that should not be implemented in Mendip. The Senior Licensing and Business Support Officer stated that all the relevant recommendations had already appeared before the board and been implemented. Members commended this timely approach.</p>	
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Members queried the distinction between children and vulnerable adults. Many activities are legal from the age of 16, although an adult must be 18 or over. Members also stated that the guidance was at national level, and advice that applied to major urban centres such as Manchester but not be as applicable in Mendip.

The Senior Licensing and Business Support Officer stated that the definition of 'vulnerable' is the same in the case of both children and vulnerable adults. Members also noted that abuse and safeguarding issues are not confined to urban centres – there can be unexpected hotspots in any area, and the impact can be devastating even if figures are low, so the same rigorous enforcement should be carried out in Mendip as in areas which might be perceived as being at higher risk.

Members asked whether 6-monthly DBS checks were a good standard. The Senior Licensing and Business Support Officer stated that the previous standard had been yearly DBS checks, but that 6 monthly DBS checks were quite easy to include as part of multiple checks. The Senior Licensing and Business Support Officer also noted that the report's recommendation that officers be given delegated powers for immediate suspension or revocation of drivers' licences had already been implemented by Mendip.

Members also asked for more detail about the NR3 National Register of Refusals and Revocations. The Senior Licensing and Business Support Officer explained that this register had been created in the last year or two. When any driver had their licence refused or revoked, their name was placed on a register. This avoided situations where a driver could have been revoked or refused by one local authority, and then obtained a taxi licence in another authority. Members noted that as this database was new, it wouldn't yet show its full power until it was better populated with recent and historic data.

The Chair concluded by asking how we could anticipate future changes. The Senior Licensing and Business Support Officer stated that there was usually a 3 Day workshop run by the Institute of Licensing every November, with input from the

	<p>Local Government Association and Department of Transport, giving information on pending changes.</p> <p>Members queried whether it would be possible to vote to endorse the Government document. The Senior Licensing and Business Support Officer stated that all the substantive recommendations contained in the report had already been implemented and we were ahead of the game.</p> <p>Councillor Shannon Brooke proposed formally endorsing the Statutory Taxi & Private Hire Vehicle Standards, and Councillor Barry O’Leary seconded.</p> <p>The proposal was agreed unanimously.</p> <p>RESOLVED</p> <p>To endorse the guidance.</p>	
7	<p>Update on Safeguarding Training</p> <p>The Licensing and Compliance Officer stated that six safeguarding training sessions had been scheduled for taxi drivers. The first had been given on 6 August 2020. The text message service had been used to offer slots on the training session: of the 26 who booked, only 2 dropped out and the other 24 took the training.</p> <p>The Licensing and Compliance Officer noted that the training session appeared to have gone well and that the drivers had seemed engaged. The mandatory questionnaire that attendees had completed showed that drivers felt their knowledge of safeguarding issues had increased as a result of training.</p> <p>The training included seven questions: if attendees gave the wrong answer to any of these, it would be discussed with them.</p> <p>In the discussion that followed, Members noted that there had been much discussion of increased levels of domestic violence during lockdown, but that it was quite possible that child abuse levels had also increased. Members also asked pointed out that it might be useful to put a form for this on the reporting page.</p>	Jack Godley

	<p>The Licensing and Compliance Officer stated that an additional slide on this issue could be added to the training. All agreed that a link to the form could be added to both the safeguarding and the reporting pages.</p> <p>Members asked how long drivers would have to complete this training. The Licensing and Compliance Officer stated that these training sessions were taking place every two or three weeks, and that the last was at the end of October 2020. The Senior Licensing and Business Support Officer added that the ultimate deadline was one year from the previous meeting of the Licensing Board on 10 June 2020.</p> <p>The Group Manager – Community Health Services agreed that it would be useful to link the safeguarding and taxi driver webpages and that there was not currently advice on how to report safeguarding issues that was specifically for taxi drivers.</p> <p>The Chair encouraged all Members to attend one of the training sessions. The Licensing and Compliance Officer stated that he would circulate the dates of the five remaining training sessions to Board Members.</p> <p>RESOLVED</p> <p>To note the report</p>	
8	<p>Update on Pavement Licences</p> <p>The Senior Licensing and Business Support Officer gave a verbal report. He stated that the Business and Planning Act 2020 allowed Local Authorities to issue pavement licenses when applications were made. This was meant to be a quick process than those currently in place, allowing business to use tables and chairs on the highway.</p> <p>Once the application was made there was a seven day consultation period and the only consultee in the legislation was Highways, although comment from the Police, Planning, Neighbourhood Services, Ward Members, Parish Clerks and Environmental Health officers formed part of the local consultation..</p>	Jack Godley

	<p>After the seven day consultation period there was seven days to determine the application. There was an application fee of £100 for this licence.</p> <p>Mendip was only responsible for enforcement of these licences: all other enforcement on the highway was the responsibility of Somerset County Council as before.</p> <p>The Senior Licensing and Business Support Officer pointed out that Mendip had received twelve applications so far, and determination of three of them was in process.</p> <p>Members noted that some business already have a licence from Somerset County Council, but that others may have been putting tables and chairs without a licence. The Senior Licensing and Business Support Officer stated that Mendip has no jurisdiction to enforce licences issued by Somerset County Council. He added that the new Pavement Licence included two mandatory conditions: keeping part of the pavement clear for disabled users, and provision of non-smoking tables. There were also certain District level conditions agreed as part of the Five Councils Partnership, and Wells licences had additional conditions due to the market.</p> <p>Members stated that it was not logical that Mendip was issuing these licences, but that if people chose not to acquire them, the responsibility for enforcement lay with Somerset County Council. The Chair pointed out that this legislation had been implemented quickly due to business need, and that hopefully any glitches would be remedied.</p> <p>Members were concerned that the media and communications around Wells pavement cafes had been negative. As with the grass cutting initiative, this was a case where Mendip were taking good action but in danger of receiving adverse public perception.</p> <p>The Senior Licensing and Business Support Officer stated that the letter explaining the pavement licence sent to business had used a 'soft touch'. Virtually all affected businesses in Wells had applied for the new pavement licence, because none of them had a licence issued by Somerset County</p>	
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	<p>Council.</p> <p>Members also pointed out that the need for pavement licences is not limited to businesses in market towns. Community art venues or village halls in rural areas are effected. Community Interest Groups could be given an exemption from the administration fee, as they do not exist to make a profit but merely to cover costs.</p> <p>The Group Manager – Community Health Services stated that a Portfolio Holder decision on this issue had been drafted and should be published soon. The Senior Licensing and Business Support Officer added that Community Interest Groups should contact the Licensing Team directly rather than using the online form as payment would be required.</p> <p>There was a general discussion about the challenges of enforcement divided between Somerset County Council and Mendip District Council depending on which licence was held.</p> <p>In relation to public perception around this and the case of the Wells market, Members asked whether a process could be implemented to ensure that Ward Councillors were fully briefed in situations such as pavement licences and their impact, where there had been significant media debate.</p> <p>The Senior Licensing and Business Support Officer stated that Mendip officers had not undertaken any enforcement in Wells, but had advised that pavement licences for tables and chairs were required and should not be put in the road.</p> <p>RESOLVED</p> <p>To note the report</p>	
<p>9</p>	<p>Licensing Update</p> <p>The Senior Licensing and Business Support Officer gave a verbal report. He stated that since the last meeting of the Licensing Board, officers had processed 150 applications.</p> <p>There had been a fall in the number of Temporary Event Notices (TENS) because of the pandemic:</p>	<p>Jack Godley</p>

	<p>there were 25 TENS and 16 late TENS.</p> <p>Business as usual was continuing for the licensing team: taxi drivers were receiving their badges and plates, and at least one member of the team was working at the offices to ensure all work that required physical presence could be done.</p> <p>There had been a Premises Licence hearing for the Bell Public House, Shepton Mallet. There had in fact been two hearings. The first had ended when it was suggested that Mendip had not followed the regulations around Premises Licence Hearings, however subsequent legal opinion deemed that regulations had been followed. The second hearing went ahead, and the result was that the licence was revoked.</p> <p>The Chair thanked the Senior Licensing and Business Support Officer for his update and thanked the licensing team for maintaining their work in the present situation.</p> <p>RESOLVED</p> <p>To note the report</p>	
9	<p>Urgent Business</p> <p>None.</p>	Jack Godley

The meeting finished at approximately 7.55pm.