

AGENDA ITEM NO. 3



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday, 9th September 2020 at 9:30am.

PRESENT

Cllr Julia Huffer (Chairman)
Cllr Christine Ambrose Smith (as a Substitute)
Cllr David Ambrose Smith
Cllr Sue Austen
Cllr Lavinia Edwards
Cllr Mark Inskip
Cllr Alec Jones
Cllr Alan Sharp
Cllr John Trapp (as a Substitute)
Cllr Jo Webber
Cllr Gareth Wilson

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Adrian Scaites-Stokes – Democratic Services Officer

12. **APOLOGIES**

Apologies were received from Councillors Lavinia Edwards and Simon Harries. Councillors Christine Ambrose Smith and John Trapp substituted respectively for them for this meeting.

13. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

14. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 24th June 2020 be confirmed as a correct record and be signed by the Chairman.

15. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

16. **LICENSING ACT 2003 LICENSING AUTHORITY STATEMENT OF LICENSING POLICY – FIVE YEAR REVISION**

The Committee considered a report, V57 previously circulated, that sought approval of the revised version of the Council's Statement of Licensing Policy for recommendation for approval by Council.

The Senior Licensing Officer reminded the Committee that it had agreed to put the draft Statement out to public consultation, at its meeting on 24th June 2020. Subsequently, two formal replies to the consultation had been received. Table 1 in the report set out the changes requested by the replies. One related to updating the LAPE website information and the other sought clarification over when free advice ended. These changes were considered by officers and Table 2 set out the suggested amendments to the Statement. The first suggestion was to change the web address where information could be found.

The second was to amend the wording in paragraph 1.99 of the Statement to clarify matters. These changes had been incorporated in the revised Statement on page 18. With regard to the advice that could be offered, it had never been the intention to turn people away but to introduce a charging practice similar to that of other professional bodies. The amended wording would clear up any possible misunderstandings.

In response to the Committee's questions and queries, the Senior Licensing Officer explained that 'community premises' was a phrase taken from the relevant legislation and such premises could apply to have the mandatory condition for a designated supervisor to be cancelled. This only applied to premises designated as 'community premises'.

'Other persons' was also defined in the Regulations but did not include local authority officers. Certain persons could make objections on some types of applications but objections to other applications were limited to responsible authorities.

The County Council, as a responsible authority, received copies of new licence applications so they could assess them. The Public Health Directorate did not provide information to the Licensing department but if there were Police concerns then that information could be brought in. The Licensing department had never applied for that information but they should not be any issues obtaining it. The Environmental Services manager had close liaison with those authorities so might be able to get that information and distribute it to Members if they wished. It was expected that there would be no charge for this.

Although there had only been two responses to the consultation, this was not a concern, because the changes to the Policy had been very minimal. The previous consultation had only elicited one response.

It was resolved TO RECOMMEND TO COUNCIL:

- (i) That the draft Statement of Licensing Policy, including the amendments shown as tracked changes in Appendix 2 in their entirety, be approved;**
- (ii) That the approved Statement of Licensing Policy be recommended for adoption by full Council to come into effect on 7 January 2021.**

17. LICENSING OFFICER UPDATE

The Committee considered a verbal report that updated Members on the work of officers within the Licensing Department.

The Senior Licensing Officer advised the Committee that because of the COVID situation the number of applications this year, up to the end of August, were 254 fewer compared to last year. This had resulted in a loss of income of £17,000, about 9% down. So the impact of COVID had been quite profound with a potential 30% drop in applications over the whole year.

The taxi trade had been pushing to re-commence the knowledge test for drivers, so it was hoped to get this running on the Tuesday following this meeting. The equipment would be moved from the Reception area to an interview room. The taxi trade was suffering at the moment but some new drivers were coming in.

The Government had decided to introduce statutory guidance for taxis, whereas before only local policies had been relied on. So the Council's own policies had to align with the new guidelines. These had been cross-referenced and it had been found that the Council policies by-and-large matched the new requirements. A number of changes being brought in included an oral knowledge test, safeguarding and customer awareness training for Members, the DBS checks on drivers would be reduced to six months. All drivers currently have DBS clearance and 80% of drivers were already registered on the DBS update service, so they would be okay, but the remaining 20% of drivers would need to submit a new DBS application which would incur a cost.

The new licensing regime for pavement cafés was now in place but only one application had been received so far.

In response to the Committee's queries the Senior Licensing Officer stated that usually the department dealt with between 1000 and 1100 applications each year, so it was anticipated that the number this year would be around 30% down. This did not necessarily mean a reduction of 30% of income, as it depended on the type of applications not coming through. Mostly it was the maintenance type of applications that were missing, though community events were also not taking place. The drop off was starting to level off, so there was some degree of recovery. However, this might change again due to the Government's changing stance on lockdowns.

In the longer term, if businesses were struggling to survive the impact could be greater than currently. To assist the trades the department had instigated a payment by instalments system, to help those who could not afford to pay their licences as a one-off payment. This mainly affected taxis and premises licence holders.

Even under the current circumstances the department had still been able to provide all its services, other than the knowledge test, which would be re-instated shortly. Drivers had struggled to obtain medicals, which would normally lead to suspensions. However, the department had taken a flexible approach by

allowing them to self-certify provided there was no change in their medical condition. This had been risk-assessed prior to this being introduced and the risk had been deemed minimal.

To help the trades further the department had been pro-active in finding solutions. This meant that all DBS checks had been concluded before the offices had closed, inspections were not now being done on a routine basis but would be conducted following any complaints. Zoom meetings with animal breeders of smaller establishments would be trialled with the breeders showing their premises remotely. Any new animal premises would still receive a full inspection, with suitable precautions taken, and they would have to accept a compulsory vet visit as well, where the legislation required it. The zoom meetings would only be for renewals and would exclude bigger establishments.

There had not been a noticeable drop in premises licence renewals, though they did not need to be formally renewed. Every 12 months their main fee had to be paid and the department sends out reminders beforehand. If no payment was received after a second reminder the licence would be suspended. Before that happened the department would contact the licence holder to offer assistance if they were struggling to pay the relevant fees. No premises had its licence suspended so far.

All potential schemes to assist the trades had been risk assessed and a flexible approach had been taken where possible. This had been greatly supported and by the trades themselves.

The Committee wanted it recorded that it was pleased that the department had been flexible in assisting the businesses and trades within the district during this time.

18. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

The Senior Licensing Officer advised the Committee that two reports would be brought to the October Committee meeting: Licensing Fees and Taxi Policy Amendments.

The meeting concluded at 10:18am.