

Licensing Committee – Meeting held on Wednesday, 22nd July, 2015.

Present:- Councillors Davis (Chair), Shah (Vice-Chair) (from 18.55), Abe, Cheema, Coad, Dhillon, Malik, Munawar, Sohal, Usmani and Wright

PART 1

1. Declarations of Interest

None.

2. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

3. Minutes of the Last Meeting held on 23 July 2014

Resolved – That the minutes of the meeting held on 23rd July 2014 be approved as a correct record.

4. Appointment of Licensing Sub-Committee and Designated Chairs

The Senior Democratic Services Officer introduced a report seeking nominations for the appointment of Designated Chairs to the Sub-Committee for the 2015/2016 municipal year.

It was confirmed that the members of the Sub-Committee were drawn from the membership of the Licensing Committee on a proportional basis (2 Labour, 1 conservative). Councillor Coad requested that it be noted that, as she did not work, she was available to sit on the Sub-Committee and attend meetings during the day. It was confirmed that the current proportionality rules prohibited this.

Resolved –

- (a) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the appendix.
- (b) That Councillors Davis, Malik and Munawar be appointed as designated Chairs of the Sub-Committee for the 2015/2016 Municipal year.

5. Revised Policy for the Disclosure and Barring Service (DBS)

Rachael Rumney, Senior Licensing Officer, introduced a report seeking Member's approval of the revised draft Disclosure and Barring Service policy, and the commencement of a consultation exercise on the new draft policy.

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The Officer summarised the report, highlighting to Members that the Council had a legal responsibility to ensure that all drivers were Fit and Proper Persons to apply for and continue to hold a Hackney Carriage/ Private Hire licence, and this included the power to refuse to grant a licence and suspend or revoke a licence where necessary.

Members were informed that there remained a dispute between the Police, the Home Office and the DBS over the disclosure to Licensing Authorities in relation to arrests, cautions, convictions and 'other information' held on the DBS certificate. In particular, some authorities had been informed that they could no longer check whether a prospective Taxi or Private Hire Driver had been barred from working with children or vulnerable adults unless they worked on a school transport contract. Further information was being sought, and Members would be updated once additional information was available.

In an effort to strengthen its current processes and procedures, the Council had revised its DBS policy to make it a mandatory requirement that all licensed drivers and new applicants must register with the DBS Update Service to create a 'living certificate' which the licensing authority could then access. The benefits of the new policy were confirmed to Members as outlined in the report.

It was confirmed that if Members were minded to approve the new policy and the commencement of a consultation on the new policy, the results of that consultation would be brought to a future meeting of the Licensing Committee.

Members were supportive of the proposed new policy, and asked a number of questions, including:

Being mindful of the need to balance the safeguarding of the public and the Drivers, has SBC explored the option of placing cameras in vehicles? *Placing cameras within the vehicles would be subject to the Code of Practice and Data Protection, and would be subject to Legal approval. As such, there were no plans to implement this, though this was something that could be reviewed at a later date.*

How would the Living Certificate be monitored? *The Living Certificate would be registered to an individual, and would allow SBC to undertake status checks at any time. These checks would show if the certificate was current, or no longer valid, based on updated information from the Disclosure Barring Service. If the certificate was deemed 'no longer valid' then the individual would be required to procure a new certificate. Once registered, the certificate would be updated and available for checking even if the holder moved to other licensing authorities/areas.*

Members commended the work the Licensing Team were doing to safeguard the public, and resolved to approve the Officer recommendations as outlined in the report.

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Resolved -

- (a) That the revised draft Disclosure and Barring Service (DBS) policy be approved.
- (b) That Officers commence the consultation exercise on the new draft policy.

6. **Gambling Act 2005: Review of 'No Casino Policy' and Statement of Licensing Principles**

Mick Sims, Licensing Manager, introduced a report on the Gambling Act 2005, requesting Members approve the commencement of a consultation exercise on Slough's 'No Casino Policy' and the 'Statement of Licensing Principles'.

Members were informed that there was a requirement to conduct a 3 yearly review and consultation of the 'No Casino Policy' or it would lapse. Once the review and consultation had been completed, the results would be brought before the Licensing Committee to decide what action should be taken.

The review of the 'Statement of Licensing Principles' for the Gambling Act 2005 was a statutory requirement that ensured that the Licensing Authority could carry out their functions under the Licensing Act.

It was confirmed that, as highlighted within the recently published Gambling Commission Guidance to Local Authorities, authorities would for the first time be empowered to develop local area profiles which would be used to inform the new generation of gambling policies.

Members sought clarity on several points, including:

Was there any data regarding the impact of casinos/gambling on the welfare of the public? *It was confirmed that the Licensing Team had contacted every betting agency and outlet within Slough, and had not received any information in relation to problems with gambling. Further information was held by the Gambling Commission, which would be obtained as part of the forthcoming consultation. This information would be brought to the Committee, as part of a report on the consultation, at a future meeting. Statistics previously obtained from the Gambling Commission showed that of the total number of people who undertook gambling, 6% had problems with gambling.*

Were online betting agencies covered by the Gambling Policy? *Currently, there was no requirement for online betting agencies to be licensed, and therefore they were not a matter for the Licensing Team. However the government was reviewing this.*

How would the consultation be made available for view? *The consultation would be available via the Slough Borough Council public website.*

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Resolved - That the commencement of the consultation exercise for the 'No Casino Policy' and the Gambling Act 2005 'Statement of principles' be approved.

7. **Changes following the introduction of the Deregulation Act 2015**

Mick Sims, Licensing Manager, introduced a report highlighting the changes following the introduction of the Deregulation Act 2015.

It was confirmed that the Deregulation Act was to provide for the removal or reduction of burdens on business, individuals, public sector bodies and the taxpayer. Recent changes to the Act allowed all licensed Private Hire Operators to sub-contract bookings to any other licensed Operator anywhere within England and Wales.

Alongside these changes, it was proposed that SBC allow the option of annual renewal of licenses for licence holders, as opposed to the current 3/5 year license/renewal policy. It was felt that this would allow for a further degree of flexibility and reduce the financial burden on license holders, as well as reducing the number of unlicensed drivers. In light of these proposed changes, a review of all fees had been conducted, and the revised fees were being put to Cabinet for approval at its next meeting in September to be in effect as of 1st October 2015.

Members sought clarity on feedback from Operators on the proposed changes to license terms. It was confirmed that feedback had been broadly even for those in favour versus those opposed to the changes.

Resolved -

- (a) That the changes to the duration of licences for Drivers and Operators be noted.
- (b) That the removal of restrictions on sub-contracting outside the local authority area be noted.
- (c) That the approval or granting, where appropriate, of a 1 year licence and annual renewal be endorsed.

8. **Proposal for mandatory English Language Competency test for new Hackney Carriage and Private Hire Drivers**

Mick Sims, Licensing Manager, introduced a proposal to implement a mandatory English Language Competency Test for all new applicants for Hackney Carriage and Private Hire driver licenses.

Currently, there was no policy or provision to ensure that new applicants for driver licenses had a sufficient understanding of the English language. Competency in English was essential to ensure that drivers could converse with fare paying passengers and the public in general, but would also help to protect drivers when dealing with problematic customers.

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In order to address this, it was proposed that Slough mirror many other authorities in implementing an English Language Competency test for all new drivers. A review of the available tests had shown that the Versant English Test may be fit for purpose, though this remained to be confirmed. The Versant English test was an assessment to measure how well a person understood and spoke English. The duration of the test was approximately 15 minutes, and could be undertaken via phone or computer. The passing score would likely be set at 'B2' on the 'Common European Framework of Reference for Languages', which was summarised as "the ability to hold conversations on a range of everyday topics, with infrequent errors".

It was proposed that in order to combat fraudulent behaviour, the test would be conducted in the presence of a Licensing Officer. The cost implications to purchase the test materials would be approximately £25.00, though this would be borne by the applicants alongside a nominal fee to cover officer time (value yet to be determined).

Members asked several questions, including:

Would existing license holders be required to take the test? *Only new applicants would be required to undertake the test.*

How many other authorities had implemented such a policy? *To date, approximately 50% of authorities in England and Wales had instigated an English Language Competency test for new driver applicants.*

What if, in consultation, Operators opposed the policy? *The consultation would be used to seek Operators views, but their opposition would not prohibit the implementation of the policy.*

Would there be any exemptions to the test? *Other factors could be taken into consideration, e.g. length of time spent in the country, educational qualifications etc. These could then be used to determine whether an exemption was warranted.*

Resolved - That the adoption of a mandatory English Language Competency test for Hackney Carriage and Private Hire Drivers be approved.

9. **Proposals for Mandatory Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators**

Mick Sims, Licensing Manager, proposed the introduction of mandatory safeguarding training for all Hackney Carriage and Private Hire Drivers and Operators.

Following a number of recent high profile safeguarding issues involving Hackney Carriage and Private Hire Drivers, with particular reference to Child Sexual Exploitation, the Slough Licensing Team was reviewing how best to

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fulfil its primary role of ensuring the protection, safety and wellbeing of the public.

To this end, and in line with other authorities such as Scarborough Council, it was proposed that Slough introduce mandatory safeguarding training covering such topics as safeguarding children and vulnerable adults, making referrals, signposting to relevant agencies, domestic violence, child sexual exploitation and 'hate and mate' crime for all Drivers and Operators.

The training package and method of training was still to be determined and formally consulted on, but could comprise several large-scale sessions with refreshers every 2/3 years. Notice of the proposed training had been given to license holders via the most recent Taxi and Private Hire Newsletter.

In addition to the mandatory training, the Licensing team was proposing the introduction of a 'Licensing Hotline' where information could be passed confidentially to officers by all license holders.

Members sought clarity on how the training would be enforced, and what the consequences of failing to attend would be. Officers advised that this was still to be reviewed, and further detail would be brought to a future Licensing Committee Meeting.

It was also confirmed that the attendance of Members at the training would be welcomed.

Members were supportive of the proposed training, and were mindful that the protection of the public was of paramount importance and that the Drivers of Slough were an important resource available to help uphold this objective.

Resolved - That mandatory safeguarding training be introduced for all Hackney Carriage and private Hire Drivers and Operators and that the Trade to be consulted on the arrangements for such introduction.

10. Date of Next Meeting- 30th September, 2015

The date of the next meeting was confirmed as Wednesday 30th September, 2015.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.22 pm)