

Licensing Committee – Meeting held on Tuesday, 17th November, 2015.

Present:- Councillors Davis (Chair), Shah (Vice-Chair) (arrived at 6.35 pm), Abe, Cheema, Coad, Dhillon, Malik, Munawar, Sohal, Usmani and Wright

Apologies for Absence:- None

PART 1

19. Declarations of Interest

None.

20. Guidance on Predetermination/ Predisposition - To Note

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

21. Minutes of the Last Meeting held on 30th September, 2015

Resolved – That the minutes of the meeting held on 30th September, 2015 be approved as a correct record.

22. Street Collections and House to House Collections

Melanie Sagar, Licensing Officer, outlined a report, requesting the Committee to comment on and approve the new draft policies for Street Collections and House to House Collections.

It was highlighted that the Council did not currently have in place specific policy documents in relation to 'Street or House to House Collections and any applications received were managed using the Slough Borough Council (SBC) House to House Model Guidance for Public Charitable Collections, House to House Regulations, and SBC Street Collections Guidance and the SBC Model Street Collection Regulations.

The Licensing Team had therefore conducted a review of processes and procedures to address some concerns over the legitimacy of previous collections made and the recipient of the proceeds of the collections. The Officer advised that new draft policies had been drafted for both types of collections, which would also detail the application process and allow for detailed enquiries to be made and consultation with the Police.

Members were reminded that at the last meeting of the Licensing Committee in September, Members had resolved that the Home Office Model Street Collection Regulations (previously adopted in June 1974) be re-adopted. The Officer discussed the consultation process which would involve discussion with national and local charitable organisations, the Charities

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Commission and all previous applicants for charitable collections in Slough. Details would also be placed on the SBC website.

The Officer advised that a number of errors had been identified within the policy documents attached to the agenda papers as follows:

Street Collections

1. Page 15 at Point 6.7 refer erred to **licences**, this should be amended to **permits**.
2. Page 16 at Points 7.1, 7.2 and 8.1 referred to **licence**, this should be amended to **permit**.
3. Top of page 20 referred to 'breach of **licence** conditions', this should be amended to **permit** conditions.
4. The **Flow Chart** on Page 28 was not legible and this would be replaced

House to House Collections

1. The 5th paragraph on page 39 referred to **Cabinet Office** this should be amended to '**Minister of the Cabinet Office**'.
2. The last bullet point on page 43 (above point 9.2) stated **authorised persons** this should be amended to '**unauthorised person**'.
3. The **Flow Chart** on Page 49 was not legible and this would be replaced

Members raised a number of questions during the ensuing debate which included:

- How would applicants be checked and would there be a fee? *There would be no fee for applications as this was not legally permitted. Checks would be made before a licence was approved through e.g. Companies House and the Charity Head Office.*
- How would householders know whether a Collector was genuine? *The Collector would have a badge and if concerned the householder could contact the Licensing Team.*
- In the case of Street Collections, how would the Licensing Team communicate with existing charities and how would the public know if the Collectors were genuine? *Street collections were few and far between- 5 had taken place in the last year and checks were made of the applicant. If there were concerns Thames Valley Police could also be contacted.*
- The policy had defined 4 exclusion areas where street collection permits would not be granted. How were these arrived at? *3 of the locations were in the vicinity of mosques. There had been particular problems in these localities with bogus collectors and following consultation with the mosques, the exclusion areas were agreed. The other locality was the town square in the High Street.*

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- Could the Council's website be more robust and could a list of future collections be published? *The policy would ensure that processes were more robust and Officers could examine whether a list of authorised street collectors could be published. Also, an awareness campaign could be launched after the policies were approved.*
- It was concerning that someone could collect in the town centre and disappear before the Licensing Team was aware? *The Licensing Team could not patrol the town centre at weekends due to resource and budgetary issues. However town centre police and PCO's were aware of the collection policies and would identify any bogus collectors.*
- What powers did the police have if someone was apprehended? *The police could prosecute under the Vagrancy Act.*
- Could door to door charity bag collectors be required to have a licence or authorisation? *This was outside the remit of the Licensing Authority and was the responsibility of the Charity Commission.*
- Was it possible to control the number of street collections allowed? *Yes the Licensing Officer could control the numbers and spread them out through the year.*

Resolved-

- (a) That the new draft policies (subject to the correction of typographical errors set out within the minutes) be approved.
- (b) That Officers commence a full consultation exercise.

23. Spoken English Assessment Test for all new Hackney Carriage and Private Hire Driver Applicants

Mick Sims, Licensing Manager, outlined a report in which the Committee was requested to approve the proposed Spoken English Assessment Test requirement and procedure for new Hackney Carriage and Private Hire Driver applicants, with immediate effect.

The Officer advised that the Council did not currently have in place any policy or provision to ensure that new applicants for driver licences had an adequate or reasonable level of spoken English. On 22nd July 2015, the Committee resolved that the principle for the requirement for a Mandatory English Language Competency Test for all new Hackney Carriage and Private Hire Drivers be approved.

In explaining the background to the new policy, the Officer advised that some current drivers and private hire operators had commented on the poor standard, understanding and level of spoken English language by some new drivers. The proposed test would ensure that not only would drivers be able to converse with fare paying passengers and the public in general, but their own safety would also be improved when dealing with awkward and problematic customers or situations.

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A consultation on the proposed scheme was carried out between 4th August and 4th September 2015 with all current holders of driver and operator licences and no responses were received. A number of other Local Authorities who had implemented similar tests were also contacted. This had resulted in an alternative proposal for a 'Spoken English Assessment Test' requirement and procedure, rather than a 'Mandatory' English Competency Test for all new applicants. The reason behind this was that it was felt that there needed to be a criteria to establish whether new applicants would be required to undertake the Spoken English Assessment Test.

It was highlighted that a Licensing Officer would make an initial assessment of the prospective applicant's spoken English, to decide whether they would be able to converse at a reasonable level with fare paying passengers and the public in general. A proposed procedure had been prepared as guidance for both officers and new applicants which clearly detailed a number of requirements, including the right of the Licensing Manager to require a second assessment where necessary and details of the testing procedure.

In conclusion, the Officer advised that the proposed procedure was considered to be reasonable and proportionate in order to ensure that all new applicants were able to demonstrate an adequate and reasonable level of spoken English in carrying out their role as a licensed driver.

Members raised number of questions in the ensuing debate including:

- What if a person made an application and sent someone else to take the test? *A photographic ID would be taken of the Applicant.*
- Had the Licensing Officer looked at the actual test? *Yes- details of the Versant test and feedback were available through the Licensing Forum. The questions related to every day life and situations.*
- Had any Officers tried the test? *It was confirmed that Councillors Davis, Shah and Malik would review the questions and provide feedback.*
- Would there be a drop in applications due to people moving over to 'Uber'? *The Officer explained that it was still necessary to have a licence with the local authority.*

Resolved- That the proposed Spoken English Assessment Test requirement and procedure for new Hackney Carriage and Private Hire Driver applicants, be approved with immediate effect.

24. Deregulation Act 2015- Late Night Refreshment

Mick Sims, Licensing Manager, outlined a report to advise members of amendments made to Schedule 2 of the Licensing Act 2003 regarding Section 71 of the Deregulation Act 2015, which took effect on 5th November, and of the recently published Home Office Guidance on the licensing of late night refreshment.

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The Officer highlighted that the Deregulation Act gave Local Authorities the power to exempt premises in certain circumstances, from the requirement to need a licence to provide late night refreshment. The Guidance would also help businesses who wanted to provide hot food and drink to establish whether they would require a licence under the 2003 Act.

The Committee was reminded that the Council, as the Licensing Authority under the Licensing Act 2003, determined all applications for relevant Licensable Activities including late night refreshment. The Officer discussed the definition of late night refreshment and the new regulations which gave Licensing Authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment as set out in the report.

It was noted that if a premises became exempt from the requirement to hold a Premises Licence for the sale of hot food, but did not surrender it, there was no requirement for the Licence Holder to continue to pay an annual fee, if the Premises Licence only permitted late night refreshment.

The Committee was requested to note the report and was advised that a further report would be submitted to the Committee following liaison with Thames Valley Police.

Members raised a number of points of clarification including the licensing of late night garages.

Resolved- That the report be noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.35 pm)