

## AGENDA

### GENERAL LICENSING COMMITTEE MEETING

Date: Wednesday, 31 July 2019

Time: 7.00pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Cameron Beart, Derek Carnell (Chairman), Roger Clark, Richard Darby, Mark Ellen, Simon Fowle, Lee McCall, Paul Stephen, Eddie Thomas and Tony Winckless (Vice-Chairman).

Quorum = 3

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Pages

#### 1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the Minutes of the Meeting held on [9 April 2019](#) (Minute Nos. 601 – 607) as a correct record and to accept the minutes of the Licensing Sub-Committee meeting held on [1 July 2019](#) (Minute Nos. 99 – 103).

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

5. Licensing Update

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6. Presentation on licensing inspections

**Issued on Tuesday, 23 July 2019**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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**Swale Borough Council**

**General Licensing Committee - 31<sup>st</sup> July 2019**

**Della Fackrell, Resilience & Licensing Manager**

## Licensing key updates

### OLEV/ULEV grants

KCC were successful in their bid to the Office for Low Emission Vehicles (OLEV) for the grant of £180,000. This grant was to cover six district areas including Swale and was for 75% of the cost of the scheme. The suppliers of the units are happy to provide the 25% funding in return for a revenue share of the usage. By providing match funding and having a revenue share in the units, suppliers will have an incentive to ensure the units are well maintained and in operation. KCC will ensure there is a cap included in the contract and also a cap on the charge to taxis.

This grant is specifically to provide a rapid charging point (charges 0 – 80% in 30 minutes) for Ultra Low Emission Taxis. During the bid phase we nominated some possible locations for the charging. The charging point needs to be away from the rank for access for private hire vehicles and using a public car park will affect the council's income with a loss of a space. The location for the charging point has been agreed in Central Avenue outside of the police station in the restricted bay area.

KCC will be leading on the procurement of the units with liaison with us. This will include the supply, install and operation of the contract to ensure consistency throughout the project and ensure interoperability for taxi drivers. The units are to be installed by the end of March 2020.

KCC have now confirmed that ownership of the units within each District will be with the supplier of the unit. This will ensure that each District does not incur costs.

Although we do not have many electric vehicles, we are hopeful that this charging unit will encourage more operators and drivers to look in to electric or chargeable hybrid vehicles.

### Taxis

- The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and regulated by local authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy requirements. It is also implicit that the taxi trade itself is protected and that policy provisions assist in this aim as well as allowing for sustainability of their business.
- Whilst it is not a statutory requirement Swale BC in line with that of most other local authorities has in recent years published a taxi policy. This policy was comprehensively

reviewed and expanded during 2018 and took into account Best Practice Guidance issued by the Department for Transport, the Regulators' Code and best practice of other local authorities.

- The taxi policy was formally adopted to become effective as of 1<sup>st</sup> July 2018.
- The existence of this comprehensive policy is proving to be an effective tool for achieving the right balance of protecting the public whilst helping the taxi and private hire trade to develop successfully.
- The taxi policy is available to view on the Swale BC website although hard copy can also be provided.
- Of particular interest to Members will be the 'penalty points' system that is in operation whereby errant drivers and operators can have points imposed on their Swale BC licences. Any individual who has 12 points issued in any rolling 36 month period is required to appear before a Licensing Sub-Committee where Members have the opportunity to decide what enforcement action they deem appropriate. This could range from a warning, a suspension of a licence or even revocation.
- To become a licensed driver with Swale it is necessary to firstly pass a Street Knowledge Test (SKT). The test asks questions relating to knowledge of local routes and landmarks, the Highway Code and taxi law, numeracy, and the Swale Taxi Policy. There is also a section regarding safeguarding which is important in satisfying our legal obligations in this regard
- In the past this was a written examination however the SKT is now conducted online. This saves officer time in having to mark papers, allows for consistency in marking as well as candidates being told very quickly whether they have been successful or not.
- With regards to safeguarding the new test involves the screening of a film before answering questions. To assist candidates a PowerPoint has been prepared that is available on the Council website and also given to candidates before the film is screened. The pass mark for the particular section of the SKT is 100%.
- Regular meetings with the taxi trade take place with the next one scheduled for Thursday 10 October. All issues discussed are then entered onto a grid and updated with the outcome of the discussion and sent to drivers on a regular basis through taxi newsletters. In the past we have liaised with Spirit of Sittingbourne, Erith, Network Rail and Indigo/Saba and have invited them to our meetings so that drivers can ask questions of them direct although so far only a representative from Erith has attended

### **National Licensing Week**

National Licensing Week is an initiative promoted by the Institute of Licensing which Swale BC have corporate membership and is seen as key opportunity for everyone involved in licensing to promote the work that licensing officers do both individually as the licensing

authority and in partnership with our colleagues who make up the 'responsible authorities' such as the environmental health teams, planning, police, fire and rescue services, trading standards etc.

Its aim is to raise awareness with licensees and the public alike of the work that is undertaken to ensure that the general public are kept safe and are not affected negatively by any licensing activity whilst at the same time promoting and supporting businesses.

This year there were daily themes which were:

1. Positive partnerships
2. Tourism and leisure
3. Home and family
4. Night time
5. Business and licensing

The licensing team carried out pro-active inspections of licensed premises, gambling establishments and scrap metal dealers. We undertook evening inspections of taxi ranks in liaison with the police and the Kent Community Alcohol Partnership was launched.

## **CURRENT AND FUTURE WORK**

### **Kent Community Alcohol Partnership (KCAP)**

The Sheerness Town Centre and Leysdown Community Alcohol Partnerships (CAP) has been put in place to help cut incidents of underage alcohol sales, underage drinking and to encourage responsible drinking amongst young adults.

A key aspect of the partnership will be to break down the barriers between retailers, publicans and the enforcement agencies and to recognise that by working together with the wider community, including local young people and their parents, everyone can make a difference.

The CAP's will see the Community Policing Team, Trading Standards and Swale BC working in partnership with the licensed trade, schools and youth workers. The project will be supported by Community Alcohol Partnerships CiC, the Retail of Alcohol Standards Group (RASG), which represents major retailers, and is backed by the Wine and Spirit Association.

### **Local Area Profile**

Members will recall that at the latest Gambling Act 2005 Statement of Principles was presented to this Committee during 2018 and was formally adopted by full Council on 14 November 2018.

The Gambling Commission recommends that local authorities carry out an assessment of their local environment called a 'Local Area Profile' to identify the local risk of gambling-related harm and to inform the Statement of Principles. Risk in this context includes potential and actual risk and can take into account possible future and emerging risks. In

order to ensure that this document could be kept up to date it was decided that it would be prepared separately from the Statement of Principles.

Officers are currently working on preparing on a Local Area Profile and are taking into account the following:

- Location schools, sixth form colleges, youth centres etc with reference to the potential risk of under-age gambling
- Hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- Any known information about issues with problem gambling
- The surrounding night time economy, and possible interaction with gambling premises
- The socio-economic makeup of the area
- The density of different types of gambling premises in certain locations
- Specific types of gambling premises in the local area (e.g. betting shops, arcades etc)

It is anticipated that the LAP will be presented to General Licensing Committee in September 2019.

### **Street Trading Policy**

The licensing team are still working to the Street Trading Policy 2013- 2016 when issuing Street Trading Consents so the policy is badly in need of review.

It has become apparent that the current policy does not conform to the legislation under which Street Trading Consents need to be granted (Local Government (Miscellaneous Provisions) Act 1982). Previously aspirations and historic practices were confused with law and included within the current policy and the draft that is currently being worked up by officers will need to address this issue so that the new policy will be a robust document that can stand up to legal challenge whilst not impeding the economic development of the Borough through its vibrant markets. The licensing team are working closely with officers from the Legal Department and Economic Development in this regard.

It is anticipated that a draft Street Trading Policy will be presented to Members in September 2019 prior to a formal 12 week consultation before being formally adopted.