

5. Licensing Statistics

The Committee noted the number of applications received and determinations of those applications from 1st October 2019 to 30th September 2020. Included separately, for information and comparison, were the figures for the 6 month period between 1 April and 30 September for 2019 and for 2020, which largely reflected the impact of Covid on licensed businesses.

It was noted that the recent pandemic had affected taxis badly. Officers had offered the facility for taxi drivers to pay in instalments for their licences as their work had diminished during this period.

However, we were still receiving new premises applications and for TENS. Which proved difficult as they often conflicted with the Covid regulations.

Councillor Whitehouse asked for information on TENS applications. He was told that the Licensing Act was still in force, so we ask for a very strict risk assessment on how they were going to manage the Covid restrictions imposed. We cannot legally say that they cannot have their TENS application just because of Covid.

Councillor Sunger asked if any applicants had asked for a reduction in fees because of Covid. He was told that some had, and officers had extended the time that they could pay. There were also grants that they could access. The Council had been more than reasonable but were still bound by the regulations.

Councillor Morgan asked about pavement licences, had we had many applications? He was told that the Council had only 5 applications. A number of premises already used the pavements without having a licence from the highways authority. So, there were more than 5 premises that used the pavements but not all were licensed.

Councillor Sunger asked if the Council was doing enough to reach out to the local businesses. He was told that at the start of the period, in May and June, officers did a lot of work informing and engaging with local businesses and encouraging them, although the legislation was not brought in until the end of July which didn't give businesses much opportunity to prepare and take advantage of the summer season. Councillor Sunger asked if there was anything that local councillors could help with. Councillor Lion confirmed that every shop in Chigwell had been visited by himself and an officer but there had been very little response. Officers had done an exceptional job and there was not much more that could have been done.

Officers could always give detailed information to any Ward member that wanted it.

RESOLVED:

The Committee noted the statistics.

6. In Vehicle CCTV - in Taxis

The Regulatory Services Manager, S Devine, introduced the report on the consideration of in-vehicle CCTV in hackney carriage/private hire vehicles.

A report for consideration of in-vehicle CCTV in taxis was submitted and discussed by the Licensing Committee on 9 March 2020, as a potential means of addressing driver vulnerability and safeguarding of passengers. This followed high profile reports in other parts of the country connecting the taxi trade with serious concerns regarding child exploitation, human trafficking, criminal exploitation and drug trafficking.

A Task and Finish Group commissioned by the Minister of State at the Department of Transport in 2018 recommended the mandatory introduction of cameras in licensed vehicles. However, the Information Commissioners Office CCTV Code of Practice recognises that an important balance must be made between privacy and proportionality and that a mandatory policy around CCTV systems in taxis would require strong justification and should be kept under regular review.

Officers had undertaken their own intelligence gathering and looked at data from the police. No direct allegations relating to the public and their behaviour towards taxi drivers were found. There were no allegation on the Council's database as well. The crime data did not justify the introduction of CCTV and there were also concerns about making audio recordings. A consultation with the taxi drivers was also carried out and we received only 27 responses out of 415 taxi drivers. 8 were in support of CCTV and 19 against. Officers also spoke to other local authorities. Of the five that had responded four had considered it and rejected the idea on the basis that the crime data did not stack up.

It should also be noted that the taxi drivers themselves would have to pay for the equipment needed and its upkeep. This would put extra strain on a sector of the industry that had been hit hard by Covid, just as we would also be looking at the electrification taxis in the near future, although this should not prevent the Council requiring CCTV for safety reasons if felt appropriate.

If the council introduced either compulsory or voluntary CCTV the council would be responsible for the terms of compliance, and would also have to update its codes of practice and carry out a data protection impact assessment and update its ICO registration. The Community Resilience Team that control all CCTV in the council had the capability to manage this work, if mandatory licensing was considered appropriate.

Councillor Neville noted that we had moved on since the Committee had last considered this. Four other authorities had rejected the idea and there was an extremely low return for the taxi trade. There was no evidence to justify this at present. Perhaps we should revisit this in twelve months' time.

Councillor Sartin was surprised at the small number of responses and agreed that this was not the time to continue with this. She asked if there was any reason why a taxi driver could not put up their own cameras. She was told that some did, but they had to have appropriate notices displayed and they were checked for compliance during the annual MOT check.

RESOLVED:

That a report on CCTV be brought back to a future meeting, perhaps in a years' time.

7. Draft Statement of Licensing Policy

The Regulatory Services Manager, S Devine, introduced the report updating the Council's statement of Licensing Policy.

It was noted that the licensing authority had a statutory duty to review its licensing policy and as such, a consultation was carried out, beginning on 22nd September 2020. The closing date was 16th November 2020.

The new Policy updated the existing, to align with current internal council decision making; informing on current guidance and other publications and updating details of consultees. There was also a section that covered Exchange of Information, not included in the previous Policy document, which recognised the Council's responsibilities under the General Data Protection Regulations. The Policy document would be reviewed again no later than 2025 or such earlier time if deemed necessary.

Following the consultation there had been no substantive amendments made to the draft policy just some housekeeping amendments and updated information.

Councillor Neville questioned if all faith groups were consulted instead of just the ones listed in the report and had all resident's associations been contacted.

ACTION: It was agreed that the list should in future should say 'all major faith groups' had been consulted and that officers research all the resident's associations and add them to the consultation list.

RESOLVED:

That the Committee recommends to the Council that it adopts the Statement of Licensing Policy.

8. Gambling Act 2005 - Adult Gaming Premises

The Committee next considered the late supplementary report on adult gaming premises.

The Licensing Manager, K Tuckey said that officers had received a late application for an adult gaming premises. However, as this was the first application of its kind and the Council did not have an appropriate fee.

The licensing manager benchmarked fees against three other authorities, Brentwood, Harlow and Rochford

Harlow £1,800 per year
Rochford £2,000 per year
Brentwood £2,000 per year.

The fees charged would have to reflect no more than the cost of the officers' time in dealing with such and application.

RESOLVED:

That the Committee recommended that a fee of up to £1000 be set for an Adult Gaming application depending on officers' final estimates of costs.

9. Review of Licensing Sub-Committee Procedures

Extra Sub-Committee Member:

Due to the unpredictability of internet connections it was recommended by the Democratic Services Officer that the fourth member of any sub-committee stay and listen to any application being considered just in case one of the other members loses connectivity and could not continue.

AGREED: that the fourth member of the sub-committee remain and listen to the full case in case of loss of connectivity for another member.

Meeting Procedures:

Councillor Jon Whitehouse asked that the procedure for running a Licensing Sub-Committee meeting be reviewed at a future meeting for clarity. This was agreed.

10. Review of Current and Future Training Needs for the Committee

To be considered after the next elections in May for any new members of the Committee or as a refresher for current members.

11. Matters Arising

There were no matters arising.

12. Date of Next Meeting

The Committee noted the date for their next meeting, 17 March 2021.

CHAIRMAN

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