

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

11th December 2023

Present: Councillor Richard Udall in the Chair

Councillors Allcott (Vice-Chair), Cross, Hodgson, Lawrance, Norfolk, Smith, Stanley, Stephen and Willmore

Officers: Adrian Allman, Principal Officer – Technical Pollution, Worcestershire Regulatory Services
Lloyd Griffiths - Corporate Director, Operations, Homes and Communities
Kiran Lahel, Licensing Support Services Manager
Niall McMenamin – Principal Licensing Officer, Worcestershire Regulatory Services
Charlotte Pidgeon – Legal Officer

Apologies: Councillor Pingree

79 Declarations of Interest

None.

80 Public Representations

Mr Mohammed Sajad, a taxi driver, addressed the Committee. He commented on a number of matters: the recently laid paving slabs in St. Swithin's Street have become uneven and require attention; the need for late-night taxi enforcement, especially on Fridays and Saturdays; and vehicles which have been written off being used for school contracts, not only in Worcester City but across Worcestershire.

In response, the Chair stated that the first issue will be raised with the County Council. Officers from Worcestershire Regulatory Services are working with the Police on a number of enforcement matters which will help to address the second point raised. With regard to the third issue, the Chair urged Mr Sajad any anyone else who is concerned about vehicles which have been previously written off to respond to the proposed public consultation exercise on amending the Council's Hackney Carriage and Private Hire Licensing (See minute 84).

81 Minutes

RESOLVED: That the minutes of the meeting held on 11th September 2023 be approved as a correct record and signed by the Chair.

82 Real Time Air Quality Monitors - Update Report

The Committee considered a report on proposals to site real time air quality monitors in Worcester. Adrian Allman, Principal Officer (Technical Pollution) presented the report and explained the main aspects of the project to provide an

enhanced air quality monitoring network across Worcestershire, with 10 monitors sited in Worcester City. He advised that the monitoring locations proposed were selected using a range of data and will monitor pollution from a wide variety of sources.

The intended locations are:

- London Road, Worcester WR5 2JG
- Dolday, Worcester WR1 3NG
- Barbourne Road, Worcester WR1 1JA
- Sidbury, Worcester WR5 2DH
- Newtown Road, Worcester WR5 1SX
- Wyld's Lane, Worcester WR5 1DX
- Foregate Street, Worcester WR1 1EB
- St Johns, Worcester WR2 4LE
- Hastings Drive, Worcester WR4 0LJ
- Acacia Close, Worcester WR4 9TP

The siting of the new monitors will take place as early in 2024 as possible. The air quality monitoring data will be published online in a near real-time format.

Officers responded to questions and comments from Committee Members. In the ensuing discussion, it was clarified that WRS have worked with Public Health to identify the locations. There is the ability to review these locations in the future.

The Chair asked if air quality monitoring can be placed on future agendas as a recurring item, to include updates on the rollout of the equipment and to provide an opportunity to consider other potential locations.

In response to a question about raising awareness of this initiative, the Corporate Director – Operations, Homes and Communities stated that a note can be provided for Members ahead of the installation of the equipment.

RESOLVED: That the Committee agree to note the contents of the report and in particular the intended locations for siting the monitors.

83 Licensing Act 2003 - Review of Statement of Licensing Policy

The Committee considered a report on the review of the Council's Hackney Statement of Licensing Policy. The Principal Licensing Officer presented the report and explained that a new Policy must be reviewed and published in 2024. Officers had prepared a draft revised Policy, which contained several amendments and introduced new additional sections to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect.

Due to the minor changes, it was proposed that consultation on the draft revised Statement of Licensing Policy takes place over an 8-week period. The draft revised Policy was appended to the report. Any responses received during the consultation exercise will be reported back to the Committee for consideration, prior to the approval and adoption of the Policy.

Officers responded to questions and comments from Committee Members.

In the ensuing discussion, reference was made to Martin's Law and the impact which it will have. Members were advised that this may be more appropriate for Place and Economic Development Committee, however an information report can also be brought to this Committee.

Committee Members expressed support for the revised draft and the proposal to undertake public consultation.

RESOLVED: That the Committee:

- 1. note the contents of the report and in particular the requirement for the Council to publish its Statement of Licensing Policy at least every 5 years, the last being published in October 2019;**
- 2. approve the draft revised Statement of Licensing Policy (2024 – 2029) shown at Appendix 1, for the purpose of an 8-week public consultation; and**
- 3. note that the results of the consultation exercise will be presented back to this Committee in March 2024.**

84 Renewal of Hackney Carriage and Private Hire licences for vehicles which have previously been written off

The Committee considered a report on a proposal to amend the Council's Hackney Carriage and Private Hire Licensing Policy. The Principal Licensing Officer presented the report and explained that the wording used in paragraphs 3.3.9 and 3.4.6 of the current Policy meant that vehicles which were licensed before September 2022 that had been previously graded as a Category A, Category B or Category C, or Category S write-off, no longer complied with the Council's policy, even though the vehicle had been licensed for several years without any issues arising. As a consequence, Officers were unable to determine these renewal applications under delegated powers and any such applications would need to be referred to a Licensing Sub-Committee to be determined.

Officers had identified around 30 vehicles which would need to be referred to the Licensing Sub-Committee.

Due to the unintended consequence of the current Policy, the Committee were recommended to consider whether to consult on a proposed change, so as to return the Council to its previous policy position on written off vehicles.

It was proposed to delegate the final decision to the Corporate Director - Operations, Homes & Communities in consultation with the Chair and Vice-Chair of the Committee, having reviewed the consultation feedback, so that a decision can be made in a timely manner, rather than having to wait until the next meeting.

Officers responded to questions and comments from Committee Members. In the ensuing discussion, the following main points were made:

- Members were advised that VOSA will be included in the consultation. Members asked if they could be encouraged to submit a response.

- A request was made for information on what each categories means and how many affected vehicles are in each category. The Principal Licensing Officer explained the definitions as set out on the Government website. There was no requirement to record this information previously and therefore it is not possible at this stage to identify numbers in each category.
- Members were advised that there is one approved testing station currently. Information on the checklist which they work to when undertaking tests can be circulated to Committee Members.
- The Chair made reference to an email he had received from Councillor Riaz, which alleged that calls have been made by Officers from Worcestershire Regulatory Services to drivers from private phone numbers, advising that vehicles are not fit for purpose and a licence will no longer be issued. The Principal Licensing Officer advised that Officers have been contacting drivers upon receipt of their renewal application to explain what is happening. The purpose of the call is to explain what needs to be done, not to say that the vehicle cannot be used. This had been discussed at the Taxi Forum, where a request was made to pass on the information onto drivers, but there appears to have been a misunderstanding and he will take steps to clarify the matter.

Members expressed support for the proposal to consult on the proposal to amend the Policy, as recommended.

RESOLVED: That the Committee:

- 1. note the contents of the report, and in particular the impact the current Hackney Carriage and Private Hire Vehicle Licensing Policy is having on existing vehicle licence holders whose vehicles have been previously written off;**
- 2. approve the undertaking of a 4 week public consultation exercise on a proposal to amend the Council's Hackney Carriage and Private Hire Licensing Policy as set out at Appendix 2 to the report; and**
- 3. agree to delegate authority to the Corporate Director (Operations, Homes and Communities) in consultation with the Chair and Vice-Chair of Licensing and Environmental Health Committee to make a final decision in respect of the proposed policy changes referred to in resolution 2, subject to the review of consultation feedback.**

85 Review of Sex Establishment Policy

The Committee considered a report on work undertaken to review the existing Sex Establishment Licensing Policy that was published in January 2015. The Principal Licensing Officer presented the report and explained that the existing Policy had been in place for more than eight years. Officers considered it appropriate to undertake a review and for a revised version of the Policy to be consulted upon.

A draft revised Policy was appended to the report. The revisions were very minor in nature and had been made to ensure the document is up to date and is as clear and easy to understand as is possible. The results of the consultation will be brought back to the Committee in March 2024 for consideration, with a view to the Draft Sex Establishment Licensing Policy being approved.

The Principal Licensing Officer responded to questions and comments from Committee Members. In response to a question about employment rights and protection for workers in sex establishments, he advised that safeguarding of performers is included in the Policy. Modern Day Slavery is not mentioned specifically. The Chair asked for it to be recorded that Members would support inclusion of reference to this issue in the Policy.

Members expressed support for the proposal to undertake a public consultation on the draft.

RESOLVED: That the Committee:

- 1. note the contents of the report, and in particular the work undertaken to review the existing Policy that was published in January 2015;**
- 2. approve the undertaking of an 8-week public consultation exercise on a Draft Sex Establishment Licensing Policy included at Appendix 1; and**
- 3. note that a further report on this subject will be presented to this Committee in March 2024, and will include feedback from the consultation process.**

86 Licensing and Environmental Health Fees and Charges 2024/25

The Committee considered the draft Licensing & Environmental Health fees and charges for 2024/25. The Corporate Director – Operations, Homes and Communities introduced the report and the Licensing Support Services Manager explained that the proposals. In summary, it was proposed to increase the Council's Licensing, Food, Health and Safety and Pollution Control functions fees and charges broadly in line with inflation by 6% rounded up. This would take into account the associated staffing and operational costs of the service. The Council cannot make a profit on licensing fees, which should be cost neutral.

Some licensing fees were set nationally by Government. These fees were therefore not under the control of the Committee.

With reference to the electric vehicle administration fee, the Committee were advised that this was never implemented and should be removed.

In response to a question about the number of licences issued against each fee, Members were advised that this information can be provided and Officers will consider how best it can be presented. The Income Management Sub-Committee receives regular performance reports on income and that may be a more appropriate forum.

The proposal to increase fees and charges in respect of the hackney carriage, private hire vehicles and operators' licences, in agreed, would need to be advertised by publishing a notice in a local newspaper.

Committee Members expressed support for the proposed fees and charges, as recommended.

RESOLVED: That the Committee:

- 1. note the contents of this report, in particular the draft Licensing & Environmental Health fees and charges for 2024/25 at Appendix 1;**
- 2. approve the undertaking of a 28-day statutory consultation in respect of hackney carriage, private hire vehicles and operators' licence fees & charges, as required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976; and**
- 3. agree to recommend the draft Licensing & Environmental Health fees and charges for 2024/25 to Income Management Committee on 24th January 2024 for their approval, subject to the review of any consultation feedback received by way of resolution 2.**

87 Any Other Business

None.

Duration of the meeting: 7.00p.m. – 8.38p.m.

Chair at the meeting on
4th March 2024