



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
01483 444056

17 September 2019

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 25 SEPTEMBER 2019 at 7.00 pm.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Goodwin
Vice-Chairman: Councillor Will Salmon

Councillor Tim Anderson
Councillor Joss Bigmore
Councillor Dennis Booth
Councillor Graham Eyre
Councillor Gillian Harwood
Councillor Nigel Manning
Councillor Ted Mayne

Councillor Ann McShee
Councillor Marsha Moseley
Councillor George Potter
Councillor Maddy Redpath
Councillor James Steel
Councillor Catherine Young

QUORUM 5



THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

AGENDA

1 APOLOGIES FOR ABSENCE

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting of the Licensing Committee held on 29 May 2019.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5.1 **Taxi and Private Hire Enforcement - Delegations for Surrey Joint Warranting (Pages 3 - 10)**

5.2 **Purple Flag Verbal Update**

5.3 **Best Bar None Verbal Update**

5.4 **Taxi and Private Hire Driver Safeguarding Training Verbal Update**

6 LICENSING COMMITTEE WORK PROGRAMME (Pages 11 - 16)

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN
AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

- * Councillor David Goodwin (Chairman)
- * Councillor Will Salmon (Vice-Chairman)

- * Councillor Tim Anderson
- * Councillor Joss Bigmore
- * Councillor Dennis Booth
- * Councillor Graham Eyre
- * Councillor Gillian Harwood
- * Councillor Nigel Manning
- * Councillor Ted Mayne
- * Councillor Ann McShee
- * Councillor Marsha Moseley
- * Councillor George Potter
- * Councillor Maddy Redpath
- * Councillor James Steel
- * Councillor Catherine Young

*Present

L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Marsha Moseley and Nigel Manning.

L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interest were declared.

L3 MINUTES

The minutes of the Licensing Committee held on 25 March 2019 were confirmed and signed by the Chairman.

L4 ANNOUNCEMENTS

The Chairman informed the Committee that the Licensing Team Leader would provide a short Licensing training session after the meeting for members.

L5 LICENSING POLICY FOR ACTIVITIES INVOLVING ANIMALS

The Committee received a report from the Licensing Team Leader regarding a change to the way in which animal boarding establishments; dog breeding establishments, pet shops and riding establishments were licensed. The change in law was implemented as of 1 October 2018 and from then the Council took on the responsibility for the licensing of the keeping of animals for exhibition.

The threshold for breeding dogs had been reduced from five to three dogs and if you were operating as a commercial breeder, a licence was now required from the Local Authority. Exhibiting animals was previously licensed by Surrey County Council, but now fell within the remit of Guildford Borough Council. The law change introduced a new term of a 'fit and proper person' to be a licence holder, which was the same term used with taxi licensing but had not previously been defined in animal welfare. The Council therefore drafted a policy, which set defined criteria for what construed a suitable person to be granted an animal welfare licence.

On 20 November 2018, the Licensing Committee approved a proposal for the draft animal welfare licensing policy to go to consultation for a period of 12-weeks between December 2018 and March 2019. Seven interested parties responded including current licence holders and animal welfare organisations such as the RSPCA, PDSA and Dogs Trust. Concerns raised in relation to the fees had not been considered owing to the fact that DEFRA set the fees and these were implemented by the Council.

The Committee noted that this was the first Licensing Policy to be devised in relation to activities involving animals since the new legislation was introduced. The Committee discussed the policy and asked whether the response rate achieved to the consultation of seven was good. The Licensing Team Leader confirmed that Guildford Borough Council had 50 licence holders who were all consulted. In addition, the consultation was advertised on the website for three months. Animal charities, the Police, vets, DEFRA, The Dogs Trust and Equine Charity had all responded and made helpful contributions to the final formulation of the policy. The Committee were advised that licence holders' ratings were not published on the Guildford Borough Council website and the public would need to request this information from officers. In relation to safeguarding, the responsibility lay with the licence holder to comply with safeguarding requirements. If licence holders failed to comply with the requirements of their licence, processes were in place whereby licences could be varied or revoked accordingly. It was confirmed that dog wardens carried out the inspections of all premises currently but would need to be qualified to inspect premises by October 2021.

The Committee having considered the report

RESOLVED

To approve the Animal Welfare Licensing Policy.

L6 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its work programme, which would be populated with additional topics.

The Committee received clarification on the term 'Purple Flag', which related to an award that recognised Guildford as a safe place to have a night out. The awards were first held five years ago and Guildford was the only town in Surrey to hold the award. 'Best Bar None' referred to a national scheme to promote high standards in pubs and bars. Approximately 30-40 venues had entered the award this year.

The Chairman recommended that premises site visits were arranged in the summer for Committee members to visit premises with Licensing Officers to obtain a better understanding of how premises operated within the context of licensing.

The meeting finished at 7.27 pm

Signed

Date

Chairman

Licensing Committee Report

Ward(s) affected: All

Report of the Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: David Goodwin

Tel: 01483 824616

Email: david.goodwin@guildford.gov.uk

Date: 25 September 2019

Taxi and Private Hire Enforcement – Delegations for Surrey Joint Warranting

Executive Summary

This report seeks approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the County.

Recommendation to Licensing Committee

The Committee are asked to recommend to Full Council that the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A to the Surrey local licensing authorities (as set out in Appendix A), in addition to retaining those functions within the Borough. Similarly, for the Council to receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) from those local authorities, to be delegated to the Regulatory Services Manager.

Reason for Recommendation:

To improve safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the County.

2. Strategic Priorities

- 2.1 The joint warranting of Licensing Officers will contribute to our fundamental themes as follows:

- **Place making** – ensuring safe travel in the Borough through a well-regulated taxi service.
- **Innovation** – using new ways of working to improve efficiency.

3. Background

- 3.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The legislation gives a power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of driver and vehicle licences for reasons of public safety.
- 3.3 However as there is no geographical restriction on where a licensed vehicle driven by a licensed driver can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across drivers and vehicles licenced by another authority operating in their areas.

4. Proposed changes

- 4.1 Officers currently only have the legal power to inspect and act against drivers and vehicles if they have been authorised in writing by the authority which licensed that driver or vehicle. As such, officers in one authority will not have the power to inspect or act against drivers and vehicles operating in its area which are licensed by other authorities.
- 4.2 This can lead to situations where officers in one authority, for example Guildford, are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Guildford. This could lead to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed taxi trade.
- 4.3 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 4.4 Such joint working arrangements between Local Authorities are also regarded as 'Best Practice' in the draft Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 recently consulted upon.
- 4.5 Additionally, joint warranting would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the

County by adopting a consistent previous convictions policy and mandatory CSE training for all drivers in Surrey.

- 4.6 The proposal is that the hackney carriage and private hire enforcement powers, as set out in Appendix A of this report, are delegated to the other Surrey Authorities (whilst retaining our own). It is also proposed that Guildford Borough Council receives similar delegated enforcement powers from the other Surrey Authorities.
- 4.7 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.
- 4.8 Each authority would be responsible for ensuring that the officers delegated are suitably trained and experienced.
- 4.9 The Committee are asked to recommend to full Council that the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A to the Surrey local licensing authorities (as set out in Appendix A), in addition to retaining those functions within the Borough and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) of those local authorities.

5. Consultation

- 5.1 Consultation has taken place with other 11 Surrey Licensing Authorities who are supportive of this initiative and who themselves are seeking the necessary delegations.
- 5.2 Whilst there is no formal requirement to consult with the taxi trade, informal discussion has taken place at TAG Meetings with the trade being supportive of improved enforcement against drivers and vehicles from other authorities operating in Guildford.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.

6.4 There are no Equality and/or Diversity issues arising from the initiative of Joint Warranting Across Surrey.

7. Financial Implications

7.1 The implementations be managed through the existing licensing budget.

8. Legal Implications

8.1 Under section 101 of the Local Government Act 1972 Local Authorities may make arrangements for other local authorities to discharge their functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out some of its Licensing functions, it may also continue to exercise those functions itself.

8.2 If the Local Authorities are to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned so as to avoid potential legal challenge.

9. Human Resource Implications

9.1 There are no human resource implications arising from these proposals.

10. Recommendation

10.1 That the Licensing Committee recommend to full Council that the Taxi and Private Hire enforcement powers as set out in Appendix A of this report are delegated by Guildford Borough Council to the following local authorities, namely:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

10.2 That the Licensing Committee recommend to full Council that the Council should agree to accept similar delegated enforcement powers from:

- Elmbridge Borough Council

- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

11. Conclusion

11.1 Advancing a scheme of Joint Warranting across Surrey will help ensure travelling by taxis is safer for customers by enabling improved enforcement across Surrey.

12. Background Papers

12.1 [Taxi and Private Hire Licensing Policy 2015-2020](#)

12.2 [Taxi and Private Hire Vehicle Licensing: Protecting Users. Consultation on Statutory Guidance for Licensing Authorities](#)

13. Appendices

Appendix A – List of powers to be delegated and List of Authorities Participating in Joint Warranting.

14. Consultation

Service	Sign off date
Finance / 151 Officer	<i>2 August</i>
Legal / Governance	<i>29 August</i>
HR	<i>17 July</i>
Equalities	<i>17 July</i>
Lead Councillor	<i>2 August</i>
CMT	<i>3 September</i>
Committee Services	<i>2 August</i>

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Appendix A

Functions to be delegated to the Surrey Local Licensing Authorities.

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licenses
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of private hire vehicles
- Section 73: Obstruction of Authorised Officer

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Guildford Borough Council. Those authorities have also retained the ability to exercise these functions.

The Authorities -

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

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Licensing Committee Report
Report of Director of Finance
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: Wednesday 25 September 2019

Licensing Committee work programme: 2019-20

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2019-20 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

1. Purpose of Report

1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

2. Financial Implications

2.1 There are no specific financial implications arising from this report.

3. Human Resource Implications

3.1 There are no specific human resources implications arising from this report.

4. Legal Implications

4.1 There are no specific legal implications arising from this report.

5. Background papers

None

6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2019-20

Licensing Committee
Draft Work Programme 2019-20

25 September 2019		
Item	Details of decision to be taken	Officer
Taxi and Private Hire Enforcement – Delegations for Surrey Joint Warranting	The Committee to approve the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the County.	Mike Smith, Licensing Team Leader 01483 444387
Purple Flag Update	The Committee to receive a verbal update on Purple Flag.	Mike Smith, Licensing Team Leader 01483 444387
Best Bar None Update	The Committee to receive a verbal update on Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
CSE Training Update	The Committee to receive a verbal update on CSE training.	Mike Smith, Licensing Team Leader 01483 444387

27 November 2019

Item	Details of decision to be taken	Officer
Charging for Licensing Advice	The Committee to consider the proposal to charge for licensing advice	Mike Smith, Licensing Team Leader 01483 444387
Licensing Act 2003 Policy Review – Direction	The Committee to consider the Licensing Act 2003 Policy Review – Direction	Mike Smith, Licensing Team Leader 01483 444387
Taxi and Private Hire Licensing Policy Review – Direction	The Committee to consider the Taxi and Private Hire Licensing Policy Review - Direction	Mike Smith, Licensing Team Leader 01483 444387

6 January 2020

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2020-21 – for consultation	To consider for consultation the Taxi and Private Hire fees and charges 2020-21.	Mike Smith, Licensing Team Leader 01483 444387

23 March 2020

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2020-21 – objections	To consider any objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387

Licensing Act Policy – Consultation	To seek approval to consult on the Licensing Act Policy.	Mike Smith, Licensing Team Leader 01483 444387
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May 2020		
Item	Details of decision to be taken	Officer
Taxi Policy Consultation	To seek approval to consult on the Taxi Policy Consultation.	Mike Smith, Licensing Team Leader 01483 444387

July 2020		
Item	Details of decision to be taken	Officer

September 2020		
Item	Details of decision to be taken	Officer
Purple Flag Update	The Committee to receive a verbal update on Purple Flag.	Mike Smith, Licensing Team Leader 01483 444387
Best Bar None Update	The Committee to receive a verbal update on Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387

November 2020

Item	Details of decision to be taken	Officer
Licensing Act Policy Approval	The Committee to consider the consultation responses and consider approval of the Licensing Act Policy.	Mike Smith, Licensing Team Leader 01483 444387
Taxi Policy Approval	The Committee to consider the consultation responses and consider approval of the Taxi Policy.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS

Item	Details of decision to be taken	Officer

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