



Minutes of the meeting of the **General Licensing Committee** held in Committee Room 2 - East Pallant House on Wednesday 27 February 2019 at 9.30 am

**Members Present:** Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr P Budge, Mr A Collins, Mr J Connor, Mr L Macey, Mr G McAra, Mr A Moss, Dr K O'Kelly, Mr C Page, Mrs P Plant and Mrs C Purnell

**Members not present:** Mr J W Elliott and Mrs S Taylor

**In attendance by invitation:**

**Officers present:** Mr S Bingham (Licensing Technician), Mr L Foord (Divisional Manager for Promotion and Events), Mr D Knowles-Ley (Licensing Officer), Miss H Guidici (Licensing Assistant) and Mr N Bennett (Divisional Manager for Democratic Services)

#### 16 **Chairman's Announcements**

Apologies were received from Mr J W Elliot and Mrs S Taylor.

#### 17 **Minutes**

##### **RESOLVED**

That the minutes of the meeting held on 7 November 2018 be approved and signed by the Chairman as a correct record.

#### 18 **Urgent Items**

There were no urgent items.

#### 19 **Declarations of Interests**

Mr Bennett confirmed that any further personal interests relating to WSCC or parish council membership would be listed in the minutes (see below):

- Mr P Budge – a member of Chichester City Council
- Mr A Collins – a member of Chidham and Hambrook Parish Council
- Mr G McAra – a member of Midhurst Town Council
- Dr K O'Kelly – a member of WSCC
- Mr H Potter – a member of Boxgrove Parish Council
- Mr J Ridd – a member of Donnington Parish Council

## 20 **Public Question Time**

There were no public questions.

## 21 **The Council's proposed House to House Collection Policy**

Mr Knowles-Ley introduced the item, and Miss Guidici who had produced the report and was attending the committee for the first time. He explained that 'House to House Collections' refer to both the collection of money, unwanted property and the sale of goods where any part of the proceeds may go to charity, for which a licence granted by the Council is required. The Council has not previously had a House to House Collections Policy and therefore has relied upon the basic statutory controls to refuse or revoke a licence, which are open to interpretation. Without a policy in place it is difficult to refuse a licence, and doing so leaves the Council open to challenge.

Mr Knowles-Ley further explained that in 2018 the Council as Licensing Authority had received complaints regarding unlicensed collections within the district. A number of recent licensed collections had also resulted in a low percentage of the proceeds from the collections being passed to charities with an example of just 15% being cited. Adopting a local policy as a framework for administration and enforcement will provide a number of benefits including restricting the number of collections, stipulating the percentage of the proceeds given to the relevant charity (minimum 70%) and ensuring applicants provide evidence that they are 'fit and proper' via a criminal record check. Putting such measures in place will provide reassurance to the public.

The Chairman queried that this did not apply to major charities which are not required to obtain a licence, but local organisations only, which was confirmed as correct by Mr Knowles-Ley where the charity is a holder of a national exemption order issued by the Department for Digital, Culture Media and Sport. In response to further questions from members of the committee Mr Knowles-Ley confirmed that collections for local jumble sales would require a licence where the unwanted property is being collected door to door. Mr Knowles-Ley acknowledged the committee's support regarding the threshold of a minimum percentage of proceeds to charities, explaining that this information would be confirmed via the application process. Mr Foord further confirmed that the proposed policy would protect the public, deter less scrupulous applicants and allow greater monitoring of this activity. Mr Knowles-Ley also explained that timings around national charity collections could be more easily controlled and therefore, potentially ensure more successful collections. Mr Knowles-Ley confirmed that information regarding collections can be found via the Council website.

Members asked if special situations could be considered, for example collecting unwanted items for environmental purposes? Mr Knowles-Ley agreed that this could be included within the policy.

In response to Members asking questions regarding what could be done to limit the excessive numbers of collection bags received, Mr Foord responded that

consideration was also being given to working with West Sussex County Council Trading Standards.

Members of the committee expressed concerns about the collection bags which are made of single-use plastic and the Chairman requested that an update regarding plastic is brought back to the committee in six-months-time. Mr Bennett responded that Mr Buckley is leading work within the Council regarding single-use plastic and suggested that twelve-months-time, may be more appropriate. Mr Knowles-Ley advised that the letter sent when granting a licence could be amended to encourage use of bio-degradable bags and the collection of unused bags from doorsteps. Members supported this proposal.

In response to questions regarding the major charities which may collect without a licence granted by the Council, Mr Knowles-Ley confirmed a link to the appropriate Government website providing information about such charities could be added to the Council website.

Mr Foord thanked members for bringing the issue of plastic bags to the officers' attention, as this had not been previously considered.

### **Resolved**

That the House to House Collections Policy is amended to include 'collections for environmental purposes', and adopted.

## **22 Proposed amendments to existing taxi and private hire licensing policy/conditions and service updates**

Mr Bingham introduced the item which includes proposed amendments to policies to improve the standard and safety of the taxi and private hire service within the district. Mr Bingham explained that in relation to the drivers' process there are currently two approved providers of driving assessments for prospective drivers and a third provider is required to resource the demand. The assessment is similar to a standard driving test with the addition of examining how drivers react to given situations, with a pass or fail result.

Mr Bingham explained that revisions are now being sought to the current policies and conditions for both 'Private Hire' and 'Hackney Carriage' in order to provide a better service as a licensing authority and provide greater flexibility to the trade. This will include a proposal to grant three year licences only as opposed to one year licences with the option of an appropriate refund should a driver no longer require a licence before the three years have ended. The proposals do not amount to a comprehensive review of policies but target changes which will reinforce public safety, reduce the administrative burden on the Council as a licensing authority and make operating the service easier for the trade.

In response to members' questions regarding the use of magnetic or stick-on licensed vehicles provided by the Council, Mr Bingham explained that once a vehicle is licensed the required signage must remain in place at all times. Providing magnetic signage (which will now cease going forward for all new applications) allows easy removal rather than stick-on signage. However, officers are observing that licence holders are removing magnetic signage when allegedly using a vehicle for private purposes.

In response to questions from members regarding 'exempt' vehicles, Mr Knowles-Ley explained that the Council currently accepts that such vehicles were used for work such as contract bookings or 'high-end' chauffeur services, and as a result of undertaking such work, were not required to display the standard door signage and identification plate on the rear of the vehicle. Previously there had been a high number of such vehicles but much work has been undertaken recently to scrutinise applications seeking an exemption. Applications seeking an exemption are now robustly challenged, with a declaration required and the subsequent booking records for a particular vehicle open subsequent examination. Exemption should be for genuine reasons only, and following the increased scrutiny of applications the numbers of exempt vehicles have decreased significantly.

Further discussion regarding the offence of 'using a mobile phone while driving' concluded that the wording should be altered to using a handheld 'device'. Mr Foord responded that the wording in the policy can be expanded, but it should be noted that the specific offence is CU80.

In response to further questions from members of the committee, Mr Bingham confirmed that although drivers may have 7-9 points on their licences, these may be gained from a single offence. Mr Bingham provided an example whereby an applicant had been awarded 6 points for a driving offence, but was awarded additional points for failing to return in time their DVLA licence for endorsement. New applicants who have points on their driving licences, are invited for a meeting to discuss the nature of the points, and if necessary are referred to the sub-committee for a decision. Mr Knowles-Ley added that should licensed drivers incur points, they are duty-bound to inform the Council and that officers consider whether any action is required.

The 'Knowledge Test' pass rate was confirmed as low on the first attempt with improvement at re-sit following further preparation and research. Mr Knowles-Ley confirmed that the knowledge test is working well, with committed drivers persevering to pass and discouraging those who are less committed. Drivers are not required to re-sit the test once they have passed but as necessary do receive updates regarding changes in legislation and other relevant matters from the Council.

Mr Bingham confirmed drivers are not required to wear a seat belt when a passenger is on board, and drivers must assist a passenger using a wheelchair, unless they have a medical certificate exempting them from providing such assistance.

In response to members' questions regarding the changes to the policies, and whether items should be brought back to the committee, Mr Knowles-Ley explained that the intention of the report was to provide feedback following members ratifying the last policy. The purpose of the report is to provide members with a flavour of revisions which are considered necessary which can be brought back to the committee at a later meeting.

With regards to questions relating to 'Uber', Mr Knowles-Ley confirmed that Uber Britannia Limited has been granted a five year operator's licence by the committee, it has an operating base within Chichester. Any person can choose to apply to this authority to gain their vehicle and drivers licence. Once licensed, drivers who are based (reside) potentially within or outside the district can register to undertake work for Uber Britannia Limited via the online 'Uber' platform. This means that when a booking is sought via the platform from any location (both within and outside of the Chichester district) a driver licensed by this licensing authority can request the fare and if successful the booking is routed through the Chichester operating base sent to the driver for servicing. This process highlights the importance of the signage on vehicles, and vehicles and drivers being fully compliant as commonly drivers and vehicles licensed by this licensing authority are working outside of the Chichester district.

Members of the committee also asked if e-learning could be made available for drivers to which Mr Knowles-Ley confirmed that this would be considered.

### **Resolved**

Proposed changes to the council's existing taxi and private hire policies/ conditions be approved as outlined above or further investigated.

#### **23 Consideration of any late items as follows:**

There were no late items to be considered.

#### **24 Exclusion of the press and public**

There was no requirement to exclude the press and public at this meeting.

The meeting ended at Time Not Specified

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CHAIRMAN

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Date: