

Present: Councillors Loraine Woolley (*in the Chair*),
Debbie Armiger, Alan Briggs, Liz Bushell,
Martin Christopher, David Clarkson, Matthew Fido,
Adrianna McNulty, Pat Vaughan, Joshua Wells and
Emily Wood

Apologies for Absence: Councillor Chris Burke

Also in Attendance: None.

1. Confirmation of Minutes - 5 September 2022

Councillor David Clarkson referred to Minute 4 and wished it to be noted that he had suggested costing based on yards and miles, not metres and kilometres. Confirmation had been received from officers that prices should be based on miles and yards, the legal unit of measure for road distance in UK.

The Licensing Officer confirmed that the adjustment had taken place with proposals included which kept the agreed rates however calibrated in yards which made it easier to calculate for fee setting.

RESOLVED that the minutes of the meeting held on 5 September 2022 be confirmed and signed by the Chair as an accurate record.

2. Declarations of Interest

No declarations of interest were received.

3. Hackney Carriage and Private Hire Minutes of Previous Meetings

(a) 1 September 2022

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 1 September 2022 be received.

(b) 6 October 2022

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 6 October 2022 be received.

(c) 26 January 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 26 January 2023 be received.

(d) 16 March 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 16 March 2023 be received.

(e) 13 April 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 13 April 2023 be received.

(f) 14 June 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 14 June 2023 be received.

(g) 27 July 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 27 July 2023 be received.

(h) 10 October 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 10 October 2023 be received.

(i) 28 November 2023

RESOLVED that the minutes of the Hackney Carriage and Private Hire Licensing Sub-Committee held on 28 November 2023 be received.

4. Licensing Department Update

Ian Cullen, Licensing Officer presented a verbal report to the Licensing Committee to inform Members of the work of the Licensing Department. During consideration of the update, the following points were noted:

- The bid for Safer Streets funding at the end of 2023 had been successful. The impacts of Scampton featured heavily which included a bid for street wardens out in the night-time economy, extra funding for CCTV and two anti-social behavioural officers. The bid included provision for one licensing officer of which had been recruited prior to Christmas.
- Safer Streets funding considered both the current and potential issues. From a licensing perspective, there was a risk of the exploitation of illegal immigrant workers and alcohol consumption.
- The department was recruiting for an administration post further to a recent promotion.
- Referred to Licensing Act 2003 and recent cases that the department had worked on.
- Historically, Trading Standards had tackled issues in regard to illegal cigarettes and non-duty paid alcohol however the emerging trend was vapes.
- Trading standards had more frequently issued Closure Orders. If illegal cigarettes/vapes were discovered on a premises, a stepped approach would be implemented however it would be progressed to a closure order if necessary.

- If the premises were in possession of an alcohol license, the Court had a duty to notify the Council that a premises had been closed and once notified, a licensing review was triggered.
- The risk of illegal working was a concern in regard to Scampton. Many individuals would not have the right to work and therefore would be at risk of exploitation.
- The Hackney Carriage and Private Hire Licensing Sub-Committee had agreed to the immediate revocation of a number of licenses further to failure to meet the criteria of a fit and proper person.
- In serious cases, under the Road Traffic Act and on the grounds of Public Safety concerns, the department retained the power to revoke or suspend a license immediately.
- If a driver appealed an immediate revocation decision, the driver would be prohibited from driving until the case were heard.
- Taxi guidance had recently been updated and released by the Department of Transport. It was previously updated in 2010. There were no significant changes to the guidance. It would be taken into account with Taxi standards when the policy was next reviewed. The guidance was vague on modern technology for example UBER. The legislation was very outdated.
- A five-year policy review in regard to Licensing Act 2003 was due this year. The policy would be checked that it was fit for purpose. Plans included the creation of a working group of Members that considered any changes, prior to approval from the Committee and progression to Council.

The Chair thanked Ian Cullen for an informative update and offered praise for the work of the wider department. The Licensing Officer welcomed comments and questions from Members of the Committee.

Question: If a Premises Licence holder reapplied for a license, would the Sub-Committee be informed of the history of a given case?

Response: Any evidence would be re submitted by the Police and the licensing department would provide both the history and background of the case to the Sub-Committee.

Question: If a driver chose not to appeal the Sub-Committee's decision, was there a time limit before a reapplication would be considered?

Response: There was no provision within the legislation that specified the required length of time prior to reapplication. The licensing department used conviction guidelines.

Question: At what point would an individual be placed on the nationwide database?

Response: The National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) allowed Councils to record details of where a taxi or private hire vehicle licence had been refused or revoked and allowed local authorities to check new applicants against the register. If relevant, an applicant should be placed on the database immediately.

Question: Had the NR3 database been mandated?

Response: Yes. All local authorities had access to NR3 free of charge.

Question: Referred to the presence of UBER within the city. Was it acceptable that UBER licensed drivers, licensed by the City of Wolverhampton Council, operated in Lincoln?

Answer: Yes.

Supplementary Question: Were UBER based in the city or did they travel in?

Response: UBER, as a private hire operator was not licensed in Lincoln and as such, did not have a Private Hire Operators License. UBER worked anywhere and as an app-based service, was therefore pre booked. UBER drivers often came from Nottingham, the nearest place with an operator's license. UBER was an international brand. A Hackney Carriage licence was more complicated. Hackney Carriages could be flagged down, only picked up off the street and picked up from a rank within their controlled districts. They operated as private hire vehicle and could be booked out of area with an agreed price.

Comment: UBER added a complex element as the app acted as an intermediary. Effectively, it was private hire work through an app but not through an operator's licence. It was a platform that placed the customer and the Hackney Carriage driver together and provided it was out of area, it was perfectly legal.

Comment: It appeared that a high number of the drivers were local individuals however dual plating was prohibited. The City of Wolverhampton Council requested a service agreement from all licensing authorities however the NR3 and rigorous checks should be carried out regularly. Wolverhampton had 24,000 drivers and 17,000 vehicles that were littered across the country.

Note: *(Councillor Alan Briggs left proceedings at this stage)*

Question: What was the reason that Wolverhampton seemed to be the first choice for a license application?

Response: The reason was unknown however it could be attributed to the lack of local knowledge test.

Question: What was the advantage of applying to Wolverhampton to be licensed? Had Wolverhampton made it easy through online accessibility? The trade could be damaged in the long term. A high level of staff was needed for 24,000 drivers.

Response: Wolverhampton was first to the market. City of Lincoln Council (CoLC) physically shut down during the Covid-19 pandemic. A part of CoLC requirements was a face-to-face appointment whereby an applicant had their ID physically checked by officers for DBS checks. Wolverhampton had been forward thinking and offered online applications. East Lindsey implemented an 'intended use' policy. This meant that Hackney Carriage work could be carried out within the district and Private Hire work, through an operator, elsewhere. Disregard for the policy constituted a breach of policy. Wolverhampton had used the situation as a commercial opportunity.

Comment: The necessity of high staffing levels for larger licensing departments was beneficial for the local community.

Response: Licensing was a full cost recovery and there was legislation that meant a profit could not be made.

Comment: The problem was nationally known however it had not been a problem locally.

Question: Was it possible to write to Wolverhampton and request comment?

Response: The issue would be considered further.

Comment: The number of applications dwindled post Covid-19 whereby we had not accepted new applications and drivers may not have wanted to drive passengers around. Clarification of cross boarder work and a legislation update would be useful.

Comment: The Local Government Association (LGA) had a licensing meeting planned on 3 February 2024 to consider the issue of UBER.

Question: If a driver formed part of the UBER ecosystem, were they permitted to delivery drive at other times for UBER Eats etc?

Response: UBER Eats operated within the City.

Comment: Delivery driver ID checks were very limited.

Response: Additionally, there were issues with hygiene and allergens.

Comment: Referred to Scampton and the risk of illegal workers. Individuals would be given approximately £8 per week to live on and would not be forced to remain at Scampton. The same companies that operated detention centres were planned to operate Scampton. It appeared a benefit to companies such as Serco and G4S.

Question: Were there licensing issues with a premises that sold vapes?

Response: We did not regulate barbers or vapes. Instead, we licensed alcohol establishments. The cross over came in when a premises that sold alcohol, started to sell vapes as we did not have enforcement powers with vapes. The responsibility for enforcement was the responsibility of trading standards. The CoLC worked closely with the Police and Trading Standards and shared information and knowledge. Inspections of food establishments were conducted by food teams but they were also involved with barbers from a health and safety perspective. Joint working was essential, and the Police needed to be involved as it was often that criminal organisations backed activities.

Comment: Disposable vapes contained lithium in the disposable battery and were environmentally damaging when disposed of.

Question: Where did the law stand on sex establishments?

Response: Any show of nudity that was for the gratification of a live audience needed licensing as a sexual entertainment venue and included lap dancing clubs. Sex shops and sex cinemas offered paid individuals that performed sexual acts for the gratification of an audience. A brothel was run by an individual that profited off of another individual that were paid to have intercourse. Prostitution was not illegal however there were rules in regard to where and when.

RESOLVED that the Licensing Department update be noted with thanks.