
**MINUTES OF THE MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY SCRUTINY
COMMITTEE HELD ON WEDNESDAY 1 JUNE 2016 AT 7.30 P.M.
THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Griffiths (Chairman), M Brown, Fowler, V E Guglielmi, Hones, Pemberton, M Skeels (Jnr) and Yallop

Also Present: Councillor Bucke

In Attendance: Head of Customer & Commercial Services (Mark Westall), Licensing Manager (Simon Harvey), Democratic Services Officer (Janey Nice) and Licensing Enforcement Officer (James Bates)

Also in Attendance: Peter Campbell (Wetherspoons, Manager of Moon and Starfish Public House), Bryan Place (Tending District Taxi Association) and Colin Bennett (Taxi driver).

1. WELCOME

The Chairman welcomed all present to the meeting and explained how he wished the business on the agenda to be considered. He informed the Committee that as Councillor Ferguson had recently been appointed as a Portfolio Holder she would no longer be able to sit on this Committee and therefore an election for a replacement Vice-Chairman would take place at the next meeting of the Committee.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Miles (who was substituted by Councillor M Brown) and Councillor V E Guglielmi was attending as a substitute for Councillor Ferguson.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee, held on Monday 11 April 2016, were approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST

The Chairman announced that Councillor Hones had sought and had been granted a Dispensation by the Monitoring Officer to remain in the Council Chamber for the Overview of Licensing Service item, (agenda item no. 4) by virtue of the fact that he had a Disclosable Pecuniary Interest in that he was both a member of the local Tending District Taxi Drivers Association and was employed as a Taxi Driver. Councillor V E Guglielmi declared an interest in that she was the Chairman of the General Purposes Sub-Committee that considered taxi related matters.

5. AN OVERVIEW OF THE LICENSING SERVICE

The Licensing Manager (Simon Harvey) informed the Committee of the names of his Licensing Team, their job titles and contact details and said that he would be giving an overview of what the Licensing Team did but even that, would only be a fraction of their work.

Mr Harvey informed the Committee that all of the Officers in his team were Community Safety Accredited (CSAS) with Essex Police which meant that they were delegated with certain powers that were available to Police Officers, including being able to issue Fixed Penalty Notices for anti-social behaviour or offences under the Licensing Act 2003. To achieve this, he said, they all had had to pass an intensive five-day training course before

those powers would be delegated by the Police. He said that CSAS afforded his Officers the same protection as the Police and the accreditation had contributed significantly to building an excellent working relationship and position of trust with the Police.

Mr Harvey added that all of his team had professional qualifications and gave details of the qualifications they held.

He added that without this exchange of information, trust and support, the Licensing Section would have found it very difficult to implement the 'Reducing the Strength' Scheme in Clacton Town Centre. The 'Reducing the Strength' Campaign had been very successful since implementation and had made a real difference, which was not just about enforcement against shops selling high strength alcohol, but ensuring that the sale of super strength alcohol above 6.5 strength was not sold at irresponsibly low prices to attract street or problem drinkers. He did say that while the sale of super strength alcohol had not completely stopped and never would be which was not the aim of the Council or its partners, a significant difference had been made in reducing alcohol related crime and disorder in Clacton Town Centre and added that it was not just him saying that, it was the Police's own crime statistics which evidenced that things were a lot better than when the campaign started in late 2013 and early 2014. He also felt that this reduction was a testament to the hard work that had been put into the campaign and to enforce the licensing laws by his Licensing Enforcement Officers in particular and thanked the Council's partners in the Police for their magnificent support for the campaign and helping to enforce the legislation.

Mr Harvey then listed what his section licensed under the Licensing Act 2003 which was a very comprehensive list and also the number of licenses issued.

Mr Harvey then detailed what was licensed under the Gambling Act 2005 and how many licences were issued under the Act as well as the numbers of taxi and private hire drivers, vehicles and operators licensed in Tendring.

In addition he said, the team licensed 1 Sex Shop, 21 Boats, 52 Boatmen, 53 Street Collections (2015), 26 House to House Collections (2015), 10 New Lottery Permits (2015) 15 Scrap Metal Sites (22 site visits in 2015), 5 Scrap Metal Collectors and 21 Street Trading Pitches.

Mr Harvey informed the Committee of some examples of legislation that they had to use and understand for just taxis and private hire drivers, vehicles and operators alone and which did not include all of the other regulations, case law and guidance that accompanied all of the other Acts that the team had to administer and enforce compliance for. Mr Harvey also informed the Committee of all the considerable other work his team dealt with including various inspections and checks and working with the Gambling Commission to investigate the illegal supply of gaming machines. He said his Enforcement Officers also worked with partners in the night time economy helping to make sure residents and visitors to Tendring were protected and kept safe. He added that those Officers started as early as 6.00 a.m. often in very cold weather to carry out joint observations with the Police on an alcohol off sale outlet that was alleged to be selling alcohol to street and problem drinkers outside of its permitted hours. They also work until 02.00 or 03.00 in the morning.

He said that the Team worked in partnership with the Police in various ways plus working with Trading Standards to test purchase under age sales of alcohol from Off Licences in the District. In addition, he said, newsletters were sent out three to four times a year to all Taxi Drivers. Samples of the newsletters and accompanying information and guidance on Child Sexual Exploitation, exploitation of vulnerable persons and human trafficking sent out to all drivers with the taxi newsletters were given to the Committee in an information pack. Samples of briefing notes provided to the Licensing and Registration Committee on a regular basis, where for example there had been changes to legislation, were also included in the information pack given to the Members of the Committee by the Licensing

Team. The pack also included examples of various Council press releases involving or concerning licensing matters or of the Licensing Team itself.

Mr Harvey then informed the Committee of what the Licensing Committee and Sub-Committees, its Licencing Officers, Democratic Services Officers and its Legal Officers dealt with during 2015. In addition, he said, the previous Chairman of the Licensing Committee had had the opportunity to quiz the Home Office Minister, Karen Bradley MP, on alcohol licensing issues at a Local Government Association (LGA) licensing conference in February 2016.

Mr Harvey told the Committee that all of the Section's work was statutory and came from Central Government and Parliamentary legislation and therefore if a person wanted a permission or licence to run a business, such as taxi driving or selling alcohol for example, then the person had to apply by law to the Council who were obliged to administer those licences and ensure compliance to the terms and conditions of those licences of permits.

Mr Harvey then said that with working with District and Town Councillors, the Police, TDC Community Safety Hub and relevant businesses and residents, his Team wanted to reduce the number of alcohol related incidents of anti-social behaviour (ASB), especially in Harwich which would require a multi-agency approach and possible use of the new ASB powers.

He also mentioned that looking to the future with the Licensing Section moving to work under the Head of Customer & Commercial Services (Mark Westall), the section was looking at utilising online facilities in a far more efficient way for the licencing fee payers and holders, such as being able to book vehicle testing appointments online, rather than having to ring the team for appointments as at present and to build on existing links and ties with businesses and continue to work to make the District safer and more prosperous.

The Chairman then invited the Committee Members to raise matters which included:

- A question was asked about alcohol control or alcohol free zone, and if Police Officers could confiscate alcoholic drinks from an open container. Mr Harvey responded that it was not thought suitable or necessary for Clacton Town Centre to become an entirely alcohol free zone because this could impact on persons simply wishing to have a bottle of wine with a picnic for example on the greensward, but he said that alcohol in open containers could be seized by Police Officers or Accredited Officers if the person consuming the alcohol was causing or likely to cause crime and disorder or anti-social behaviour because of that consumption. He advised that seizure of alcohol followed by it being poured down a drain was not an uncommon occurrence in the designated town centre area;;
- Reference was made to the CSAS accreditation and if taxi drivers parked on zig zag lines whether they could be ticketed by the Council's Officers. Mr Harvey said that his Officers had no powers to give tickets and that this particular offence or parking offences in general were dealt with by the N E Parking Partnership attendants and the Police;
- Was there any problem when people were refused the sale of alcohol and were any statistics available? Mr Harvey said he doubted the Police had such statistics and that the Reducing Strength Initiative was also about giving shops support and back-up to encourage refusal of alcohol sales to persons who were already drunk as much as it was to take enforcement action against shops that sold alcohol irresponsibly. Often the shops and their staff were the victims of abuse and violence from drunk persons, particularly those that had been refused the sale of alcohol and that Licensing Officers were often a conduit for those shops to raise such concerns with the Police. He added though that his section was not a blue light service and with just two Licensing Enforcement Officers it could not be everywhere across such a large geographic area that Tendring had;;

- Mr Colin Bennett on behalf of the taxi trade asked Mr Harvey if there was any news about the possibility of a taxi rank being sited at the new ASDA supermarket currently being built in Oxford Road rather than ASDA installing a direct telephone line to a single taxi company which he knew was ASDA's preferred option for their other new stores. Mr Harvey said he had written, emailed and telephoned the acquisition surveyor for ASDA and also written twice to the Chief Executive of ASDA to request that they consider siting a taxi rank at the store or agree to meet with him and TDTA representatives to see if we could persuade them to site a taxi rank rather than install a dedicated phone line. He said that he was really disappointed to not have received any response from ASDA to this request and was now trying his last route to see if ASDA could be persuaded to install a taxi rank by the Council's Regeneration team putting the question direct to the new Store Manager, although as yet they had not received any response back from him yet either. Mr Harvey advised that the Store Manager probably was the last hope of achieving this and if he did not respond positively he had no other avenues to try unfortunately, but it was not for the want of his team trying to achieve this. He added that he had strongly advised ASDA that the area had a large elderly population and also many people with mobility issues who did not have access to their own private transport and who found public transport difficult on buses for example and who therefore relied heavily on taxis for transport and therefore siting a taxi rank at the new store would undoubtedly have provided a good service to ASDA customers and a bonus to their customers.
- Councillor Hones in his capacity as a taxi driver congratulated the Licensing Section for an excellent service and how the communication had improved with things running a lot smoother for taxi drivers in the last couple of years in particular and this was seconded by the guest taxi driver present (Mr Bennett); and
- When asked if and when the Section would be moving, Mr Harvey said that now his section was working under Customer and Commercial Services it would probably mean a move to be nearer to Mr Westall who had various teams working in various Council offices.

A discussion was held about the way taxi drivers worked, to ensure they avoided parking by dropped kerbs and to avoid complaints about taxi parking issues from bus companies and mobility scooter users particularly at the Waterglade taxi rank in Old Road and all agreed complaints along those lines were now fairly infrequent. Mr Place commented that now the drivers' pre-licensing standards had been improved, taxi drivers tended to stay in their jobs and saw the trade as a long term job with prospects and did not have so many new drivers dropping out of the trade or working only limited hours, such as only on Friday and Saturday nights. Mr Harvey commented that he was pleased to hear that feedback from the trade, but wished to clarify that the new pre-licensing standards and regulations were not intended to make it difficult for new drivers to enter the taxi or private hire trades locally, but were intended by the Licensing Committee to raise professionalism and standards within the Taxi community and like the trade representatives he felt they were achieving this and which would only be a good thing long term for the taxi trade and its customers.

Members also mentioned safety for taxi drivers, possibly CCTV in taxi cabs and were informed very few taxis had those installed. Mr Harvey said that the Police would like to help set up a Taxi Watch scheme with the trade to help keep everyone in the trade safe out there, particularly late at nights or early in the morning as part of the evening and night time economy and also act as the eyes and ears on behalf of the wider community at large and which could bring reciprocal benefits to the trade in terms of bringing about better communication and dialogue with the Police to give advice and help on issues such as customers making off without paying fares, or customers threatening, abusing or robbing taxi drivers for example. A Members asked if it was possibly worth investigating the bulk buying of CCTV cameras for taxi cabs as there may be a better deal on offer from companies for such a bulk buy..

The Chairman thanked Mr Harvey and his Team and the taxi drivers. Councillor V E Guglielmi commented that very few taxi drivers were now being referred to Members of the General Purposes Sub-Committee for using mobile phones whilst driving which she wished the minutes to note and reflect was a very positive outcome for road safety..

The Chairman invited Mr Peter Campbell of Wetherspoons to speak to the Committee. Mr Campbell said that Wetherspoons were quite different to a lot of smaller operations i.e. that they had the best CCTV, well trained staff etc. He said that business was tough with their main trade being with day trippers and holiday makers. If they had any trouble, he said, they would normally deal with it themselves as official response from the Police could be slow to react at busy times.

When asked if the Council were helpful, Mr Campbell said he rarely had cause to contact the Council but when he did, they were more than helpful and he felt comfortable dealing with the Licensing Section.. He added that he would like to see more public houses in Clacton Town Centre as it would help to make it busier and that his company was keen to attend meetings and work with the Council. He answered, when asked, about the selling of alcohol to drunks, this was mainly contained within his premises.

Mr Bates (Licensing Enforcement Officer) said that when they visited a public house they generally got a feel for what was happening and if anything was wrong, the first time it was noted but if the same thing happened on the next visit he would be concerned and take appropriate action on it. He said that the Caravan Parks were also now used to seeing the Council's Licensing Enforcement Officers visit them more often in partnership with the Police and that they had jointly done a lot of work to promote protection and safety awareness for children and vulnerable persons with the holiday parks concerned, particularly in regards to the sale of alcohol to persons under age or the selling and taking of drugs. Mr Campbell said he was now aware of the Enforcement Officer visits but was not concerned as he had nothing to hide.

The Chairman asked if the Council's Licensing Section was approachable and was informed that, in the last three years that they were, after being more remote to deal with previously and the taxi drivers present agreed the section was fair and easy to deal with. Mr Harvey said it was nice to hear that feedback as while his team undoubtedly had a job to do and would continue to do it to the best of their ability, it wished to do so in a way that helped businesses if it was possible to do so and he liked to think that he and his Officers applied regulations and conditions in a common sense and pragmatic way that helped businesses comply with the law in an approachable and straightforward way. Mr Bennett, asked if it would be possible for an extra day to be given for taxi vehicle testing, because if working it could be difficult to make a given time on a given day which could mean a long time between taxi inspections and Mr Harvey said that the Council's Northbourne Depot was responsible for vehicle testing but he would explore the possibility of extra day for testing and agreed that if an extra day could be secured it would be extremely helpful all round.

When asked about problems for taxi drivers working in different areas of the District and whether they experienced different problems in different areas such as Clacton or Harwich, Mr Harvey said that to be honest that the licensed drivers themselves probably knew the District and knew the issues and problems for their trade, particularly in Harwich better than he did. A taxi driver commented that there were more problems in Harwich as there were no taxi ranks and no meters in Harwich. It was also added that other taxi drivers from other parts of the District could work in Clacton.

The Chairman informed the Committee that he would be happy for a working party to be set-up liaising with the taxi drivers and the Council's community safety team, and also a task and finish group to deal with any problems with licensing matters. Councillor V E Guglielmi reminded the Chairman and Committee that it was however only the Licensing and Registration Committee that could decide on Licensing Policy matters or on implementing any changes to Licencing Policies or conditions of licences, but that undoubtedly the Licensing and Registration Committee would be happy to consider any

recommendations from any such working party should they affect Policy or licensing matters.

The Committee **RESOLVED** that: the Licensing Manager explore the possibility of extending the number of days whereby Taxi vehicle checks could be undertaken;

That **CABINET NOTES** the comments of the Service Development and Delivery Committee:

- (a) That the Licensing (GP) Sub-Committee is seeing less and less taxi drivers coming in front of the Sub-Committee for being caught using their mobile phones whilst driving;
- (b) That the relationship between the TDC Licensing Team and Licensees is very good and the service is seen as good value for money;
- (c) That the Committee would investigate the possibility of a working party being set up to explore the safety of taxi drivers which would mean liaising with Community Safety; and
- (d) That the presentation had been excellent and very informative on a very complex subject.

6. FORWARD PLAN

The Committee reviewed, and noted, the new items relevant to the terms of reference of the Committee, contained in the Forward Plan 176, in accordance with Overview and Scrutiny Procedure Rule 13.

DATE OF NEXT MEETING

The Chairman confirmed that the next scheduled meeting of the Committee was to be held on Monday 18 July 2016.

The meeting was declared closed at 9.30 p.m.

Chairman