

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	2 February 2023
<b>Report Title:</b>	Notice of Motion: Safe night-time travel for workers
<b>Report of:</b>	Jayne Traverse, Executive Director of Place
<b>Report Reference No:</b>	EC/24/22-23
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1.** At the full Council Meeting of 19 October 2022, a notice of motion was proposed in relation to safe night-time travel for workers. This report responds to the proposals relating to Licensing within the motion. The Highways and Transport Committee considered the proposals relating to Public Transport within the motion on 26 January 2023.

### **2. Executive Summary**

- 2.1.** A Notice of Motion relating to safe night-time travel for workers was proposed to Council at its meeting on 19 October 2022. The motion was proposed by Councillor Laura Smith and seconded by Councillor Sally Handley. Council referred the motion to the Highways and Transport Committee and Environment and Communities Committee.
- 2.2.** The full notice of motion is provided at para 6.1. It proposed the following actions in relation to the Council's licensing responsibilities:
- 2.2.1.** The Council will use its powers and adopt a policy that our licensing board will ensure the process for approving late night licences will be linked to the provision of free transport home.
  - 2.2.2.** The Council will use its powers to allow our licensing board to include additional criteria when considering late opening applications from licensed premises dependent on venues providing free transport home for night shift employees. This will significantly benefit the safety and wellbeing of hospitality workers, particularly women, who often cannot afford, or access, safe transport options late at night and benefit our community.

**2.2.3.** The Council will make representation to appropriate regional and national levels of governance to bring forward national minimum standards for taxis and private hire as per the recommendations of the Task and Finishing group and in support of this motion and its demands on behalf of our local community.

**2.3.** The Cheshire East Council Statement of Licensing Policy explains how the Council deals with licence applications for the sale of alcohol, the provision of regulated entertainment and late-night refreshment. The Policy is scheduled to be reviewed in 2023 and will be subject to consultation, and so this review will provide the opportunity for the proposals in relation to licensing late night refreshment and the provision of free transport home for late-night workers to be considered.

**2.4.** The Department for Transport issued Statutory Taxi and Private Hire Vehicle Standards in 2020. The statutory standards are specifically designed to protect children and vulnerable adults, although all passengers will benefit from the standards. The Standards require all Licensing Authorities to have a Taxi Licensing Policy and Licensing Authorities can only depart from the Statutory Standards where there is good reason to do so and so, in effect, they provide national minimum standards.

**2.5.** The Environment and Communities Committee on 4 August 2022 approved the updated Cheshire East Council Hackney Carriage and Private Hire Licensing Policy for adoption with an effective date of 1st November 2022. The policy had been reviewed and amended considering the Statutory Standards.

**2.6.** During 2022, the Department for Transport consulted on an update to best practice guidance on taxi and private hire vehicle licensing. The best practice guidance focuses on measures to ensure vehicles and drivers provide a safe, inclusive, accessible, and attractive service for the passengers they carry. The government are currently considering the feedback received to the consultation.

### **3. Recommendations**

**3.1.** That the Committee note the national and local policy and guidance in relation to licensing late night refreshment and the taxi and private hire vehicle regime.

**3.2.** That the Committee note the planned review of the Council's Statement of Licensing Policy during 2023.

### **4. Reasons for Recommendations**

**4.1.** The Cheshire East Council Constitution sets out the procedure for Notices of Motion submitted to Council. A motion referred to the relevant decision-making body must be considered within two meeting cycles. At the meeting to which the motion has been referred for consideration, the proposer of the motion if present shall be invited to speak first, followed by the seconder. The matter will then be opened up to wider discussion.

## 5. Other Options Considered

- 5.1. No other options were considered. In the interests of being open and transparent, the Notice of Motion to Council was referred to the relevant service committee for consideration in accordance with the Council's Constitution.

## 6. Background

- 6.1. Notice of Motion: Safe night-time travel for workers

*This Council notes that;*

- *Shift work is widespread in many industries, particularly hospitality, as well as health and care workers, retail, cleaning, security and porter staff and can often entail late-night working;*
- *Many workers, especially women, are increasingly worried about their safety travelling to and from work at night*

*This Council believes that;*

- *While employers may feel their duty of care to staff ends when an employee finishes a shift, they also need to take into consideration journeys home, especially during unsocial hours;*
- *The weakness of enforcement of the law against sexual assault, including up-skirting, on public transport is appalling and only 2% of victims go on to report sexual harassment on public transport;*
- *The Get Me Home Safely campaign - [Get ME Home Safely | Make Our Communities & Workplaces Safer](#) , which calls on employers to take all reasonable steps to ensure workers are able to get home safely from work at night, is greatly needed and should be supported;*
- *Greater numbers of trained staff and stronger enforcement of the law against sexual assault and harassment on public transport are urgently needed;*

*This Council will;*

- *Use its powers - as others such as East Dunbartonshire Council - and adopt a policy that our licensing board will ensure the process for approving late night licences will be linked to the provision of free transport home.*
- *Calls on Cheshire East Council to use its powers - as others have done – to allow our licensing board to include additional criteria when considering late opening applications from licensed premises dependent on venues providing free transport home for night shift employees. This will significantly benefit the safety and wellbeing of hospitality workers, particularly women, who often cannot afford, or access, safe transport options late at night and benefit our community.*

- *Publicly call for improvement to late night and off-peak transport service provision and use the Government's Safety of Women at Night Fund to provide extra night services, as well as work with employers to use the fund for supplementary taxi travel.*
  - *Publicly call for the lowering of fares and opposition to any cuts to public transport funding and for our local council to use their powers and political platforms to achieve this.*
  - *Publicly call for the municipal ownership of buses in order to lower prices and improve service provision, especially for night-time and off-peak services and endeavour to work with Greater Manchester Combined Authority as they move forward with bus franchising using powers under the Bus services Act 2017*
  - *Make representation to appropriate regional and national levels of governance to bring forward national minimum standards for taxis and private hire as per the recommendations of the Task and Finishing group and in support of this motion and its demands on behalf of our local community.*
- 6.2.** The Notice of Motion proposes that the Council adopts a licensing policy to ensure that decisions relating to applications for late-night licences consider the provision of free transport home for the night-time workers of the premises. It also proposes that the Council specifies additional criteria within its policy relating to the provision of free transport home for night shift workers.
- 6.3.** Cheshire East Council is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003. This includes licensing the sale of alcohol, the provision of regulated entertainment and late-night refreshment.
- 6.4.** The Licensing Act 2003 requires each licensing authority to publish a Statement of Licensing Policy to explain how the Council will deal with applications in order to promote the four licensing objectives set out in the Act:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 6.5.** The Notice of Motion references East Dunbartonshire Council who have published a Supplementary Statement of Licensing Policy which includes additional criteria for consideration for an application seeking increased terminal licensed hour on a Friday and Saturday night to 1am for on sale premises. The supplementary policy includes the following statement:
- “The Board believes that all licence holders, and particularly those operating or applying for later licensed hours, should consider what arrangements they*

*have in place or intend to introduce for staff returning home safely after the premises have closed when transportation options may be more limited. The Licensing Board is greatly encouraged by the “Safe Home” initiatives adopted by some licence holders for their staff and would strongly encourage others to take a similarly responsible approach to the safety of staff working within their premises later at night.”*

- 6.6.** It should be noted that the legislation and licensing regime in Scotland is different to England and Wales.
- 6.7.** The Cheshire East Council Statement of Licensing Policy is scheduled to be reviewed in 2023 and will be subject to consultation. This will provide the opportunity for this proposal to be considered.
- 6.8.** It is important to note that the Statement of Licensing Policy sets out how Cheshire East Council discharges its responsibilities under the Licensing Act with a view to promoting the four licensing objectives. It establishes a local framework for decision-making when considering applications for relevant permissions, or variations to existing terms and conditions. It cannot place requirements or duties on licence holders that are not relevant to the licensing objectives or are beyond their control. Similarly, the Statement of Licensing Policy should not replicate or duplicate matters that are controlled under other legislation.
- 6.9.** The Council is also the Licensing Authority for the hackney carriage and private hire vehicle regime for the borough of Cheshire East.
- 6.10.** The Notice of Motion also proposes that the Council makes representation to appropriate regional and national levels of governance to bring forward national minimum standards for taxis and private hire vehicles to improve safety for women using private hire vehicles and taxis.
- 6.11.** The Department for Transport issued Statutory Taxi and Private Hire Vehicle Standards in 2020 following consultation with trade, regulators and safety campaign groups. The Standards place a requirement on all Licensing Authorities to have a Taxi Licensing Policy and Licensing Authorities can only depart from the Statutory Standards where there is good reason to do so and so, in effect, they provide national minimum standards. The statutory standards are specifically designed to protect children and vulnerable adults, although all passengers will benefit from the standards.
- 6.12.** On 4 August 2022, the Environment and Communities Committee approved the Cheshire East Council Hackney Carriage and Private Hire Licensing Policy for adoption with an effective date of 1st November 2022. The policy had been reviewed and amended considering the Statutory Standards. The draft policy had been subject to consultation with stakeholders including trade representatives, businesses that may be affected by the amendments, the general public, neighbouring authorities, police and other agencies (e.g. safeguarding agencies).

- 6.13.** The Department for Transport has also consulted on an update to best practice guidance on taxi and private hire vehicle licensing to assist local authorities in England that have responsibility for the regulation of this sector. The focus of the best practice guidance is on how licensing authorities can best use their powers to ensure that the taxi and private hire drivers and vehicles provide a safe, inclusive, accessible, and attractive service for the passengers they carry. The consultation closed on 20 June 2022. The government are currently considering the feedback received to the consultation.

## **7. Implications**

### **7.1. Legal**

- 7.1.1.** Recommendations 3.1 and 3.2 are uncontroversial and are within the Committees powers and do not infringe any public law principles that are applicable to the decision making of the Local Authority.

- 7.1.2.** The proposals within the Notice of Motion require careful consideration by the committee. As has been pointed out in the body of this Report, Licensing Authorities cannot place requirements on licence holders that are not relevant to the licensing objectives of the Licensing Act 2003, or which are beyond its control. In responding to the motion Members are reminded of this and should not decide an action in response to the motion that would commit the Local Authority as the Licensing Authority to do something it cannot lawfully do.

### **7.2. Finance**

- 7.2.1.** There are no financial implications arising from this report. The review of the Cheshire East Council Statement of Licensing Policy will be undertaken by existing resources funded by the Licensing team budget.

### **7.3. Policy**

- 7.3.1.** There are no policy implications arising from this report.

### **7.4. Equality**

- 7.4.1.** There are no equality implications arising from this report.

### **7.5. Human Resources**

- 7.5.1.** There are no Human Resources implications arising from this report.

### **7.6. Risk Management**

- 7.6.1.** The recommendations of the motion propose to influence licensing policy. As pointed out in 7.1.2, there is a risk that the recommendations, if accepted, could commit the Council as the Licensing Authority to do something it cannot lawfully do.

### **7.7. Rural Communities**

- 7.7.1.** There are no implications for rural communities arising from this report.

**7.8. Children and Young People/Cared for Children**

7.8.1. There are no implications for children and young people arising from this report.

**7.9. Public Health**

7.9.1. There are no implications for public health arising from this report.

**7.10. Climate Change**

7.10.1. There are no implications for climate change arising from this report.

<b>Access to Information</b>	
Contact Officer:	Kim Evans, Licensing Team Leader Kim.evans@cheshireeast.gov.uk
Appendices:	None
Background Papers:	<a href="http://cheshireeast.gov.uk">Statement of Licensing Policy 2019-2024 (cheshireeast.gov.uk)</a> <a href="http://www.gov.uk">Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk)</a> <a href="http://cheshireeast.gov.uk">Hackney Carriage &amp; Private Hire Licensing Policy 2022 - 2027 (cheshireeast.gov.uk)</a>