

MINUTES OF LICENSING AND SAFETY COMMITTEE

10 SEPTEMBER 2019

PRESENT:

Councillors Cade (Chairman), Mrs A'Barrow, Brader, Douglas, Miss Dumbleton, Ellis, Mrs Garcia, Keeling, Pacey-Day, Mrs Roberts and Mrs Roodhouse

4. MINUTES

The minutes of the following meetings were approved and signed by the Chairman:

Licensing and Safety Committee 22 January 2019, 16 May 2019; and Licensing Sub-Committee (General) 24 June 2019 and 11 July 2019

5. APOLOGIES

Apologies for absence from the meeting were received from Councillor Leigh Hunt.

6. DECLARATIONS OF INTEREST

There were none.

7. GOVERNMENT CONSULTATION – TAXI AND PRIVATE HIRE VEHICLE LICENSING: PROTECTING USERS

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 4) concerning new statutory guidance and consultation by the Department for Transport on proposed taxi and private hire licensing policies.

Due to Council meeting timetables it had not been possible to consult the full Committee prior to the response deadline

The consultation documents suggested major changes to taxi legislation were needed. Clear guidance was needed to allow the taxi trade to operate in a uniform manner across the country with consistent standards in place.

Government refer to the Future of Mobility initiative to support new technology and innovation through regulatory frameworks. These would evolve over time, but the future position remains vague with no set timetable to introduce legislation.

A lack of primary legislation made dealing with key issues difficult for local authorities. The Deregulation Act allows private hire vehicles to operate anywhere in the UK. There were economic benefits to this, but local regulations could be avoided. The system was failing and there was a need to avoid double standards.

The Committee considered the response to the consultation. This was critical of several points that included:

Disclosure – enhanced DBS checks were less valuable than the previous system due to a lack of disclosure. Information was sent to applicants from the police, that they determine as relevant, which meant that valuable detail relating to local intelligence could be removed. This information was relevant to the Committee in its key function to protect the public.

Local enforcement of hackneys and private hires licenced by other authorities is not permitted and the government suggestion that local authorities should authorise each other's officers is impractical with so many local authorities.

The draft statutory guidance recommends that licensing authorities should require applicants to disclose if they have been licensed elsewhere, or had an application refused or a licence revoked or suspended - the development of a national register would be invaluable. Checks were made with neighbouring authorities, but drivers were able to apply for a licence from any of over 400 councils across the country.

Although new statutory guidance would be helpful, it was disappointing this was not supported by an update of taxi legislation. Government still refer to national standards but there was a lack of consistency across local authorities because they each operate within their own adopted local guidance and standards.

Department for Transport guidance was outdated. One example of this was the reference to standard manual wheelchairs when many wheelchair users have bigger electric chairs.

The use of a sub-committee had been challenged by barristers arguing that full licensing committees should carry out licence reviews. The Council's response to this was that legislation needed to be clear that sub-committees or panels can be used. This view was supported by Committee.

RESOLVED THAT – the report content and consultation response be noted.

8. DRAFT TAXI POLICY

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 5) concerning the revised Hackney Carriage and Private Hire Licensing Draft Policy.

The current Hackney Carriage and Private Hire Policy came into effect in April 2009 and was based on best practise at that time. It had since been updated and changes had been made to the Policy by the issue of an addendum and the addition of sub-policies.

Some key proposed changes to current practise included:

Introduction of phased improvements in Vehicle Emissions – to reflect the need to benefit the environment by improving air quality.

Re-introduce a separate Private Hire Driver's Licence in addition to the existing Dual Driver's Licence. It was recognised private hire drivers work for Private Hire Operators and have the benefit of operator support and vehicles were pre-booked.

Strengthening of Child Sexual Exploitation Awareness and Safeguarding – a requirement for all new hackney carriage and private hire drivers to undertake approved training had been incorporated.

The draft Policy incorporated guidance relating to CCTV cameras but there was no requirement at this stage for cameras to become mandatory. There were examples of other local authorities introducing the use of CCTV in vehicles that had resulted in prosecutions. There were several factors to consider including:

- Whether its use was too intrusive
- The cost of installation and who should be responsible
- How the system would be controlled and who would have access to footage
- It could be viewed as a positive deterrent and protect both customers and drivers.

The existing vehicle standards would be maintained by the introduction of a new inspection form.

The current mix of saloon and other vehicles, existing grandfather rights and vehicles with plates 1-50 would be retained.

The draft policy was up-to-date, relevant and effective. The notification requirements under the Driver Code of Conduct had been strengthened with the introduction of a 72-hour deadline, and the penalty points scheme had been improved.

The Committee was asked to authorise the draft policy for full consultation. Some points raised included:

- Driver requirements - a list relating to training including wheelchair users and disability awareness would be clearer
- The wording in relation to smoking and vaping should be tightened
- Drivers' trade unions should be consulted
- The notification requirements outlined in Appendix B be reviewed and the wording tightened.

The consultation period would be eight weeks. A letter would be sent to the taxi trade and other stakeholders directing them to the consultation on the Council website.

A report on the consultation outcomes would be brought back to the Committee at its meeting on 3 December. It was important to ensure the policy was fit for the future. Members would have the opportunity to request further consideration of revisions to the policy following the consultation, approve the complete policy or specific sections could be approved.

RESOLVED THAT – the Principal Licensing Officer be authorised to undertake the public consultation process relating to the draft Hackney Carriage and Private Hire Licensing Policy.

CHAIRMAN