

LICENSING COMMITTEE

MINUTES OF MEETING HELD ON 14 DECEMBER 2016

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LICENSING COMMITTEE

MINUTES OF MEETING HELD ON 14 DECEMBER 2016

Present:

	Councillor M Gordon	in the Chair	
Councillor J Austen			Councillor P R Kerry
" G Butler			" H Laws
" A Cooper			" R Welton
" M Emmens			" J Windle
" Mrs C D Huckerby			

Also Present:

Sharon Gillott – Environmental Health Manager
Kevin Rowland – Licensing and Enforcement Officer
Dan Swaine – Chief Executive
Kevin Shillitto – Principal Solicitor
Sarah Cottam – Governance Officer
Nicola Calver – Governance Manager

376 Apologies for Absence

Apologies for absence were received from Councillors P Antcliff, B Ridgway, M E Thacker and D Hancock.

377 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No interests were declared at this meeting.

378 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Licensing Committee held on 5 January 2016 be approved as a correct record and signed by the Chair.

379 Interim Taxi Licensing Policy Amendments

The Committee considered a report of the Assistant Director of Planning and Environmental Health. The purpose of the report was to review and improve for adoption, minor amendments to the Council's Statement for Licensing Policy for Hackney Carriage and Private Hire Drivers Vehicles and Operators.

It was three years since the Council introduced the current policy for licensing of Hackney Carriages and Private Hire Driver Vehicle and Operators (collectively referred to as the Taxi Trade). The Policy would be subject to a full review in line with the County wide standards with Local Authorities working on this at present. However, in the meantime there were some areas of the current policy which were in need of improvement and amendment in some cases urgently.

The report identified those priorities for amendment which could be made immediately pending the full review of the policy. Those priorities were as follows:-

(1) Hackney Carriages Intended Use

In 2008 the High Court decided that local authorities were able as a matter of policy to restrict the issue of hackney carriage vehicle plates to those vehicles only which were intended to be used in the District. This prevented the problem whereby applicants obtained a hackney carriage and then used it legally to carry out pre-booked work in other districts. The most recent example of this was Rossendale Council who currently had large numbers of vehicles working across the Country. The Council do not currently have an intended use policy restricting the use of hackney licences. As Rossendale introduce their own restrictions early next year, Officers were concerned that applicants would seek to obtain plates for vehicles which would be used in neighbouring districts (predominantly Sheffield) exploiting this loophole in the law whilst upsetting the taxi trade and causing concern to those local authorities which were affected. An introduction of an intended use policy by NEDDC would prevent this problem arising. Accordingly, it was proposed that the Council should introduce the following restriction to the Policy on the grant of hackney carriage licences;

Hackney Carriage Vehicle Licences would only be granted on the basis that they would be used to –

- Ply for hire within the district of North East Derbyshire, and/or;
- Carry our prebooked work predominantly within the district of North East Derbyshire.

Any applicant would be expected to demonstrate a bona fide intention to comply with this requirement.

Relating to this issue it was worth noting that the Council currently had a small number of operators who held a licence, but their base presided outside the district boundary. Direction was sought from Members about where they wished officers to undertake further work on the restriction of operators who held licences outside the controlled district.

(2) Medical checks for HGV and PSV drivers on first application

Currently the policy stated that HGV and PSV Licence Holders were not required to provide a medical certificate proving their fitness because they would have already provided one to meet the Group 2 medical standards. However, they may have gone several years since obtaining their Group 2 licence so the assumption that they were medically fit could be inaccurate. Amending the policy would require all applicants and licence holders to provide an up to date medical certificate as a when required and this would eliminate the risk. The overall policy on medicals and the intervals at which these were required would remain unchanged. It was proposed to amend the policy at Section 425 by removing the words 'holders of current PSV and/or HGV licences, where the holder was able to produce proof of current medical examination will not be required to undergo a further medical examination'.

(3) DVSA Testing

The DVSA were due to withdraw their provision of the taxi driving test, a requirement of the current policy for new HC/PHV Drivers, at the end of the year. They had already stopped providing test appointments and work was ongoing to identify interim and longer term replacements to ensure applicants met the required driving standards. Once the replacement measures were identified it would be sensible to move quickly to implement them as soon as possible.

Accordingly, it was proposed that the policy would be amended to:-

- Remove the requirement to meet DVSA Taxi Test Standards;
- Replace it with requirements to meet such driving standard test and the Council sees fit to introduce; and
- Leave it to officers using delegated powers to determine the most appropriate form of testing;

(4) Safeguarding Training

Officers were currently exploring opportunities in partnership with other Derbyshire Authorities, if possible, to provide safeguarding training for applicants and licence holders.

In anticipation of this being in place, a suitable requirement to undertake the training needed to be added to the policy. Implementation of the training itself could be left to officers acting under delegated powers.

Members would be informed once the options had been considered. If a change was to be applied for the training then further consultation would be required.

(5) Knowledge Test Amendments

In light of recent focus on safeguarding and the introduction of the relevant training, the possibility of including an element of questions as part of the knowledge test should be considered. It would allow the Authority to ensure knowledge on safeguarding practices were tested in the same way as other areas of knowledge.

It was also considered that the current test format (3 sets of 10 questions was too prescriptive and didn't allow the Authority to act quickly to new developments in the law or in areas of concern such as safeguarding).

It was therefore proposed to amend the Policy sections relating to knowledge tests, to remove the prescriptive tests and to replace with a simple requirement to undertake such tests of an applicants' knowledge as the Council deemed appropriate from time to time. This would need to be accompanied by a delegated power of the Joint Assistant Director to determine the composition of tests in the future.

(6) Certificates of Good Practice

A problem had been identified in the wording of the existing policy, which required that the Certificate of Good Conduct supplied by overseas applicants for licences. In practice this doesn't reflect good practice which was to determine whether a certificate should be provided by those who weren't currently or recently overseas, but had spent significant time living abroad. It would therefore be sensible to amend the Policy to require that a certificate of good conduct should be provided by applicants/licence holders where officers deemed it reasonably appropriate to do so, so other circumstances could be taken into account.

(7) CCTV in Taxis

Following the County Wide review of Taxi Licensing Standards, additional policy review work would be undertaken. One issue that could be explored was the introduction of CCTV as mandatory measures in taxis. A direction was sought from members of Licensing with regards to whether they wanted further work on the possible options for CCTV to be undertaken as part of the extensive policy review.

RECOMMENDED –

- (1) That Council adopt the following amendments to the Statement of Licensing Policy for Hackney Carriage and Private Hire Drivers, Vehicle and Operators.

- (2) Introduce a requirement that Hackney Carriage Vehicle Licences would only be granted on the basis that they would be used to:-
- (i) Ply for hire within the District of North East Derbyshire; and/or
 - (ii) Carry out prebooked work predominantly within the District of North East Derbyshire;

Any applicant would be expected to demonstrate a bona fide intention to comply with this requirement.

- (3) Amend the Hackney Carriage Vehicle Licence Conditions to reflect the above restriction.
- (4) Remove from Section 4.2.5 the words 'holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination'.
- (5) (a) Remove the requirement to meet DVSA Taxi Test Standards;
(b) Introduce a requirement to meet such driving standard test as the Council sees fit to introduce.
(c) Grant delegated powers to the Joint Assistant Director – Planning and Environmental Health in consultation with the Chair of Licensing to determine the most appropriate form of testing.
- (6) (a) Introduce a requirement in respect of HC/PHV drivers' licence for all new applicants and existing licence holders to undertake such safeguarding training as the Council sees fit to introduce and;
(b) Grant delegated powers to the Joint Assistant Director – Planning and Environmental Health in consultation with the Chair of Licensing to determine the most appropriate training.
- (7) (a) Replace those sections relating to knowledge test to remove the specific test format and replace with a requirement to undertake such test an applicant's knowledge as the Council deems appropriate from time to time; and
(b) Grant delegated powers to the Joint Assistant Director – Planning and Environmental Health to determine the format and content of the knowledge test.
- (8) Amend the requirement to provide a Certificate of Good Conduct to those occasions where licensing officers reasonably consider it to be appropriate.

and **RESOLVED** -

- (1) That delegated powers be granted to the Joint Assistant Director Planning & Environmental Health to undertake further work on the restriction of operators who hold licences outside of the controlled district.

- (2) That delegated powers be granted to the Joint Assistant Director Planning & Environmental Health to undertake additional work on the introduction of mandatory CCTV in taxis as part of the broader policy review.

(Principal Solicitor)

380 Updated Local Government Association Councillors' Handbook

The Committee were advised that the newly published Local Government Association Councillors' Handbook had been withdrawn for further amendment. The final version would be brought to a future meeting. The Environmental Health Manager advised that members would be notified of when the handbook would be available.

RESOLVED – That members noted the update.

381 Update on Derbyshire Wide Taxi Licensing Review

The Committee considered an update on the Wider Derbyshire Taxi Licensing Review.

The Chief Executive was in attendance and advised the Committee of the recent Nottinghamshire Wide Licensing Review that he was party to and outlined the key issues arising from that review.

A similar review was taking place in Derbyshire and the Chief Executive was leading on this alongside other key authorities and agencies. There were many issues to be discussed regarding the review and further consideration would be given to the wider licensing regime. The Committee were advised that the current legislation had been in place for over 40 years and this played a big part in what members could do and also created differences in approaches at different authorities. The Chief Executive outlined the concerns within the taxi licensing regime and felt it was timely to carry out the review.

Key points raised in the update were:-

- Information sharing between the relevant agencies was currently a concern and needed improving;
- A revision was needed on the current licensing policies at both North East Derbyshire and Bolsover, due to inconsistencies;
- Member and officer training.

The Committee discussed at length the issues and concerns with regard to taxi licensing and were very supportive of the Derbyshire Wide Taxi Review.

RESOLVED – That the Licensing Committee notes the update on the Derbyshire Wide Taxi Licensing Review.

382 Urgent Business

There were no items of urgency to be discussed at this meeting.

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