

# Licensing Committee

## Wednesday, 28 August 2019

**Attendees:** Councillor Lyn Barton, Councillor Roger Buston, Councillor Helen Chuah, Councillor Simon Crow, Councillor John Elliott, Councillor Dave Harris, Councillor Mike Hogg, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Barbara Wood, Councillor Tim Young

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:**

### 89 Minutes 29 May 2019

The minutes of the meeting held on 29 May 2019 were confirmed as a correct record.

### 90 Changes to the Hackney Carriage and Private Hire Licensing Policy

The Committee considered a report by the Assistant Director (Communities) proposing changes to the Council's Hackney Carriage and Private Hire Licensing Policy in the light of recent operational experience. The suggested changes were in relation to:

- The suitability of Hackney Carriage Proprietors to include requirements for a basic Disclosure and Barring Service check, details of previous convictions, the completion of safeguarding training, the provision of additional information accompanying an application, a proposed definition of a 'fit and proper' person and a minimum age requirement of 18 year;
- Additions to deal with the revocation of a Hackney Carriage vehicle licence in cases where the licence was held jointly by one or more persons but the revocation was due to the action of one party only;
- A requirement that meters in both Hackney Carriage and Private Hire vehicles be activated at the commencement of each journey;
- A requirement within the pre-licensing standards that applicants holding an EU also hold a UK DVLA counterpart licence and applicants from all other countries hold a UK DVLA licence;
- The addition of a condition requiring that the Council be notified of the sale of a Hackney Carriage or Private Hire vehicle.

Jon Ruder, Licensing, Food and Safety Manager, presented the report and assisted the Committee members in their discussions. He explained that, if the proposed changes were approved by the Committee they would be the subject of a public consultation exercise for a period of four to six weeks, the outcome of which would be reported back

to this Committee prior to the changes being referred to Council for ratification. He also explained that the proposed changes, if agreed, would be applied to new applicants and drivers wishing to renew at the expiration of their licence period.

Members of the Committee generally welcomed the proposed changes and acknowledged the need for the policy to be subject to regular change and updating in the light of experience and operation. Reference was made to forthcoming potential changes to the policy in relation to CCTV; the potential for the sale of vehicles with no disclosure to be deemed to be uninsured; the need for all of the Committee members to have ready access to the up to date versions of the relevant Council and national policies when considering appeals and for consideration to be given to the inclusion of relevant policy details within all agenda papers for ease of access.

Clarification was sought in relation to the need for applicants with EU driving licences to undertake a DVLA driving test; the proposed requirement for Hackney Carriage proprietors to disclose spent convictions in the same way drivers were required to do so; whether it would be permissible for a sole proprietor whose joint partner had been the subject of a licence revocation to seek another joint proprietor and what the implications were in instances when drivers were not activating the meter at the start of a journey.

The Licensing, Food and Safety Manager explained that it was not a requirement for applicants holding an EU driving licence to undertake an additional DVLA test although new drivers were required to pass a Hackney Carriage and Private Hire vehicle drivers' test. He explained that the requirement for meters to be activated at the start of each journey would aid enforcement measures as the practice was leading to instances of overcharging. He also confirmed that it was proposed that proprietors be required to disclose spent convictions and also to undertake relevant safeguarding training in line with the requirements for drivers and that it would not be permissible for sole proprietors to offer a joint partnership to a person the subject of a licence revocation.

Discussion was had in relation to the minimum age of 18 years proposed for proprietors, given the minimum age of 21 years which was applied to drivers. A view was expressed that a common minimum age of 21 years may be easier to administer whilst it was also acknowledged that the higher age requirement may be deemed to be discriminatory to young people. It was further acknowledged that the requirement of a minimum age of 21 years for drivers had been considered appropriate on the basis that it was important for drivers to have acquired considerable road driving experience.

*RESOLVED* that the proposed changes to the Council's Hackney Carriage and Private Hire Licensing Policy be approved for public consultation purposes, the result of which would be submitted to a subsequent meeting of the Committee, prior to submission to the Council for ratification.

## **91      Licensing Committee Work Programme 2019 - 2020**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the Committee's work programme for 2019 - 2020, updated since the last meeting.

Jon Ruder, Licensing, Food and Safety Manager, presented the report and assisted the Committee members in their discussions. He explained that the impact of delivering drivers' safeguarding training had meant that it may be necessary to defer the Committee's consideration of the CCTV issue, although he gave an assurance that the work would be undertaken before the end of the current Municipal Year. Responding to Committee members' wish for other items of business to be prepared for the Committee's consideration at the next meeting in October, he explained that it may be possible to reschedule other matters such as the Licensing Policy Review or Gambling Policy.

Councillors Harris and Moore confirmed that they would be unavailable for the meeting scheduled for 2 October 2019 and Councillor Moore sought assurances that the Caravans and Park Homes Update would not be submitted to the Committee at the October meeting.

*RESOLVED* that the contents of the work programme and the potential need for items of business to be rescheduled in the light of other Licensing work commitments be noted.