

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in Vernon Cross Room, Ely Museum, Ely on Monday, 19th April 2017 at 9.30am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Christine Ambrose Smith
Councillor Mike Bradley
Councillor Paul Cox
Councillor Julia Huffer
Councillor Chris Morris
Councillor Mike Rouse
Councillor Carol Sennitt
Councillor Alan Sharp

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager
Lyndsay Kirkby – Trainee Solicitor
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

36. **APOLOGIES**

Apologies were received from Councillor Sue Austen.

37. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

38. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 14th November 2016 be confirmed as a correct record and be signed by the Chairman.

39. **CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

40. **TAXI LICENSING POLICY - UPDATE**

The Committee considered a report, R265 previously circulated, which set out updates to the Taxi Licensing Policy for consultation with key stakeholders.

The Senior Licensing Officer requested that the Committee consider the proposed updates to the Policy and approve that the updated Policy go out to consultation with the appropriate stakeholders. The Committee was reminded that the Council had responsibility for licences within its area under current legislation. Historically there had been a lot of guidance offered within the “blue book”, which had been updated periodically due to legislative changes. Now was the time to bring it up-to-date.

Currently 40 to 45% of the department’s time was taken up dealing with taxi trade matters, so a clear and concise Policy was essential for officers, Members and the licence holders. At a meeting with the taxi trade last December the update to the Policy had been mentioned and ideas sought. So far none had been received. Therefore the updates were proposed by the Senior Licensing Officer with the aim of providing a framework for controlled activities and to strike a balance.

Safeguarding Training

Unfortunately incidents did occur across the country, though none were aware of in this area. However, the Council needed to safeguard the public and make taxi drivers aware of potential issues to help protect children and vulnerable adults. The proposal would help meet the level of awareness required. With around 180 taxi drivers operating in the area, they could pick up signs to help identify issues. All new applicants would have to attend suitable training within 3 months, which would be included in the application procedure, with any not attending having their licence suspended. All existing taxi drivers would also be expected to attend training. There would be a financial cost to holding the training.

Driver Medicals

One medical had to be undertaken following a new application and then every 5 years from the age of 45, conducted by their local General Practitioner (GP). However, a number of GPs could not offer this service, as it was considered ‘private practice’. As the drivers were obliged to reveal their medical history it was proposed that any GP be allowed to conduct the medicals and the frequency be amended to every 3 years.

Vehicle Testing

Currently vehicles had to be test every year for the first three years and then every six months after that. Officers considered this over burdensome, so the proposal was to relax this for standard vehicles by extending the annual testing to the first six years. This would not apply to unusual vehicles.

Operator Base Location

Currently an operator could have a base up to 5 miles outside the district but this was not allowed by legislation, so the proposal was to bring this into line with the relevant legislation. This would only affect 1 current operator.

The Committee then considered each proposal in turn.

Safeguarding Training

Councillor Elaine Griffin-Singh queried whether there would be any cost to the drivers to undertake this training. The Senior Licensing Officer explained that the training would be included for new applicants and be reflected in the relevant fees. For existing drivers seminars would be held with the costs covered by the licensing fund.

Councillor Julia Huffer considered this training incredibly important in safeguarding vulnerable people, so it was essential that it be completed.

Councillor Mike Bradley asked whether taxi fares would rise in response to the increased costs involved. Could the suggested seminars change into computer courses that drivers could access? The Committee was reminded that current fee levels were still below the cost neutral level, so costs would go up. After the initial outlay for the training there would be minimal costs, so they would not be astronomical. There would be a 3-month window to allow people to be grouped together to complete the training. There were no resources available to turn the seminars into computer courses, so it would remain a 'hands on' style of training.

Councillor Christine Ambrose Smith thought that computer training would capture every relevant person and could be completed under supervision. The Senior Licensing Officer stated that the knowledge test was available via a computer programme but other local authorities were using seminars as a way to engage their drivers.

The Environmental Services Manager suggested that the nature of training was to produce human interaction. It could be possible in the future to look to see if it could be provided online.

Code of Conduct

Councillor Elaine Griffin-Singh asked whether the Committee could see a copy of the Code. The Senior Licensing Officer explained that some standards were already included in the "blue book" and the Code would be an appendix to it. The final draft of the Code would be approved by the Legal Services Manager and Chairman of this Committee. The Environmental Services Manager revealed that the Code was available for viewing online.

Dress Code

Councillor Mike Rouse questioned how the dress code would work and at what point would any failure to meet the new standard be picked up. The Committee was informed that there was currently a dress code but the new proposal was to make it more detailed and enable the taxi trade to be presentable. Presently there was a general level of professionalism in the area and the Council wanted to retain that via a sensible approach. Officers would be responsible for picking up any flagrant failures of the new Code as this was flagged up via public complaints. The Council would state what it considered an acceptable standard of dress and seek the stakeholders' views.

Driver Medicals

Councillor Chris Morris queried whether any General Practitioners (GPs) would be keen to draw up a list of drivers and carry out their medicals. The Senior Licensing Officer accepted that they could but would not want to recommend any doctor's practice over any other.

Councillor Christine Ambrose Smith wondered whether the GPs at the Princess of Wales Hospital could accept medicals on certain days. Most GPs were over-subscribed and would not have access to driver records if they had not seen the driver before. Would this be a problem? It was acknowledged that this could present a problem, as the drivers would have to sort out any medication required, otherwise their licences could be suspended. If the drivers lied to the GP then anything that happened consequently would be their responsibility and there would be no risk for the Council. The proposed policy would align with that used by heavy goods vehicle drivers and would rely on the drivers informing the Council of any relevant issues. On balance this would give better control.

Vehicle Testing

Councillor Mike Bradley questioned the proposed 6 year annual testing period, as vehicle manufacturers only offered a 5 year guarantee on their vehicles. The Committee was informed that a lot of the drivers purchased their vehicles, usually ex-fleet cars, via auction. So a number were quite modern vehicles. The 6 year period would reduce the cost burden on drivers and the overall change was expected to result in a cost neutral scenario. Drivers drove a varying amount of mileage, as some were full and some part time, so monitoring this would be impossible.

Hackney Carriage Livery

Councillor Elaine Griffin-Singh asked what had prompted this being looked at again. If the vehicles had to be a certain colour would there be a cost saving on using the Council stickers, as these would no longer be needed? The Senior Licensing Officer stated that the stickers currently cost £6 each with 2 required for each vehicle. These were adhered to the vehicles to help identify them, even though the trade were not entirely happy with them. If a livery was brought in there would not be a condition to change vehicle colours immediately. This would lead to a natural progression as new vehicles would match the colour required, with silver being suggested. A uniform colour would promote the trade and give it a professional feel. The trade would be asked whether it would be content with this proposal.

Councillor Paul Cox was unhappy with the suggested silver colour, as favourite colours changed over time, and suggested black. Any proposed colour should be researched first to analyse trends. The Senior Licensing Officer had suggested silver as this was the predominant colour amongst current vehicles, so it would be easier for the trade to adopt. The trade would be engaged on this issue, as the Council would like to see this happen, though it might not.

Councillor Mike Bradley thought the problem was the potential huge cost to the trade. Silver was the most popular colour but maybe a unique colour should be

chosen to identify registered vehicles. The stickers were cheap so should also be retained as it was important that the trade be properly identified. Councillor Elaine Griffin-Singh agreed that retention of the stickers would identify the vehicle as licensed by this authority, so the public would know where to direct any complaints.

Councillor Bradley then proposed that this proposal be split into 2 parts: one to cover the vehicle colour; one to cover the use of the stickers. It was therefore agreed that the proposal be re-worded to propose a standard colour and to retain the stickers.

Executive Private Hire Vehicles

Councillor Mike Bradley thought the designation should include electric cars but had not. The Senior Licensing Officer recommended the words “or equivalent powered hybrid” be added to the proposal to cover those types of vehicles and others not specified. This was agreed by the Committee.

Councillor Bradley also thought the suggested £35K minimum ought to be changed to £30K, as businesses tended to be more stringent. The Senior Licensing Officer responded by stating the proposal aimed to be future proofed, with a requirement to accommodate exceptions, be more prescriptive, offer more guidance for businesses and achieve more consistency.

Standards of Condition of Appearance

Councillor Elaine Griffin-Singh requested that the Committee see the relevant appearance standards for vehicles. The Senior Licensing Officer explained that the standards were shown in the “blue book” but were not too clear. This would be an appendix and would provide more clarification for the minimum standards expected.

Operator Base Location

In reply to Councillor Mike Bradley’s query, the Committee were told that this related to where bookings were taken and not where the trade operated. This Council was only permitted to issue licences for businesses within its area, so the bases had to be located within this area.

Relevance of Convictions Section

Councillor Julia Huffer thought this should be used to report any minor convictions that would be of use for the Licensing Sub-Committee. It was revealed that records were kept and it was proposed to separate out those records between existing drivers and new applicants. Offences would be graded with a trigger point when suspension of a licence should be considered. Points would be given for offences and would build up, similar to points on a driving licence. Once the trigger point was reached then delegated authority would be given to officers or the Sub-Committee to decide on a suspension or not. The driver would be given an opportunity to voice their view.

Amendments to Policy

Councillor Elaine Griffin-Singh voiced her concern that Members might be kept out of decisions to amend the Policy. The Senior Licensing Officer explained

that any legislative changes would have to be implemented anyway, so it would be wasting the Committee's time to bring that to it. There could be some issues that could be legally required to be decided by the Committee but other amendments could be dealt with under the Scheme of Delegation, which would include reference to the Chairman of the Committee. Any delegated decisions could be reported to the Committee for information.

Councillor Chris Morris wanted to know when the consultation on the policy would begin. Councillor Christine Ambrose Smith thought the 12 week consultation period was excessive. It was confirmed that the 12 week period was considered best practice and the consultation would start within the next 4 weeks.

It was resolved:

- (i) That Officers be approved to include the amended proposals in a draft Taxi Licensing Policy;
- (ii) That permission be given to the Senior Licensing Officer to transpose, add to, and amend the existing content of the "blue book" when creating the new draft Taxi Licensing Policy;
- (iii) That a public consultation takes place on the draft Taxi Licensing Policy for a period of 12 weeks, the results of which to be considered by Members at a subsequent Committee meeting, subject to the final content of the proposed policy being approved by the Environmental Services Manager and the Chair of Licensing prior to any public consultation commencing.

41. **LICENSING OFFICERS UPDATE**

The Committee considered a report, R266 previously circulated, which updated the Licensing Committee on the work of officers.

The Senior Licensing Officer advised the Committee that the report displayed the figures for April. There had been a lot of inspections completed during that period but nothing alarming had been uncovered. Despite a decrease in the annual licence renewal, more licences had been processed. More Sub-Committee meetings had been held covering a range of issues. The Sub-Committee had undertaken an important but challenging job.

Areas of work growth related to dog boarding and street trading. This reflected the work of the inspections, as this pro-active work had highlighted the need for some people to obtain licences when they had not realised they needed to. The department took an educational approach and this had increased the workload and subsequent income, making it cost neutral.

The provisions of the Immigration Act 2016 for taxi drivers came into force last December. This had lead to no adverse issues. From April, under the Licensing Act, officers would need to check whether people providing alcohol or

late night refreshments had proof that they were permitted to work in the United Kingdom. The Home Office had to be consulted for licences relevant to this and these may have to come to Committee for determination. The Policing and Crime Act 2017 classified alcohol in any state, including vapour, and new powers were given relating to individual licences.

Councillor Mike Bradley asked that the report should specify the numbers of applications dealt with by the department, to give Members an idea of the workloads. The Environmental Services Manager thought a table could be included in future reports, giving the figures by quarter, to give some idea of the activity being undertaken.

The officer's update report was noted.

The meeting closed at 11:00am.