



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 8th November 2017 at 9.30am.

PRESENT

Councillor Elaine Griffin-Singh (Chairman)
Councillor Sue Austen
Councillor Mike Bradley
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Chris Morris
Councillor Carol Sennitt
Councillor Alan Sharp

OFFICERS

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

17. **APOLOGIES**

Apologies for absence were received from Councillor Michael Allan.

18. **DECLARATIONS OF INTEREST**

There were no interests declared.

19. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 11th October 2017 be confirmed as a correct record and be signed by the Chairman.

20. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

21. TAXI LICENSING POLICY – CONSIDERATION OF COMMENTS

The Committee considered a report, S169 previously circulated, that provided comments submitted during the Taxi Licensing Policy consultation period.

The Senior Licensing Officer asked the Committee to consider the comments received following the wide consultation with multiple parties held between 2nd August 2017 and 27th September 2017. The consultation had focussed on drivers' safety, vehicle maintenance, a possible colour scheme and vehicle condition and appearance. This aimed to make the taxi trade appear professional. The summary of responses were set out in the report under paragraphs 4.1.1 to 4.1.13.

4.1.1 Safeguarding Training

The consultation had asked whether safeguarding training should be introduced for new and existing drivers. The Council was aware of issues across the country and, although not the case in this district, drivers did carry vulnerable passengers. As such the drivers could act as signposts for other agencies if they spotted something untoward. It was expected that at some stage this training would be made mandatory. Of the response received 7 out of 8 supported the suggestion for new drivers while 5 supported it for existing.

There was some concern that there would be an additional cost on licence fees to cover the cost and whether the training was 'portable'. Into other districts, as other local authorities could have different criteria. Therefore the Senior Licensing Officer had consulted neighbouring local authorities to discuss a consistent approach using a 'prime' trainer. The other authorities were at different stages in the process but it was hoped that a single scheme at a reasonable price could be agreed. So if the County Council undertook the training then this Council would not need to. As an alternative drivers could be trained by an accredited supplier approved by the Council.

Councillor Julia Huffer wanted clarification that the training would be provided free for existing drivers but new drivers would have to pay. The Senior Licensing Officer explained that existing drivers would be given the opportunity to attend training up to the date set. After that they would have to pay. New drivers would have to pay straight away. The fee would be £30 each using an ex-police officer as the trainer. Similar training had been well received elsewhere and had been money well spent. This training would make drivers aware of the potential risks and how to protect themselves.

Councillor Mike Bradley was concerned about Uber, should it encroach into this area. How would its drivers be covered, as they would need protection. The Senior Licensing Officer acknowledged the problem and reminded the Committee that the Council only had jurisdiction over its own drivers. It was hoped that the training became mandatory so all drivers would be covered even if they were registered elsewhere.

The following was agreed:

1.5.3 All existing licence holders will be required to attend safeguarding training sessions run by the Licensing Authority by 31 December 2018, and all

new licence holders will be required to complete safeguarding training within the first six months of holding a licence, or provide proof that safeguarding training has been undertaken in the past twelve months with a provider appearing on the Council's approved list. Failure to comply with these requirements will be grounds for the suspension of the licence until such time as the licence holder completes the training.

1.5.4 The Council reserves the right to send licence holders on refresher training, should they consider it necessary.

3.17.1 Existing wording replaced with the same wording as 1.5.3 above.

Section 3.17.2 added to the policy with the same wording as 1.5.4 above.

4.11.1 Existing wording replaced with the same wording as 1.5.3 above.

Section 4.11.2 added to the policy with the same wording as 1.5.4 above

4.1.2 Code of Conduct

The consultation had asked whether the driver's code of conduct should be updated. The Senior Licensing Officer stated that the code of conduct of the drivers was good already but improvements had been proposed.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.3 Dress Code

The consultation had asked whether the driver's dress code should be updated, in particular for Private Hire Executive Exempted Vehicles Drivers. In response there had only been 1 objection to the proposals, complaining that the proposals were overly restrictive. It was proposed, therefore, to remove the requirement for only black and white clothing to be used.

Councillor Elaine Griffin-Singh questioned why logos would not be permitted. It was explained that any logos could be used, even ones for football teams, which would not be wanted. The criteria could be amended to allow for company logos. Councillor Mike Bradley thought company logos were important and gave a positive impression, therefore they should be allowed.

Councillor Sue Austen asked whether drivers could wear tailored shorts if the weather was hot. For standard private hire vehicles, drivers were allowed to wear shorts but this issue related to executive work so shorts would not be considered appropriate. Such vehicles usually had climate control, so would not get hot.

Councillor Paul Cox wondered whether this would apply to transgender drivers and would be too restrictive. This was accepted as a valid point and the reference in the proposal to male and female drivers separately would be removed.

There then ensued a discussion on the exact wording to be used, with various Members and officers offering suggestions relating to the criteria for attire and the use of company logos.

The following was agreed:

Proposal to be adopted, subject to the Private Hire Executive Exempted Vehicle Drivers section being amended to the following:

Drivers shall wear professional business attire with formal shoes at all times.

Discrete company logos shall be permitted

4.1.4 Driver Medicals

The consultation had asked whether the frequency of driver's medicals should be amended. 5 responders had supported the proposals with 2 objections relating to no clear justification being given and the current regime being stringent enough. The Senior Licensing Officer stated that studies demonstrated that drivers had a sedentary job which increased the likelihood of drivers suffering with chronic diseases. Drivers were current free to work as many hours as they wished, so the increase in medical frequencies was considered justified.

Councillor Elaine Griffin-Singh asked if there would be any benefit in changing the frequency. The Committee was informed that the proposed changes would give drivers the flexibility to seek medicals from other General Practitioners rather than their usual doctor, where there were problems obtaining appointments due to the shortage of doctors. This would lessen the chances of their licences being suspended on medical grounds. This would also make it cheaper for each medical, as other doctors were not as expensive, so the costs should balance out.

Councillor Paul Cox stated that there was a range of ages of drivers, so would older drivers be expected to have medicals more frequently and would this be an issue for them? In response it was pointed out that this had been covered in the Policy with an initial medical appointment followed by others at three year intervals up to the age of 70, when annual checks would be required.

Councillor Mike Bradley supported that policy, declaring that it would not be onerous and would protect the public and drivers.

Councillor Alan Sharp thought that younger drivers were likely to have fewer ailments and as people were living longer, the policy would help alleviate any stress.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.5 Disclosure and Barring Service (DBS) Update Service

The consultation had asked whether DBS update service membership be made mandatory. 6 out of the 7 responders were in favour as the benefits were clear

and only cost £13 per year to keep live. Drivers used multi-agencies using the 1 certificate and renewals did not require a new application. New drivers who subscribe elsewhere would not have to do that again if they moved to this district. So this would be quicker and easier to deal with both by drivers and officers.

However, there was some risk as the DBS service was not very flexible if changes were made. For example, if a driver's bank details changed then their membership could become inoperative, meaning driver checks could not be done. Making this mandatory would help if this occurred, as drivers would not be prosecuted and their licences would be maintained as they would be given time to re-subscribe.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.6 Vehicle Testing Frequency

The consultation had asked whether licensed vehicles should be tested more frequently. Currently vehicles were tested every 3 years, but as the fleet of vehicles used were modern this was burdensome. Therefore, it was proposed enhanced testing be conducted every 5 years instead.

Councillor Alan Sharp thought this reflected that the fact that modern cars were much safer than previously. He questioned the policies of neighbouring authorities. The Senior Licensing Officer disclosed that elsewhere a 6 year testing period had been set, but was unaware of neighbouring authorities' arrangements. This was a problem area, as the age of the vehicle did not necessarily give an indication of its use. The testing would be in addition to the usual car owner's obligations and would help public safety.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.7 Hackney Livery (Single Colour Scheme)

4.1.8 Hackney Carriage Door Stickers

The consultation had asked whether a one colour scheme be introduced for hackney carriages and, if it was, whether door stickers should be removed. Introducing a colour scheme would benefit the public as the vehicles would be easily identifiable, particularly for the visually impaired. This would increase public confidence, as someone driving a vehicle in an unauthorised colour would be spotted quickly.

An additional question was put to the hackney carriage proprietors asking what colour they preferred and whether they would support the Council if it introduced a different colour. The response to this was mixed, as shown in the table on page 7 of the report. Silver was the preferred colour for the scheme, as it was the most prolific amongst the fleet. As silver came in different shades the Council would provide a swatch of colours that could be accepted.

Councillor Julia Huffer was not worried about the colour of the vehicles but would not want to see the removal of the door stickers. Anyone with a silver car could use as a taxi even if they were unlicensed. A phased approach should be taken but the companies would be limited to purchasing silver second hand vehicles.

In response to Councillor Elaine Griffin-Singh's queried the Senior Licensing Officer admitted that the licensing trade had not approach the Council on this issue. However, a professional approach was key in ensuring a successful business and if people saw taxis in a uniform colour it would look good and professional. It would also enhance the public perception of the trade. Currently there was enough identification on the vehicles but the door stickers were subject to damage. A single colour scheme would clearly separate taxis from other vehicles.

Councillor Neil Hitchin thought the question was whether the Council wanted the colour scheme for its own branding to promote private enterprise. If some companies did not like the uniformity then they might not be used. This should not be imposed on the trade. If it was, then the Council ought to pay for it.

Councillor Mike Bradley wanted to know whether this scheme would be for branding the area or to restrict the branding of the companies. Having a colour scheme long-term should come in, though a two-tone scheme would be better as taxis would then be obvious. The stickers were a sign of confidence and should be kept, though they could be moved to inside the vehicles instead. Perhaps a more branded taxi sign could also be used.

The Senior Licensing Officer reminded Members that historically the taxis used a lighted sign stating 'taxi' but an argument could be made to introduce a uniform style of roof sign. The restrictions on advertising on the vehicles would not be affected by introducing a colour scheme. If this was adopted, existing vehicles would not be affected and there was no deadline set for that. Only new or changed vehicles would have to be in the agreed colour. A lot of people were opposed to the introduction of the scheme, due to costs. The level of opposition for a two-tone colour was much higher, as this would be very costly.

Councillor Sue Austen asked with the companies would be asked to put their names on their vehicles? It was revealed that under current restrictions company names were allowed. Any change of design had to be run passed the Council so legal requirements could be checked to safeguard the trade.

Councillor Alan Sharp liked the idea of the colour scheme as an identifier but was, on balance, against the proposal on cost grounds. The danger with a single colour was that unscrupulous people could exploit the situation. The Council ought to re-consult on this item to get a fuller reflection of views.

Councillor Paul Cox noted that silver would be the specified colour, but it came in different shades. Therefore the actual colour had to be described in detail. Company logos would still be used but would be limited to the vehicles door size, so smaller logos would be valid. A roof sign should also be included but its design did not need to be prescriptive.

The Senior Licensing Officer explained that roof signs were prescribed and must not have any logos. All other logos would remain and would be on the silver vehicles. The different shades of silver that would be permitted would be provided to the drivers when purchasing their vehicles. Extensive consultation had already taken place, so further consultation would not help.

Councillor Chris Morris asked whether the Council should stipulate the exact colour, as there were various shades available.

Councillor Elaine Griffin-Singh noted there was no officer recommendation on this issue, as there were no strong feelings from the trade. The level of response was a concern. The Committee had to consider whether to go for uniformity in the vehicles and whether to replace the car stickers. Concern was expressed about moving the stickers inside the vehicles. From the public perception point of view, the Council could impose a costly solution on the trade based on only 9 responses. There appeared to be no agreement on the possible colour or, if it were to be silver, its shade. Should further consultation be undertaken to justify the proposal to introduce the scheme, at additional cost to the Council?

Councillor Mike Bradley thought a degree of clarity was needed. If the Council went ahead with the scheme then it would have to decide on the spectrum of colours it would accept. If further consultation was completed there was no guarantee of any benefit from doing that. Any consultation had to be more specific and public support would be needed. Councillor Sue Austen could not see a good reason to consult again given that hardly any response had been received previously. People did not have the appetite for it.

It was then duly proposed, seconded and agreed that the issue should not be pursued further and that door stickers should continue to be used.

The following was agreed:

That this issue is not pursued further.

That the requirement for door stickers continues.

4.1.9 Non-Standard and Novelty Vehicles

The consultation had asked whether specific conditions covering non-standard and novelty vehicles be introduced. There had been no policy previously. So the proposals would cover this issue.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.10 Executive Vehicles

The consultation had asked whether a framework should be introduced to aid decisions on section 75(3) exemption requests. This had been done previously but was no more prescriptive. It currently only applied to 2 vehicles in the district.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.11 Vehicle Standards of Appearance

The consultation had asked whether current standards of licensed vehicle appearance should be updated. Existing requirements had been available but this proposal brought those together more coherently and clarified matters and provided the necessary framework.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.12 Relevance of Convictions

The consultation had asked whether the relevance of convictions section be separated and updated. The separation would make it easier to read the relevant information.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

4.1.13 Penalty Point Scheme

The consultation had asked whether a penalty point scheme be introduced. This related to low level enforcement and would cover a range of options. The penalty scheme would be based on a points system. A driver would be informed of any penalty points incurred and anybody reaching 12 points would be subject to a review, which could come before a Licensing Sub-Committee. Under the Scheme no driver would be suspended, as the due process would have to be undertaken before such a decision could be made.

The following was agreed:

Officer recommendation is that the proposal should be adopted without amendment.

It was resolved:

That the new taxi licensing policy takes effect from 1st January 2018, to include the proposals, as amended, from sections 4.1.1 to 4.1.13 from the report.

The Chairman thanked the Senior Licensing Officer for his efforts on this large piece of work.

22. FORWARD AGENDA PLAN

The Committee considered its Forward Agenda Plan.

The Senior Licensing Officer stated that currently a consultation was taking place on licence fee increases. This related to the ongoing efforts to balance the books. Any objections would be brought back for the Committee to consider and this might be at the 13th December meeting. So far only enquiries had been received.

At present there were no items scheduled for decision at the scheduled 10th January 2018 meeting. A potential item on a proposed pre-application service for Licensing Act 2013 applications could be brought to a future meeting. Reviews of the Street Trading and Street Charity Collection policies might be brought to the Committee next year.

It was resolved:

That the Licensing Committee Forward Agenda Plan be noted.

The meeting closed at 11.33am

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