



**MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE**

**MEETING DATE Thursday, 12 March 2015**

**MEMBERS PRESENT:** Councillor Marion Lowe (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Doreen Dickinson, Gordon France, Margaret France, Mike Handley, Hasina Khan, Adrian Lowe, Matthew Lynch, Mick Muncaster, Steve Murfitt, Pauline Phipps, Ralph Snape and John Walker

**OFFICERS:** Elizabeth Walsh (Solicitor), Lesley Miller (Regulatory Services Manager), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)

**APOLOGIES:** Councillor David Dickinson, Keith Iddon and Mark Jarnell

**OTHER MEMBERS:** None

**15.LPS.1 Minutes**

**RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 23 July 2014 be confirmed as a correct record for signing by the Chair.**

**15.LPS.2 Declarations of Any Interests**

No declarations of any interests were received.

**15.LPS.3 Approval of the minutes of the General Licensing Sub Committees**

**RESOLVED – That the minutes of the General Licensing Sub Committee's held on 23 July, 17 September, 30 September, 5 November, 19 November, 17 December 2014, 26 January and 4 February 2015 be agreed as a correct record.**

**15.LPS.4 Approval of the minutes of the Licensing Act 2003 sub Committees**

**RESOLVED – That the minutes of the Licensing Act 2003 Sub Committee's held on 9 December 2014, 9 December and 26 January 2015 be agreed as a correct record for signing by the Chair.**

**15.LPS.5 Taxi Licence Administration Process and Policy Review**

The Director of Public Protection, Street Scene and Community submitted a report to advise Members of a review that had recently been undertaken of the taxi licensing

administrative processes and sought approval for the implementation of new policy and processes for the administration of Taxi Licences, with delegated authority to the Director of Public Protection, Street Scene and Community to make appropriate amendments to the application forms and processes should the need become evident during their implementation.

It had been agreed at the last meeting of the Licensing and Public Safety Committee held on 23 July 2014 that officers would undertake a review of the Taxi licensing processes. There had been a number of cases brought before the Sub-Committee and the Chair for consideration, where it had been identified that a change in process or procedure could have avoided such issues. The matters were also discussed at the Licensing Liaison Panel.

Offices had considered all the process undertaken with regard to taxi licensing functions and identified a number of proposals to streamline existing procedures, including changes to forms, administration and processing of licences and some policy changes that would better align the expiry dates of medicals, DBS disclosures and taxi tests with licence expiry.

It was considered that these changes would reduce the likelihood and necessity for enforcement relating to such anomalies, proposals sought to avoid these issue occurring and better direct resources in proactive campaigns and partnership working.

The proposed changes would also assist in addressing concerns raised by the trade with regard to waiting times, repeat visits and lack of expertise in the one stop shop, which is a criticism that had been raised at a number of Licensing Liaison Panel.

Draft application forms, checklists and guidance notes were appended to the report to assist members and the trade to visualise the way processes are proposed to be administered in the future. The documents were still to be tested by the transactional team and therefore may be subject to some minor variation and amendment as required. The forms have been designed to ensure that the requirements for each licence are clear and enable customer service staff to process the applications more efficiently. It should also reduce the number of queries that need to be passed to the back office for clarification and confirmation which was also another concern that had been raised by the trade as a cause of frustration and delay.

Members thought that the question relating to attending a Speed Awareness Course should be moved to another section of the form as attendance on such a course was not deemed to be a declaration of a conviction, caution or pending prosecution. However, the information was still appropriate for the Council to ask for when considering if they were a fit and proper person.

The Council had extensively consulted with the trade throughout the review and had taken their view and thoughts into consideration as much as was possible.

The Regulatory Services Manager and Lead Licensing and Enforcement Officer outlined the report in detail and pointed out where the Council had amended aspects of the proposal in line with trade representations.

In order to approve the changes to process and policy Members needed to consider a number of options and these were agreed as follows:

It was proposed by Councillor Anthony Gee, seconded by Councillor Mike Handley and subsequently **RESOLVED to approve Option 2 – agree the trade representatives suggestion that vehicles could be presented for the taxi test up to 28 days prior to the renewal date, to reflect the same periods provided by the MOT and allow more time and flexibility in seeking any necessary repairs.**

It was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France and subsequently **RESOLVED to approve Option 1 – allow the driver 5 years to return to the trade from the lapse of his previous licence.**

It was proposed by Councillor Margaret France, seconded by Councillor Steve Murfitt and subsequently **RESOLVED to approve Option 3 – to adopt the extension of the Private Hire Operators (PHO) licence from 1 to 3 years and condition that any changes, including any criminal convictions are reported to the Council within 7 days AND in addition, include Basic DBS Disclosure requirement within the revised PHO application process to provide a degree of confidence about the operator being fit and proper. The Private Hire Operator can only be subject to a basic DBS and is not exempt in respect of the Rehabilitation of Offenders Act 1974. Therefore the basic DBS would need to be aligned with the licence in renewal and of sufficient frequency to guarantee that all relevant offences appeared to ensure that the checks were meaningful, 3 years is considered an appropriate period to satisfy this.**

Members of the Committee discussed all the information contained within the reports giving consideration to all the amendments suggested by the trade and subsequently

#### **RESOLVED**

**That the Licensing and Public Safety Committee adopts the contents in the report and approves the implementation of updated processes for the administration of Taxi Licences from 1 April 2015.**

**That the Licensing and Public Safety Committee approves the policy changes summarised in Appendix 1 and the transitional arrangements identified in paragraphs 51-58 of the report. The application guidance notes and forms will replace existing guidance forms and established Taxi Licensing Policy.**

**That the Licensing and Public Safety Committee approves the following process and policy changes as summarised below:**

- a) **To remove the current provision to allow a change of vehicle process thereby requiring a full six month Vehicle Licence to be granted following the application process.**
- b) **To reinstate the expiry dated Vehicle Licence Plate. Requiring expired License Plates to be returned and a new plate issued at the time of each Vehicle Licence renewal.**
- c) **To allow the proprietor to present the vehicle for the Taxi Test for a Vehicle Licence Renewal up to 28 days before the expiry of the licence date, aligning the test expiry date to the date of the Licence expiry date.**
- d) **To include a mandatory road test within the current taxi test.**
- e) **Allow for the use of manufacturer's approved inflation kits where no spare wheel well or hanger is provided for with the construction of the vehicle.**
- f) **To align the Disclosure and Barring Services (DBS) disclosure with the expiry date of the Private Hire (PH) and Hackney Carriage (HC) Driver**

licence and therefore require that a new DBS disclosure application is made within 3 months prior to the License Renewal date.

- g) To require that the Group II medical forms are completed by the drivers own GP or the Doctor conducting the test confirming the test confirming that medical records have been checked at the time of the examination and to provide their GP number and registration details.
- h) That the requirements of Group II medical check are retained, the frequency of these checks is increased to every three years for all drivers (up to the age of 65 and annually thereafter) in line with the duration of the Hackney Carriage/Private Hire Driver Licence, this following best practice guidance published by the Department for Transport.
- i) To retain the requirement for annual medicals after the age of 65 and also align this with the Private Hire/Hackney Carriage Driver licence expiry date.
- j) To allow a previously licensed Chorley Council Private Hire/Hackney Carriage Driver five years to make an application for a Private Hire/Hackney Carriage Driver licence without the need for the driver to re-sit the Councils knowledge test.
- k) To make a distinction between Private Hire/Hackney Carriage Driver licences and badges, where the Driver has completed the DSA Disabled Access Vehicle Driver assessment, by applying the Standard Wheelchair symbol to the licence and badge. To be known as "Private Hire/Hackney Carriage Disabled Access Vehicle (DAV) Driver Licence.
- l) To give officers delegated authority to revoke and immediately grant to an existing Chorley Private Hire/Hackney Carriage Driver licence to include the DAV Driver provision where the appropriate conditions have been met.
- m) To give officers delegated authority to grant and renew upon application a Private Hire/Hackney Carriage DAV licence where the appropriate conditions have been met.
- n) To extend the Private Hire Operators licences from 1 to 3 years.
- o) To cease sending Private Hire/Hackney Carriage Driver, Vehicle, Operator Renewal Notices, including vehicle insurance, DBS, driver licence and medical reminders, and to include renewal information at the time the relevant Licence is granted.

**That the Licensing and Public Safety Committee also approved that delegated be granted to the Director of Public Protection, Street Scene and Community to make appropriate amendments to the application forms and processes should the need become evident during their implementation.**

#### **15.LPS.6 Review of Hackney Carriage Vehicle Licence Numbers - Scoping the Unmet Demand Survey**

The Committee received a report of the Public Protection, Street Scene and Community advising Members of the Council's policy to review quantity control every three years where the Council intend to continue to limit the number of available hackney carriage vehicle licences it uses.

The Council has established a limit to the number of hackney carriage vehicle licences it issues. This currently stands at 36 hackney carriage vehicle licences including provision for disabled access vehicles, of which there are 9 currently licenced.

The Council is not obliged to maintain a limited number of hackney carriage vehicle licences, however where a limit exists, the Council has to be satisfied that there is no significant unmet demand.

A Department for Transport Circular 3/85 provides guidance on the restriction of the power of licensing authorities to limit the number of hackney carriage vehicles, stating that district councils may wish to review their policy on the control of hackney carriage numbers as limitation of numbers can have many undesirable effects as an insufficiency of taxis, either generally or at particular times or in particular places, insufficient competition between the providers of taxi services to the detriment of their customers and prices of the transfer of taxi licences from one person to another which imply an artificial restriction of supply.

Members were asked to consider different options that included whether to undertake a scoping exercise in accordance with the Council's Contract Procedure rules to identify and appoint an appropriate consultant to undertake an unmet demand survey, instructing officers to provide a report for the Committee that considered the Council's position on maintaining limited Hackney Carriage vehicle licence numbers or removing the limit.

After careful consideration of the information contained within the report, it was proposed by Councillor Adrian Lowe, seconded by Councillor Anthony Gee and subsequently **RESOLVED to instruct the Director of Public Protection, Street Scene and Community to undertake a scoping exercise to identify appropriate consultants to undertake an unmet demand survey following a procurement exercise under the Council's Contract Procedure Rules, and also include in this report, the Council's position on maintaining limited Hackney Carriage vehicle Licence numbers or removing this limit.**

#### 15.LPS.7 Thank you and Best Wishes

The Committee thanked the Chair Councillor Marion Lowe for her work and support on Licensing and extended their best wishes for her Mayoral role next year.

Chair

Date