



**MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE**

**MEETING DATE** **Wednesday, 3 February 2016**

**MEMBERS PRESENT:** Councillor Roy Lees (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Doreen Dickinson, Gordon France, Margaret France, Tom Gray, Mark Jarnell, Hasina Khan, Matthew Lynch, Mick Muncaster, Steve Murfitt, Ralph Snape and John Walker

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

**APOLOGIES:** Councillor Keith Iddon

**16.LPS.21 Minutes**

**RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 18 November 2015 be confirmed as a correct record for signing by the Chair.**

**16.LPS.22 Declarations of Any Interests**

No declarations of any interests were received.

**16.LPS.23 Minutes of the General Licensing Sub Committee's**

**RESOLVED - That the minutes of the General Licensing Sub Committees held on 4 November 2015, 20 January (10am) and 20 January (2pm) be confirmed as a correct record.**

**16.LPS.24 Review of Hackney Carriage and Private Hire Vehicle Conditions**

The Director of Public Protection, Streetscene and Community submitted a report for members to consider proposals to revise the existing Hackney Carriage and Private Hire Vehicles Conditions, following consultation with the trade on these conditions.

The Regulatory Services Manager advised that, as agreed by the Licensing Liaison Panel in June, a letter had been sent to all drivers, vehicle proprietors and private hire operators requesting comments. Four written responses were received and one further verbal response.

Members considered each recommendation in turn.

It was **RESOLVED**

**(a) to approve the proposed layout of the vehicle conditions, including reasons for conditions.**

**(b) to note the comments made in the consultation in relation to conditions 5 (livery) and 8 (meters) and to retain the existing provisions.**

**(c) to note the comments in Paragraphs 18 to 27 and record that these matters had received due consideration by the trade and the Council and the current requirements remain relevant and should be kept unchanged.**

Members debated the Council's pre-inspection process of vehicles and noted that appointments were available on a Tuesday and Thursday. It would be unusual for all of the allocated slots to be full and officers were flexible in these rare instances. Vehicles used as a taxi ought to be of the best quality when given a licence. Service centres would charge for this service and would need to be trained and monitored and there would potentially be issues of consistency and conflict if this service was outsourced.

Members discussed the risk to the vehicle proprietor if the vehicle did not pass the inspection. Even if the taxi test has been passed the vehicle could not be licenced and the proprietor would only be entitled to a refund of the application fee, minus an administration fee and also minus any fees paid for the taxi test, which under the current fee structure would effectively be a cost of £93.50.

It was proposed by the Vice Chair, Councillor Anthony Gee, seconded by Councillor Gordon France and subsequently **RESOLVED (d) not to allow an application to proceed before the Council's vehicle inspection.**

Members considered whether a vehicle that had been subject to an insurance write off, at any level, could be used as a hackney carriage or private hire vehicle. If a category C or D write off could be used, an additional assessment would be required by officers to ensure that such a vehicle was fully repaired and safe. This cost would have to be borne by the vehicle proprietor. In addition, it was likely that the insurance costs would be greater for the vehicle proprietor.

It was noted that if a private individual purchased a category C or D write off they did this knowingly, yet a passenger getting into a taxi would not know they were travelling in a vehicle that had been written off. The safety of residents was paramount.

An additional HPI check would need to be carried out to fill the gap left by the DVLA process change in relation to the removal of the Log book identification of category C and D write offs.

It was proposed by Councillor Margaret France, seconded by Councillor Matt Lynch and subsequently **RESOLVED e) condition 2 (insurance) to remain unchanged, with the addition of c) as set out in the report with the addition of, "except those newly registered"**.

Members discussed the type approval and vehicle adaptations and conversions and noted that the vehicles would be subject to the usual checks. **RESOLVED e) to agree the changes as set out in the report at e) in relation to condition 3 (type approval).**

Members considered clarifying provisions within several conditions.

**RESOLVED f) to include the clarifying provisions suggested within the report for 9 (Radios and Communication devices), 11 (Engine Compartment), 14 (Dashboard and Steering column) and 15 (Interior trim) and determine whether each of those inclusions should be agreed or dismissed.**

It was **AGREED** that a discussion be held with the Licensing Liaison Panel in relation to the procedure when a taxi had a flat tyre when carrying a passenger and that any manufacturer's approved kits ought to be used in accordance with the manufacturer's instructions.

Members discussed sliding doors and **RESOLVED e) condition 16 (Doors) should be altered as set out in the report.**

Members considered several clarifying provisions resulting from changes agreed earlier in the report. Members discussed comfort, leg room and ease of ingress and egress for passengers. Things had moved on since the provision was first introduced and so **RESOLVED e) in relation to condition 17 (Seats) to accept the replacement and additional condition as set out in the report, With the inclusion of the words "There must be a minimum opening of 400mm to the rear row of seats." At 17(k).**

Legroom provision across the County was deliberated. Committee had given consideration to the issues raised when the condition had been introduced.

It was proposed by Councillor Margaret France, seconded by Councillor Mick Muncaster and subsequently **RESOLVED e) condition 18 (Legroom) should remain unchanged.**

Members considered new proposed conditions 21 (Emissions Standards) and 22 (Safety rating) and **RESOLVED these should be included in the vehicle conditions. Officers would undertake consultation with the trade on these and report back to a future Committee on timescales for implementation.**

Members agreed that the condition in relation to engine capacity was outdated and **RESOLVED h) to the removal of the engine capacity condition (Condition 23).**

#### **16.LPS.25 Hackney and private hire driver licence condition: Driver and Vehicle Standard Agency (DVSA) Test**

The Director of Public Protection, Streetscene and Community submitted a report for members to review the current requirement for all new hackney and private hire driver licence applicants to successfully undertake the DVSA taxi driving test.

In 2011 the Council introduced a requirement for all hackney and private hire drivers to successfully complete the DVSA taxi Driver Test prior to, and as part of, a grant of licence. Consideration was given at that time to other options, such as a BTech or an NVQ, but these options were not considered appropriate. Other local authorities in the area required prospective taxi drivers to undertake the same test.

Representations had been made from the taxi trade identifying issues in obtaining test dates from the DVSA and questioning the credibility of the test when applicant drivers

failed the test. Officers explained that the test could be taken at any of the testing stations, and if local stations were busy there was the option to travel to other regional test centres to take the test sooner.

Members noted that in terms of the credibility and reasons for test failure, it should be a matter for individuals to take up with the centre at the time and not one that the Council as Local Authority should get involved in, bearing in mind the test was provided by a national Government agency.

Members highlighted that, depending on when taxi drivers had taken their driving test they might not have taken the theory or hazard awareness course. The DVSA test was considered best practice in guidance from the Department of Transport.

The Chair used his discretion to allow Mr Anthony Price of Yellow Cabs, to address the Committee. Mr Price advised that he believed the test should be discontinued. In his opinion, the test did not teach someone how to drive. There were costs to the test and it could cause a driver delays in receiving his licence.

Members expressed their view that the test should not teach a prospective taxi driver how to drive, but it would test their ability to drive passengers around. The DVSA test formed part of the fit and proper test required and ensured that Chorley taxi drivers were of the highest standard. Other professional drivers, like bus drivers and HGV drivers were obliged to take an additional test.

It was proposed by the Vice-Chair, Councillor Tony Gee, seconded by Councillor Steve Murfitt and subsequently **RESOLVED – to require the successful completion of the DVSA taxi driving test as a requirement before grant of a hackney carriage or private hire driver’s licence.**

#### **16.LPS.26 Unmet demand and public interest survey**

Lesley Miller, Regulatory Services Manager presented a verbal update on the progress of the unmet demand and public interest survey currently being undertaken by Chorley Council.

Consultation was currently being undertaken with the trade which would conclude shortly. A report would be presented to the next meeting of this Committee.

**RESOLVED – That the update be noted.**

#### **16.LPS.27 Update on safeguarding training**

Lesley Miller, Regulatory Services Manager, presented a verbal report to update Members of the proposal to introduce Child Sexual Exploitation and safeguarding training for licence holders (taxi and premises licences).

Officers had undertaken training, with the aim of being able to deliver safeguarding training for licence holders. Consultation was ongoing with other Local Authorities to ascertain best practice.

When plans were further developed these would be presented to the Committee.

**RESOLVED – That the update be noted.**

**16.LPS.28 Any urgent business previously agreed with the Chair**

The Chair noted that whilst he was happy to have contributions from members of the public, these were at his discretion and proposed that a formal public speaking procedure be introduced for the new municipal year.

It was proposed by the Chair, Councillor Roy Lees, seconded by Vice-Chair, Councillor Tony Gee and subsequently **RESOLVED – to request Council to amend the procedure rules for Licensing and Public Safety Committee to fall in line with those for Council, Executive Cabinet and Overview and Scrutiny Committee public questions / speaking procedure rules that questions be submitted to Democratic Services by midday, two working days prior to the meeting to allow time to prepare appropriate responses and investigate the issue if necessary.**

Lesley Miller, Regulatory Services Manager, reported that guidance had been issued in relation to street parties for the Queen's 90<sup>th</sup> birthday. This guidance would be sent to all members via the next intheknow.

Chair

Date