



<b>MINUTES OF</b>	<b>LICENSING AND PUBLIC SAFETY COMMITTEE</b>
<b>MEETING DATE</b>	<b>Wednesday, 20 July 2016</b>
<b>MEMBERS PRESENT:</b>	Councillor Marion Lowe (Chair), and Councillors Gordon France, Margaret France, Mark Jarnell, Hasina Khan, Sheila Long, Kim Snape, Ralph Snape and John Walker
<b>RESERVES:</b>	Councillor Adrian Lowe
<b>OFFICERS:</b>	Alex Jackson (Legal Services Team Leader), Lesley Miller (Regulatory Services Manager) and Nina Neisser (Democratic and Member Services Officer)
<b>APOLOGIES:</b>	Councillor Anthony Gee, Tom Gray, Keith Iddon, Matthew Lynch and Mick Muncaster

**16.LPS.29 Minutes of meeting Wednesday, 3 February 2016 of Licensing and Public Safety Committee**

**RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 3 February 2016 be confirmed as a correct record for signing by the Chair.**

Councillor Walker requested that officers look into an extension of delegated powers to avoid hearings of General Licensing Sub-Committee to determine applications that might be better dealt with by officers under delegated powers. Members agreed with the suggestion.

**16.LPS.30 Declarations of Any Interests**

No declarations of any interests were received.

**16.LPS.31 Public Questions**

At its Council meeting on 12 April 2016, the following speaking rights for members of the public attending the Licensing and Public Safety Committee were approved:

1. A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda, including one supplementary question. A maximum period of up to 30 minutes to be allocated for public questions if necessary at each Licensing and Public Safety Committee meeting.
2. **Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Licensing and Public Safety Committee meeting to allow time to prepare appropriate responses and investigate the issue if necessary.**
3. The question to be answered by the Chair or whoever is most appropriate as directed by the Chair.

#### **16.LPS.32 Minutes of the General Licensing Sub Committees**

**RESOLVED – That the minutes of the General Licensing Sub Committees held on 3 February 2016, 16 March 2016, 12 April 2016 and 27 April 2016 be confirmed as a correct record.**

#### **16.LPS.33 Minutes of the Licensing Act 2013 Sub Committee meetings**

**RESOLVED – That the minutes of the Licensing Act 2003 Sub Committees held on 2 March 2016, 28 June 2016 and 30 June 2016 be confirmed as a correct record.**

#### **16.LPS.34 Licensing Act 2003 - Statement of Licensing Policy Review and Consultation**

The Director of Early Intervention and Support submitted a report to advise Members of the Licensing and Public Safety Committee of the current statutory review of the Council's Licensing Policy Statement made under the Licensing Act 2003 and to seek recommendation to full Council of the adoption of the Policy Statement subject to the outcome of the current consultation process.

The Council has a statutory duty under the Licensing Act 2003 to produce a Licensing Policy Statement. This duty requires a periodic review of the licensing statement on a date prescribed by the Secretary of State which is currently every 5 years.

A verbal update was provided by Lesley Miller, Regulatory Services Manager, advising that adoption of the final version of the policy could only be made by full Council as opposed to Executive Cabinet as was erroneously specified in the report.

Following Members queries it was confirmed that there had been a number of changes proposed in the document to reflect changes in organisations and structures that impact on the policy and include information pertinent to the public health and early intervention focus of the Council and also outline the additional tools available to the Licensing Authority to promote the licensing objectives.

Members were assured that although numerous changes had taken place over the last five years they were reflective of the changes to the organisations and the legal and application processes, however the fundamental underlying principles remained the same.

It was proposed by Councillor John Walker, seconded by Councillor Gordon France and subsequently **RESOLVED to recommend to Full Council that it adopt of the reviewed Licensing Policy Statement (Licensing Act 2003) subject to the following:**

- 1. On the expiration of the consultation period (11 September 2016) the Director of Early Intervention and Chair of Licensing and Public Safety Committee are given delegated authority to make any minor amendments arising out of any consultation responses.**
- 2. On the expiration of the consultation period (11 September 2016) any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.**

#### **16.LPS.35Taxi Licensing - Implementation of Vehicle Emissions and NCAP Safety Rating Conditions**

The Director of Early Intervention and Support submitted a report for Members to agree the consultation and phased introductions of vehicle emissions standards and The European New Car Assessment Programme (NCAP) safety rating standards for Hackney Carriage and Private Hire Vehicle licences.

The Regulatory Services Manager reminded Members that in February 2016 the Licensing and Public Safety Committee agreed in principle to the introduction of a minimum of Euro 5 emissions standards for licenced vehicles to preserve and protect air quality (Condition 21) and to a minimum standards of 4\* NCAP safety rating of vehicles to protect public safety (Condition 22) as part of the review of the vehicle conditions. As was agreed previously, the Committee would now consider the best way to implement such changes and over what period these changes should be phased in.

In order to consider the best way to implement these changes, the report included three potential options which were not exclusive but provided initial foundations for Member's consideration. Each option was addressed in turn.

Option 1 required that all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 (Emission standards of Euro 5 or above) and condition 22 (NCAP safety rating of 4\* or above) by a date set by Committee; and required that all existing vehicles to comply with the conditions 21 and 22 by a date set by Committee.

Option 2 expanded on Option 1 to ensure that this included the exception to allow those vehicles that have previously been subject to a licence, but where this has lapsed or been suspended, to be treated as existing vehicles and to comply, by a date set by Committee, rather than at the next grant application.

Option 3 required all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 and 22 by 2030 and exempt all existing licensed vehicles from the provisions as proposed by the Trade represented at the Licensing Liaison Panel on 23 June when consultation on the phased implementation of the vehicle Conditions 21 and 22 took place.

The number of vehicles currently licensed by Chorley Council that predate this are 24 and the 36 Hackney Carriage Vehicles and approximately 100 of the 140 Private Hire Vehicles. These vehicles and possibly some that postdate 2009 but still do not meet the emission standards, will be affected by the introduction of this condition. This equates to approximately 70% of the fleet, which are likely to be affected by the conditions due to the age of the vehicle (currently registered prior to September 2009 and 7 years old or more). It was indicated that Chorley Council no longer imposes an age restriction on vehicles licenced as Hackney Carriages or Private Hire Vehicles.

In relation to this, Members discussed a reasonable lifespan for the vehicles and took further consideration into the cost implications for both the Council and the Trade, affordability and phasing, and the discrepancies caused by the varying business models within the Trade.

The cost implications for the Council are limited in comparison the cost implications which may be faced by the Trade in order to invest new vehicles to meet requirements, and would therefore have a high impact on the entire fleet. Therefore, Members were minded to ensure that discretion and flexibility was present within policy so as to ensure that premium vehicles are deemed acceptable regardless of age limit if they continue to meet the requirements. Essentially, it was understood that setting an age limit was not a priority for Chorley Council as improving the quality of the fleet to fundamentally ensure public safety took precedence.

After considering this, Members were minded to propose Option 2 with an interim vehicle lifespan of eight years to avoid implementing undue financial burden on the Trade and to avoid the risk of damaging the Chorley Private Hire business. It was requested that Member's be provided with further information and statistics indicating how many vehicles in the Borough are more than 15/20 years old in order to come to a more accurate agreement on timeframes. It was **AGREED** that this proposal would be taken back to the Trade to be consulted thoroughly at the Licensing Liaison Panel in October 2016.

Charles Oakes of the Hackney Drivers Association Limited addressed the Committee in support of the proposal to move the decision to be sent back for discussion with the Trade. He expressed the view that it would have a serious impact on the Trade and their vehicles and advised that consultation including facts and figures was essential.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France and subsequently **RESOLVED** that the proposal of Option 2 with an interim vehicle lifespan of eight years would be taken back to the Trade for consultation at the Licensing Liaison Panel in October 2016. Furthermore, it was also **RESOLVED** that Members would be provided with information and figures on how many vehicles are more than 15-20 years old in the Borough to allow Members to come to a more accurate agreement with the Trade.

## **16.LPS.36 Safeguarding and Child Sexual Exploitation (CSE) Awareness Training for the Licensing Trade**

The Director of Early Intervention and Support submitted a report noting the arrangements made for the safeguarding and Child Sexual Exploitation (CSE) awareness training of the licensing trade.

At Committee in February, Members **AGREED** that Safeguarding and Child Sexual Exploitation (CSE) awareness training for the licensed trades was a top priority for Chorley Council and such training should be made mandatory for the taxi trade and voluntary for other licence holders.

Subsequent research concluded that many other Lancashire Authorities are commissioning Lancashire Constabulary or an approved consultant (former Lancashire Police CSE investigator Tony Baxter) to provide the training and Chorley want to ensure consistency across the locality, as many drivers work across a number of boroughs. Members recalled the CSE training they received from Tony Baxter in February to be highly informative and recommended him to be a suitable alternative.

Assurances were made that the Police training package was free to Chorley Council and the Consultant Services are low cost, at £250 per day for delivery of up to 5 sessions per day. It was **AGREED** that the Council would meet any costs of training for existing drivers from the public purse as it would be inappropriate to impose additional costs on those already licensed by the authority.

Based on fleet figures within the Borough it was estimated that about 400-450 Hackney Carriage and Private Hire Driver licence holders and operators would require the mandatory training. It was proposed to limit attendance to 50 per session and therefore undertake approximately 8-10 training sessions over the course of two days over the next 2 months, depending upon trainer availability. Licence holders would be informed of the available training dates and times and asked to reply on a first come first served basis.

Members also encouraged that training be available for other licence holders such as premises licence holders and personal licence holders on a voluntary basis. However, numbers may have to be restricted for some seminars in order to ensure that all mandatory training requirements are met first.

It was proposed by Councillor John Walker, seconded by Councillor Gordon France and subsequently **RESOLVED that;**

- a) All current holders of Hackney Carriage and Private Hire Drivers Licences and Private Hire Operators Licences must complete mandatory Safeguarding and CSE awareness training.**
- b) The mandatory training would take the form of a seminar, facilitated by Chorley Council, where the police, or an approved consultant, will provide the training to ensure a consistent level of training in line with that provided across the Lancashire Authorities.**
- c) Those invited for mandatory training must register on one of the training events from the selection of training dates and times provided. They must sign in at the event using their licence as identification.**

- d) A training certificate will be presented to each delegate which must be retained as proof of attendance and completion of the training.**
- e) Training will also be available for other licence holders, such as premises licence holders and personal licence holders, on a voluntary basis.**

In addition, it was **AGREED** that the Lancashire County Council on-line training programme, which is currently a free to use service, was appropriate for the Trade to undertake as part of the renewal process. Driver licences currently last for three years and Private Hire Operator's licences for five years and so Members considered what would be an appropriate timescale for update training in line with this. Members also felt that drivers and operators should be provided with the facility of face-to-face update training at the Council offices if preferred.

It was proposed by Councillor Gordon France, seconded by Councillor Margaret France and subsequently **RESOLVED** that

- a) The granting of any new Hackney Carriage and Private Hire Drivers Licence and Private Hire Operators Licence will include an application pre-requisite to complete the Lancashire County Council on-line training programme.**
- b) That on-line update training is required as part of the renewal processes for each driver and operator.**
- c) The current policies will be updated to reflect the requirement for training for both renewal and grant.**
- d) Where existing licence holders fail to attend the training they will be unable to renew their licence.**

**The mandatory annual update training would be completed on an online or face-to-face basis.**

**Where an existing driver or operator has attended training but their renewal is due within the next 12 months, additional training at renewal of that licence is not required. However, where an existing driver is not due for renewal in the next 12 months must complete the additional training.**

Chair

Date