

## **CHILTERN DISTRICT COUNCIL**

### **MINUTES** of the Meeting of the **LICENSING COMMITTEE** held on **4 APRIL 2019**

**PRESENT:** Councillor J Rush - Chairman  
C Jackson - Vice Chairman

Councillors: G Harris  
M Harrold  
M Harker  
P Jones  
N Varley  
H Wallace  
J Waters  
F Wilson

**APOLOGIES FOR ABSENCE** were received from Councillors C Jones, R J Jones and C Rouse

#### **4 MINUTES**

The minutes of the Licensing Committee held on 10 July 2018 were approved and signed by the Chairman as a correct record.

#### **5 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **6 TAXI LICENSING UPDATE AND CONSULTATION ON STATUTORY GUIDANCE**

Members were informed of a consultation exercise undertaken by the Department for Transport regarding Hackney Carriage and Private Hire statutory guidance. Members were asked to approve the proposed Chiltern District Council (CDC) response to the consultation which was at Appendix 4 to the report.

A report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing was at Appendix 1. Members were advised that the Task and Finish Group was formed in September 2017 and that the membership of the Group comprised of MPs, local authority representatives and industry experts. It was noted that the Group's Chairman was not involved in the Taxi and Private Hire industry in order to bring an impartial view to matters. The government's response to the Group's report was at Appendix 2.

The Committee were informed that the government first issued best practice guidance on the regulation of taxi and private hire vehicles (PHV) in 2006, which was then amended in 2010. The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue further guidance on protecting users. The guidance had been put in place to create a national minimum standard for local authorities. In February 2019, the government launched a consultation on the statutory guidance for Licensing Authorities on protecting users of taxi and PHVs, attached at Appendix 3.

Largely the Committee supported the officer's proposed responses to the consultation document, with many of the proposed draft statutory guidance recommendations already being in line with the CDC policy. However, the Committee commented on and proposed amendments to the following responses:

#### Response 4

The response to this question should be "yes" rather than "no comment". Members felt that it should be explicitly stated that the existing CDC structure including the use of Licensing Sub-Committees is best practice.

#### Response 11

That this response be amended from "yes" to "no". Current CDC policy required a Certificate of Good Character when an individual had spent a period of more than 3 continuous months outside the UK within the last 3 years. It was felt that the draft statutory guidance recommendation was impracticable for some applicants, and that the recommendation as it stood would disadvantage applicants who could not provide the Certificate.

*Note 1: M Harrold entered the meeting at 18.48.*

#### Response 16

Members agreed that guidance for passengers on making complaints directly to the licensing authority should be displayed in licensed vehicles, however this should be in a more accessible form for instance, a sticker. Members opposed a requirement for the full guidance document to be on display in licensed vehicles. Suitable wording to be added to the comments already made regarding the use of stickers.

#### Response 18

It was noted that in general there had been no feedback with regards to drivers' communication in the English language.

#### Response 26

Members discussed at length the recommendation asking licensing authorities to consider mandating CCTV provision in taxis and PHVs. It was noted that

current CDC policy meant that a driver had to apply to the Council to install CCTV in their vehicle, and that this would need to be approved by the Council. The Committee were advised that the policy could be amended at any time with the Committee's approval. Members agreed that mandating CCTV provision could be considered.

#### Response 27

The Committee were advised that the CDC policy contained guidance as to how the Council would compliance check these vehicles. Further, that the Individual Vehicle Approval Certificate is a new certificate and not referred to in legislation. Members agreed with the officer's proposed response to the question, and the need for more information on the matter before an opinion could be given. Reference to be added to the comments about the legal status of the certificates.

#### Response 28

It was noted that the guidance did not include information in the case of multiple convictions or non-conviction information. A Member raised a concern about the possibility of the guidance becoming too comprehensive that flexibility is removed from licensing authorities in the determining of cases. It was noted in response that including this information within the guidance would help to clarify national guidance on convictions and standardise practice in licensing authorities across the country. In addition, having the information could support Member decision-making when determining cases. Members agreed to submit the officer's proposed response.

#### **RESOLVED:**

- 1. that the content of the Department for Transport consultation relating to taxi and private hire licensing be noted; and**
- 2. that subject to changes made by the Licensing Committee, the officer's provisional response attached at Appendix 4 be deemed final, approved and submitted to the Department of Transport.**

**The meeting ended at 7.26 pm**