

LICENSING COMMITTEE

Meeting - 21 March 2019

Present: T Egleton (Chairman)
J Jordan, G Sandy, R Sangster and D Smith

Apologies for absence: M Lewis, P Hogan and D Pepler

25. MINUTES

The minutes of the Licensing Committee held on 26 September 2018 were approved and signed by the Chairman as a correct record.

26. TAXI LICENSING UPDATE AND CONSULTATION ON STATUTORY GUIDANCE

Consideration was given to a report which informed Members of a consultation exercise undertaken by the Department of Transport, regarding Hackney Carriage and Private Hire statutory guidance and which requested approval to the proposed South Bucks District Council response to the consultation.

The Council's Licensing Manager informed Members that a Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing was established in September 2017. The group's remit was to consider evidence relating to the adequacy of current Taxi and Private Hire vehicle (PHV) licensing authority powers, as set out in legislation and guidance, and to make recommendations for actions to address any priority issues identified.

In September 2018, the TFG published their findings in a report titled 'Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system'. The report contained 34 recommendations, some of which were suggested to be already possible and should be implemented immediately, whilst others required further legislation.

The Sub-Committee was informed that one of the recommendations was for the Department of Transport to undertake the consultation with local licensing authorities.

The Sub-Committee was also provided with the Government's response to the report of the TFG.

Members were provided with officer's draft responses to the consultation. The following amendments, additions and comments were made to the officer responses in the consultation:

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- In relation to question 3 – “The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate” – It was agreed that a comment should be added to request what was meant by “natural justice?”
- In relation to question 4 – “The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?” – It was noted that there was a typo in the suggested comment and that this should be amended accordingly to read “Whilst this appears...”
- In relation to question 9 – “The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence” – It was agreed that a comment should be added that this should be mandatory.
- In relation to question 12 – “The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have a licence revoked or suspended by any other licensing authority. Members agreed that a single data base of all licensees / applicants should be available to all licensing authorities. Reference was made to Uber drivers and Members were informed that Uber drivers had to hold private hire licences.
- In relation to question 18 - “The draft statutory guidance recommends that licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers”. It was agreed that a comment should be added that clarification should be sought on how this was to be administered to ensure the identification of the applicant was verified.
- In relation to question 21– The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles”. It was agreed that a comment should be added relating to those persons who had access to booking records that consideration should be given to these also being included in a register.
- In relation to question 22– “The draft statutory guidance recommends that PHV operators should be required to evidence that they had sight of a basic DBS check on all individuals listed on the above register”. It was agreed that a comment should be added regarding keeping a record of those persons who had access to the basic DBS checks.
- In relation to question 26 – “The draft statutory guidance recommends that licensing authorities should carefully consider potential public

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safety benefits and potential privacy issues when considering a policy mandating that taxis and PHVs have CCTV installed". It was agreed that a comment should be added which sought clarification on the logistics of how this would operate.

- In relation to question 29 – "Annex A of the draft statutory guidance provides a list of offences to aid consistency in the "fit and proper" assessment for licences. Do you think that the list provides enough detail to do this?" It was agreed that clarification should be sought on whether this list should include those matters which have not resulted in a criminal conviction, such as police cautions, acquittals, convictions which had been quashed, where a decision had been made not to prosecute or an investigation which was continuing where the individual had been bailed.

Reference was made to work of the Thames Valley Police and Crime Panel who had recommended that the Police and Crime Commissioner fund a dedicated Police Taxi Licensing Officer to ensure prompt information sharing about incidents, drivers, arrests, charges, convictions about taxi drivers within the Thames Valley. The recruitment process for this single point of contact was still ongoing.

During discussion, the Council's Licensing Manager informed Members that the Council's Taxi Licensing Policy would be reviewed at the next meeting of the Committee, when some of the areas discussed during the meeting could be covered. These included details on the level of driving skills required by taxi drivers to obtain and retain a licence; details on the method of testing and the levels of testing required, details on the English communication standards which were required to be met and the options for CCTV for taxi vehicles and at the operator premises.

RESOLVED: (1) That the content of the Department of Transport consultation relating to taxi and private hire licensing be noted.

(2) That approval be given to the officer's proposed responses, with the amendments agreed at the meeting, and that these be confirmed as the final responses and accordingly be submitted to the Department of Transport.

The meeting terminated at 7.00 pm