

Minutes

Licensing Committee

10th February 2021



Present:

Councillors	Present	Councillors	Present
J Baugh (Chairman)	Yes	S Rehman	Yes
Mrs J Beavis	Yes	B Rose (Vice-Chairman)	Yes
P Euesden	Yes	P Schwier	Yes
A Hensman	Yes	R van Dulken	Yes
S Hicks	Yes	Mrs L Walters	Apologies
H Johnson	Yes	Mrs S Wilson	Yes
Mrs J Pell	Yes	B Wright	Yes (until 1.08pm)

34 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

35 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 9th September 2020 be approved as a correct record.

36 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

37 **STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS – STATUTORY GUIDANCE**

INFORMATION: Consideration was given to a report on Statutory Guidance issued by the Department for Transport ('DfT') regarding the licensing of taxi and private hire vehicles, drivers and operators. The 'Statutory Taxi and Private Hire Vehicle Standards' had been published on 21st July 2020. The report set out how the Council, as the Licensing Authority, should comply with these standards.

The 'DfT' had acknowledged that common core minimum standards were required to better regulate the taxi and private hire vehicle sector. Furthermore, the recommendations contained in the Guidance were the result of detailed

discussion with the 'taxi' trade, regulators and safety campaign groups. The 'DfT' expected Licensing Authorities to implement the recommendations in the Guidance unless there was a compelling local reason not to do so.

In response to the Statutory Guidance the Council was reviewing its 'taxi' licensing policies and standards so that, as a minimum, they would meet the standards recommended, but also be appropriate for the Braintree District. In particular, it was proposed that the Council should publish a 'taxi licensing policy' as a single point of reference, which would include all information relevant to private hire and taxi licensing.

The differences between the recommendations contained in the Guidance and the Council's current policies and procedures were set out in Appendix 1 to the Agenda report. The recommendations were as follows:-

1. Licensing Authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues or changes that arise.
2. Any changes in licensing requirements should be followed by a review of the licences already issued.
3. Licence holders be required to notify the issuing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
4. Applicants and licensees should be required to disclose if they hold or have previously held a licence with another Authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other Licensing Authority. Tools such as the National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations ('NR3') should be used by Licensing Authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.
5. All Licensing Authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Ways to make a complaint to the Authority should be displayed in all licensed vehicles.
6. Licensing Authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee and when considering this they should ask the question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

7. All licensed drivers should also be required to evidence continuous registration with the Disclosure and Barring Service ('DBS') update service to enable the Licensing Authority to routinely check for new information every six months.
8. All Licensing Authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.
9. A Licensing Authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.
10. Licensing Authorities should require vehicle proprietors to produce a basic disclosure from the Disclosure and Barring Service ('DBS') and that a check is undertaken annually.
11. All Licensing Authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.
12. Licensing Authorities should request a basic disclosure from the Disclosure and Barring Service ('DBS') for private hire operators and that a check is undertaken annually.
13. Licensing Authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.
14. Operators should be required to evidence that they have had sight of a Basic Disclosure and Barring Service ('DBS') check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.
15. Licensing Authorities should as a minimum require private hire vehicle operators to record the following information for each booking:
 - the name of the passenger;
 - the time of the request;
 - the pick-up point;
 - the destination;
 - the name of the driver;
 - the driver's licence number;
 - the vehicle registration number of the vehicle;

- the name of any individual that responded to the booking request;
 - the name of any individual that dispatched the vehicle.
16. Registration by a private hire vehicle operator with the Information Commissioner's Office as a data controller.
 17. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.
 18. Licensing Authorities should, where the need arises, jointly authorise officers from other Authorities so that compliance and enforcement action can be taken against licensees from outside their area.

The 'DfT' had advised Licensing Authorities to carry out public consultation on any proposed changes to their licensing rules that might have a significant impact on passengers and/or the 'taxi' trade. It was proposed therefore that the Council should conduct a public consultation exercise to seek the views of the 'taxi' trade, the public and a wide range of partner agencies and stakeholders on the adoption of the new Standards. The consultation would take place over a period of six weeks ending on 31st March 2021. A copy of the proposed consultation document was attached at Appendix 2 to the Agenda report. The responses submitted would be presented to a future meeting of the Licensing Committee for consideration.

There was lengthy discussion and questions by Members of the Committee on the Statutory Guidance and on the proposed work plan.

DECISION:

- (1) That the proposed work plan for achieving compliance with the requirements of the Statutory Guidance 'Statutory Taxi and Private Hire Vehicle Standards' be approved.
- (2) That the views of the taxi and private hire vehicle trade, members of the public, partner agencies and stakeholders be sought, via consultation, on the adoption of the new standards.

38 LICENSING COMMITTEE UPDATE

INFORMATION: Members of the Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee since 9th September 2020 and on current licensing matters.

DECISION: That the Licensing Committee update be noted.

The meeting commenced at 12.00 noon and closed at 1.31pm.

Councillor J Baugh
(Chairman)