LICENSING APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Thursday 19 October 2017 at 1:30pm

Committee Members Present: Councillors: D Goldson (Chairman), W Kemp, J Amis, M Dewsbury, P Hardy, J Hornby, C Kemp, J Savage, J Wilby and K Worsley

Other Members in Attendance: Councillor: V Thomson

Apologies: Councillors: V Bell, C Gould, T Palmer and A Pond

Officers in Attendance: The Director of Growth and Business Development (D Lorimer) and the Licensing and Enforcement Officer (R Setford)

640 MINUTES

The minutes of the meetings held on 22 February 2017 and 16 June 2017 were confirmed as a correct record and signed by the Chairman.
PRIVATE HIRE AND HACKNEY CARRIAGE POLICY AND CONDITIONS 2017

The Licensing and Enforcement Officer introduced the report, advising members that the existing Private Hire and Hackney Carriage Policy had last been reviewed in 2007 with minor amendments being made in 2010. As there had since been many changes in national guidance and improvements in vehicle safety and environmental standards, it had been necessary to update the Policy to ensure it was in line with other authorities and to include guidance on best practice for taxi drivers.

The Committee discussed the requirement and procedure for vehicles of over seven years of age to undergo regular mechanical testing, as detailed in the draft Policy, and it was clarified that the Council held a list of approved garages and mechanics which was updated regularly.

In response to members’ questions regarding the Council’s procedure when checking for criminal convictions both before issuing a licence and for existing drivers who might receive cautions or convictions whilst they were licensed, the Committee was reassured that Disclosure and Baring Service (DBS) checks were carried out before a license was issued and repeated every three years. Officers further advised that, in addition to the various system checks in place, they also maintained a good working relationship with the police and were often informed of any relevant issues. Members noted that the Rehabilitation of Offenders Act 1974 had been amended in 2003 to state that, in the case of taxi and private hire vehicle drivers, convictions could never become ‘spent’ so these could always be considered when assessing whether an applicant was fit and proper to hold a licence.

The Committee considered the specific types of offences, as detailed in Appendix C of the Policy, and it was recommended that the wording under the heading ‘violence’ should be reviewed as to not exclude certain convictions from the list. It was suggested that the wording be amended to, “…a firm line shall be taken with applicants who have convictions such as…….”. It was also suggested that a reference to modern slavery be included.

Members discussed the term ‘limousine’ and it was agreed that, for further clarity, any reference to ‘limousine’ would be amended to ‘stretched limousine’. It was further suggested and agreed that paragraph 2.44 of the Private Hire and Hackney Carriage Conditions, “Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children” was unnecessary and should be removed. It was also agreed that the re-wording of paragraph 3.52 regarding stretched limousines should be considered.

It was agreed that the wording around ‘Advertising on outside of vehicle’, Section 3.41(d) of the Private Hire and Hackney Carriage Policy should be slightly amended to end, “…smoking materials or anything of a political nature.”
In response to a member’s query, officers agreed to give further consideration to the wording of Section 2.1.1 of the Private Hire and Hackney Carriage Policy regarding driving licenses from EEA and EU states.

The Committee considered the level of public liability insurance required by operators and questioned whether the minimum sum of £5,000,000, as detailed in Section 4 of the Policy, was sufficient for vehicles which carried multiple passengers. Officers advised that the level of cover was not dependant on the number of passengers and it was noted that the liability for a taxi carrying just one passenger could collide with another vehicle carrying a large number of passengers, and so required the same level of cover. Following a member’s suggestion, officers agreed to further explore the issue by communicating with insurers and checking industry standards to ascertain whether the suggested levels were sufficient.

Members discussed the effect of changes to the taxi industry, particularly noting the recent introduction of Uber taxis, and recommended that the Council’s Private Hire and Hackney Carriage Policy be reviewed regularly, suggesting that this was carried out every five years to ensure the Policy was kept up to date.

Turning to the Safeguarding Code of Conduct, members agreed that it was impossible to write a Policy to include every possibility and that it was difficult to include very sensitive issues within the document. It was suggested and agreed that Cllr Thomson would share the draft Code with the Children’s Services Committee and request feedback from Social Services regarding their views. The Committee discussed whether CCTV would be a viable consideration for safeguarding where drivers regularly transported children to and from schools. Whilst officers agreed to investigate this option further, it was felt that there would probably be wider data protection implications.

The Committee briefly considered the South Norfolk Council Hackney Carriage Byelaws and it was suggested that these might be re-written to increase the penalties contained within. Officers advised that any changes to the Byelaws would require approval from the Secretary of State and it was suggested by a member that officers might approach the Local Government Association (LGA) in the future.

Members noted the timeframe required for the eight-week consultation and the subsequent proposed implementation of the Policy and agreed that the suggestions from the Committee be explored further, and that the final wording in the draft Policy be delegated to officers in consultation with the Chairman and Vice Chairman of the Licensing, Appeals and Complaints Committee.
After further discussion, it was RESOLVED:

1. that the content within the draft Policy and Conditions be delegated to the Director of Growth and Business Development, in consultation with the Chairman and Vice Chairman of the Licensing, Appeals and Complaints Committee;

2. that there be a consultation period of eight weeks;

and

3. that Sections 165 and 167 of the Equalities Act be implemented.

(The meeting closed at 2.50 pm)

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Chairman