

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

13TH OCTOBER 2016

PRESENT:- Councillors Colin Hartley (Chairman), Margaret Pattison (Vice-Chairman), Alan Biddulph, Charlie Edwards, Mel Guilding, Tim Hamilton-Cox, Joan Jackson (substitute for Susie Charles), Terrie Metcalfe and Robert Redfern

Apologies for Absence:

Councillor Susie Charles

Officers in Attendance:

Mark Davies	Chief Officer (Environment)
Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
Joanne Greenall	Assistant Licensing Officer
Jane Glenton	Democratic Support Officer

29 MINUTES

The Minutes of the meeting held on 1st September 2016 were signed by the Chairman as a correct record.

30 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

31 DECLARATIONS OF INTEREST

There were no declarations of interest.

32 THE INTRODUCTION OF ONLINE DBS CHECKS

The Committee received the report of the Licensing Manager to inform Members of the recent problems in relation to the return of Disclosure and Barring Service (DBS) checks and to ask Members to consider proposed improvements.

It was reported that changes had recently been made to the DBS, which had impacted negatively on the delivery of the service. The change was to the issue of the client's completed DBS check, which had been issued to both the applicant and the licensing authority at the same time.

Since the change, only the applicant received a copy, which meant that licensing officers were reliant on the applicant delivering a copy of the DBS to them. This could sometimes cause delays in issuing licences and extra administrative work for officers, who had to chase up copies of the DBS check.

It was reported that the checks took between 4 and 8 weeks. However, in exceptional circumstances, they could take a lot longer, and this meant that the driver could have a period when he/she could not work. Officers had therefore undertaken work to establish how best to avoid this situation.

The Licensing Manager had been approached by some umbrella companies who could carry out the DBS checks on behalf of the licensing authority and provide a one stop shop for enhanced disclosures, which were processed through a portal. The cost for the DBS check would be £54 for 3 years, compared to the current £44 for 3 years. The umbrella companies could not give guarantees in relation to the timescale for the return of the checks if they got stuck at the police stage, and would not be able to escalate the application until 60 days had passed.

Another option was for drivers to update their DBS check online, which had to be done within 19 days of receiving the initial DBS check. The cost of updating online was currently £13 per year, which equated to a saving of £5 over the 3 year period. The information would be available immediately, except where the information indicated that there had been a change since the last certificate.

This would eliminate the issue of checks not being received on time and provide drivers with the assurance that they would always have a valid DBS check, unless their circumstances changed. The information would have to be accessed and checked by a licensing officer via a unique pin code, which the driver would need to provide.

Members considered the three options set out in the report.

Option 1

Approve the change in relation to the administration procedures to allow the checks to be done by an umbrella company. This would speed up most applications but would not completely alleviate the problem where an application was stuck at the police stage.

Option 2

To continue as at present, but publicise, encourage and assist drivers to register online. Ideally to the point where this became the default DBS system where necessary, all drivers would subscribe to the DBS online update check, which would mean that new certificates would only be required when the check indicated that there had been a change since the last check. This would ensure that checks could be done with immediate effect.

Option 3

Make no changes to the current procedures. However, this option would not improve the problems that had been occurring in recent months.

The Officer preferred option was Option 2.

It was proposed by Councillor Redfern and seconded by Councillor Edwards:

“That Option 2, as set out in the report, be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That the delivery of the DBS service continue as at present, but that registering online be publicised and drivers encouraged and assisted to register online. Ideally to the point where this becomes the default DBS system where necessary, all drivers subscribe to the DBS online update check. This would mean that new certificates would only be required when the check indicated that there had been a change since the last check, and would ensure that checks could be done with immediate effect.

33 TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Committee received the report of the Licensing Manager to inform Members of the Driver and Vehicle Standards Agency decision to discontinue the delivery of the Driving Standards Agency Private Hire and Hackney Carriage assessment and, in particular, the enhanced wheelchair part of the test.

It was reported that in February 2014, Members had approved the introduction of the Driver and Vehicle Standards Agency test for hackney carriage and private hire drivers in February 2014 to ensure consistent standards of drivers licensed by the Council.

It was reported that a condition had been introduced from 1st March 2014 that all new drivers should pass the basic DVSA, and anyone driving a mandatory wheelchair accessible vehicle should also pass the enhanced wheelchair part of the test.

In August 2016, the DVSA had notified local authorities that they could no longer facilitate the tests after December 2016, and had stopped taking bookings for the test with immediate effect. This had caused problems to local authorities who had adopted the test as a basic standard before issuing a licence.

It was reported that Licensing Services would ask new applicants to book their standard driving assessment with the Blue Lamp Trust, who had worked closely with the DVSA, in order to ensure continuity. Other options would be offered should the Licensing Manager consider them to be on a parallel with the DVSA test.

Officers had currently been unable to identify a suitable alternative for the enhanced or upgrade assessment.

Members considered the two options set out in the report.

Option 1

Introduce the alternative test, as approved by the Licensing Manager, which offers the same standards as the standard DVSA test. This would have the potential to maintain standards and public safety. Until a suitable alternative can be found, require any driver of any wheelchair accessible vehicle to have undergone training and instruction by the owner of the vehicle or another competent person, and require a log of the training to be kept.

Option 2:

To recommend something different that would still ensure the safety of the public.

The Officer preferred option was Option 1.

It was proposed by Councillor Metcalfe and seconded by Councillor Redfern:

“That Option 1, as set out in the report, be approved, but that any suitable alternative for wheelchair training that is found be undertaken by the new drivers within three months of its approval, even if they have had training by the vehicle owner or another competent person.”

It was then proposed by Councillor Jackson and seconded by Councillor Edwards, by way of amendment:

“That Option 1, as set out in the report, be approved, but that any suitable alternative for wheelchair training that is found be undertaken by the new drivers within six months of its approval, even if they have had training by the vehicle owner or another competent person.”

Members voted upon the amendment, with 5 Members voting in favour of the amendment and 4 against, whereupon the Chairman declared the amendment to be carried.

Members then voted upon the substantive motion, with 5 Members voting in favour of the motion and 4 against, whereupon the Chairman declared the substantive motion to be carried.

Resolved:

That an alternative test, as approved by the Licensing Manager, be introduced, which offers the same standards as the standard DVSA test and has the potential to maintain standards and public safety. Until a suitable alternative can be found, any driver of any mandatory wheelchair accessible vehicle be required to undergo training and instruction by the owner of the vehicle or another competent person and that a log of the training be kept. Once a suitable alternative is found for the wheelchair training, these drivers will be required to undertake the training within six months of its approval.

34 EXEMPT ITEMS

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting in connection with consideration of appendix 5 of the report of the Licensing Manager – *Assurance in Relation to Current Licensing Processes* (Minute No. 35), which contained exempt information, as defined in paragraph 3 of Schedule 12A of that Act, and for the report of the Chief Executive – *Notification of Decision taken under the Urgent Business Procedure – Existing Hackney Carriage and Private Hire Driver’s Licence – Julie Dawn Parrington* (Minute No. 36) on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.

35 ASSURANCE IN RELATION TO CURRENT LICENSING PROCESSES

The Committee received the report of the Licensing Manager, which had been prepared as a means of providing assurance to members of the Licensing Regulatory Committee in relation to the current processes in place in the licensing service and in order to seek to address any questions which may arise as a result of the recent publication of the South Ribble Report.

It was reported that public safety was paramount to the licensing regime. The rationale behind the hackney carriage and private hire licensing regime was to ensure that the service provided to members of the public was accessible and safe, and seen to be so.

With this object in mind, the Council had the following three policies in place, which aimed to provide guidance, consistency and transparency:

- *The Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing* (attached as appendix 1 to the report)
- *The Convictions Policy* (attached as appendix 2 to the report); and
- *The Enforcement Policy* (attached as appendix 3 to the report).

Members were advised that the report had been prepared to try to alleviate any anxieties Members may have following the publication of the South Ribble Report, which was attached as appendix 4 to the report. The Licensing Manager had highlighted several shortcomings in the South Ribble Report and had attached the comparative procedures set up in Lancaster. Details were set out in exempt appendix 5 to the report.

It was reported that the Licensing Manager had asked for an internal audit of the current procedures to be carried out to provide further assurances.

It was proposed by Councillor Hartley and seconded by Councillor Metcalfe:

“That consideration of the matter be deferred until the recommendations of the internal audit are available.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That consideration of the matter be deferred until the recommendations of the internal audit are available.

36

NOTIFICATION OF DECISION TAKEN UNDER THE URGENT BUSINESS PROCEDURE - EXISTING DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - JULIE DAWN PARRINGTON

The Committee received the report of the Chief Executive to inform Members of a decision taken by the Chief Executive, in consultation with the Chairman of Licensing Regulatory Committee.

Decision of the Committee

That the decision taken by the Chief Executive, in consultation with the Chairman of Licensing Regulatory Committee, in relation to the following matter, be noted:

That Ms. Parrington's dual hackney carriage and private hire dual driver's licence be revoked and that the revocation be with immediate effect in the interests of public safety.

Chairman

(The meeting ended at 2.32 p.m.)

**Any queries regarding these Minutes, please contact
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