

LICENSING COMMITTEE

1.30 P.M.

18TH MARCH 2021

PRESENT:- Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Roger Dennison, Merv Evans, Kevin Frea, Mike Greenall, Joan Jackson, Abi Mills and Jean Parr

Apologies for Absence

Councillor Mandy Bannon

Officers in attendance:

Jennifer Curtis	Licensing Manager
Daniel Spencer	Criminal Lawyer
Stephen Sylvester	Commercial Protection Manager (note 47 only)
Fiona Inston	Head of Public Protection
Liz Bateson	Principal Democratic Support Officer
Sarah Moorghen	Democratic Support Officer

40 MINUTES

The Minutes of the Licensing Committee meeting held on 7 January 2021 were agreed as a correct record. The Chair confirmed that the minute book would be signed when it became available.

41 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business authorised by the Chair.

42 DECLARATIONS OF INTEREST

There were no declarations of interest.

43 PROGRESS UPDATE RE IMPLEMENTATION OF DEPARTMENT FOR TRANSPORT STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Licensing Manager presented a report which provided the Committee with an update on progress regarding the implementation of standards outlined in the Department for Transport (DfT) "Statutory Taxi and Private Hire Vehicles Standards".

The Committee had previously considered two reports in relation to the DfT Standards. A report brought before the Committee on 27th August 2020 had introduced the standards and at the Committee meeting on 8th October 2020 a further report was considered which outlined the key standards and actions required in respect of each chapter of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards.

At the meeting on the 8th October 2020 the Committee had requested an updated progress report be brought back to the Committee in 4 months' time.

The report provided an update to the Committee in respect of the actions taken regarding progress in consideration of the DfT standards.

The Licensing Manager advised the Committee that the DfT required regular updates from Local Authorities regarding progress on implementation of the standards. In January 2021, an update report was provided to the DfT by the Licensing Manager on behalf of the City Council.

It was reported that an additional temporary part time staff resource had been used to develop a comprehensive first draft taxi policy which brought together licencing practice and procedures and where necessary further developed these to reflect the standards aspired to in the DfT Statutory Standards document. This was the subject of a separate report within the agenda of this meeting (note 44).

The Committee was advised that the DfT Statutory Standards were very clear that the primary and overriding objective of a local authority's taxi policy must be the protection of the public. The proposed draft taxi licensing policy had been developed in line with this but also sought to protect the safety of licensed drivers.

The Committee were advised on a number of key actions and updates to the since the 8th October 2020 which included;

- Info sharing protocols with Lancashire Police specific to Taxi/OPH licensing had been agreed and any officers involved in referrals would be briefed in the coming weeks.
- NR3 National Register of Refusals and Revocations had been approved by the portfolio holder and accounts had been activated for all licensing team members. Further development was required of application forms to ensure privacy notices etc updated.
- Complaints review had been undertaken.
- Safeguarding presentation delivered to new drivers had been updated to reflect the updates. Officers had worked with CSE Officer of Lancashire Police to update content and provide email for referrals and examples of local activity.

It was reported that the Council had considered the DfT Statutory standards in the continued development of its first comprehensive taxi licensing policy and the Licensing team was continuing to adapt operational working practices not only to reflect the requirements of the DfT, but the changes required because of the public safety issues arising from the pandemic. The pandemic continued to create a degree of uncertainty as to how quickly work could be undertaken and finalised in respect of the changes required. The proposal to provide 4 monthly updates to Committee ensured that Councillors would be kept informed of progress and similarly the DfT could also see the progress that was being made.

Committee members asked questions regarding the requirement for licensees to self-report conduct matters within 48 hours and whether extended bank holidays would impact on their ability to fulfil this. The Committee were advised that licence holders would be made aware of the new requirements though the consultation process and reporting via email meant matters could be reported at any time.

Councillor Jackson proposed, seconded by Councillor Guilding:

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

There being no dissent to the recommendations, the Chair declared the proposals to be carried.

Resolved unanimously;

- (1) That the Committee considered and noted the report and action plan update attached at Appendix A of the agenda.
- (2) That updated reports of progress continue to be presented to the Committee at 4 monthly intervals.
- (3) That officers be advised of any additional actions required by the Committee in terms of compliance with the DfT Statutory Taxi and Private Hire Vehicle Standards.

44 LANCASTER DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Licensing Manager introduced a report on the Draft Hackney Carriage and Private Hire Licensing Policy and sought the Committees approval to commence to a formal consultation on the proposed policy.

A copy of the policy was attached at Appendix 1 of the report for the Committees consideration and Councillors were advised that the current draft would require further proofreading formatting and spell-checking as well as cross checking before the policy documents were finalised.

It was reported that this was the first time that the Council had attempted to provide a single document containing all the policies and procedures relevant to hackney carriage and private hire licensing. The need to update some of the Councils existing licensing standards was identified in the 2020 licensing workplan which was approved by Licensing Committee in November 2019. The delivery of the workplan items had been hampered by the pandemic.

The Committee were advised that in July 2020 the Department for Transport had published “Statutory Taxi and Private Hire Vehicle Standards” which were statutory standards to which local authorities must have regard.

The Committee were advised that the draft policy was a mixture of existing policies and procedures and new requirements which were motivated by the need to ensure that the primary and overriding objective of the Councils licensing policies in protecting the public was met.

The Licensing Manager advised that the publication of the DfT statutory standards in July 2020 had been one of the key drivers in the production of the draft policy. It was noted that the DfT document and the Councils draft policy did not use the term “taxi”. The reason for this was that the term hackney carriage was used throughout legislation including hackney carriage byelaws, and therefore for consistency this was the term that was used throughout the draft policy. The term “taxi” was a term used by the public and

was internationally recognised, but not one that was used to any major significance in national licensing law.

The policy has been drafted in such a way that if the standards need to change, for example due to a change in legislation this can be easily accommodated by updating relevant appendices rather than reviewing the whole policy.

Prior to presentation of the draft policy to the Committee the Taxi Working Group had met, and trade representatives had been invited to make suggestions as to what they considered should be included within the draft policy. In addition to this a short survey was conducted with Lancaster City Council staff and the wider public on the Councils social media platforms.

The Committee were advised that the DfT Statutory Standards made it clear that public safety must be the primary and overriding objective of hackney carriage and private hire licensing. The draft policy strengthened existing measures in respect of safeguarding, and new proposals required private hire operators to develop and implement safeguarding policies. The policy was also clear about everyone's responsibility to report safeguarding concerns and the development of a public information charter sought to provide advice to passengers about how to stay safe when using licensed vehicles.

Licence conditions attached to the grant of private hire operator, private hire vehicle, private hire driver and hackney carriage vehicle licences had been reviewed and updated to reflect changing technology. The proposed licence conditions had also been strengthened in terms of public safety.

The Licensing Manager advised that there were no hackney carriage driver licence conditions. This was because there was no provision in legislation for such licence conditions. There was however a requirement for both private hire and hackney carriage drivers to remain "fit and proper" to hold their licences. The hackney carriage driver code of conduct had been updated to provide drivers with information as to the standards they would be expected to follow in order to maintain the "fit and proper" standard. The hackney carriage byelaws were also appended to the draft policy, these remained as approved by the Secretary of State on 26 March 2014. Byelaws could not be amended without approval by the Secretary of State.

It was reported that the Councils Guidance on determining the suitability of applicants and licensees for hackney carriage and private hire licences, had been reformatted and slightly amended. The standards within that document remain largely unchanged.

The Committee were informed that The DfT Statutory standards recognised the merits of these standards (taken from the Institute of Licensing document "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades). There was one anomaly between the Institute of Licensing and DfT Statutory Standards and that related to private hire operators, with the suggestion that some convictions relevant to licensed drivers may not have the same degree of relevance to a private hire operator. The Councils proposed Guidelines on the relevance of convictions and other conduct acknowledged this and adopted the position advocated by the DfT statutory standards.

The draft policy contained vehicle specifications for both hackney carriage and private hire vehicles and it was important applicants for vehicle licences were fully aware of the

specification licensed vehicles had to meet prior to licensing. Information on vehicle specifications previously was weak and documented within vehicle licence conditions, however, licence conditions only become applicable once a licence has been granted. It was considered important that applicants for vehicle licences had access to the vehicle specification prior to the purchase/ licensing of a vehicle.

It was reported that the draft policy introduced new requirements for licensed vehicles in respect of less polluting vehicles. This measure was in support of the Councils declaration of a climate emergency and measures currently in planning to improve the environment around the city centre. Changes proposed in respect of vehicle exhaust emission levels were for 2025 and 2030, the first being the date when any vehicle first licensed must be Euro 6 compliant and 2030 being the date when any new vehicle first licensed had to be zero exhaust emission.

Members were also advised that the DfT statutory standards were explicit about the need to educate the public about staying safe and the risks associated with the unlicensed trade. The draft policy proposed an information leaflet to be made widely available regarding safe travel in the taxi trade and a public information charter to be displayed in all licensed vehicles. This would include information about passenger safety as required by the DfT but also information about the conduct expected of passengers. It also highlighted not only how a passenger could make a complaint (a requirement of the DfT standards) but also how they could forward compliments regarding their journeys.

Medical requirements for licensed drivers had been maintained in the draft policy as the DVLA group 2 medical standard. However, the draft policy was now completely aligned with the DVLA group 2 standard in terms of frequency of medicals as opposed to the medical standard to be achieved. In effect this means younger drivers would need less frequent medicals.

It was reported that Public Safety was strengthened and maintained by the requirement on all licensed drivers to notify the Council of changes in health, and the requirement to have additional medicals if considered necessary by the Council. The proposed frequency of medicals was now in line with the frequency applied by the DVLA to HGV and bus drivers.

The Committee were advised that DfT statutory standards were clear that Councils should consult regarding views as to whether the presence of CCTV in licensed vehicles would deter and prevent crime, reduce the fear of crime, assist the police in investigating incidents of crime and assist insurance companies in investigating motor vehicle accidents. The current draft policy contained no proposals for CCTV in licensed vehicles however it was recognised that this must be included as a key issue within the consultation exercise and proposal regarding any requirement on CCTV would be made following the close of consultation.

The Committee were advised on a number of specific amendments and feedback since the publication of the report which included;

- Repetitive content will endeavour to condense where appropriate.
- Page 34. Para 4.2.3. Fast track applications – wording to be amended to include other permissive reasons for applying via fast track, namely if taking a break/health reasons etc.

- Page 36. Para 4.5. Medical standards are we to accept private medicals going forward or is this an interim measure due to covid-19.
- Page 113 Point 18 & 119 Point 19 Amendment required to clarify aspirations of Council to vehicles being Euro 6 compliant by 2025.
- Page 113 & 119 Grandfather rights in respect of the aspirations of the Council to improve air quality and recognising the part licensed vehicles play in that, members are requested to consider whether grandfather rights for vehicles already licensed should be allowed. A suggestion may be that those vehicles that are licensed at those trigger dates are given rights to maintain that vehicle until a change of vehicle is required. It must then meet the specification set out on pages 113/119 regarding emission standards.
- Hackney Carriage Ranks – Widely accepted review required, identify persons responsible and action 20/21 workplan.
- Fare Methodology – Review Frequency, annual/every 2 years – currently annual, maintain?
- Signage Appendix N – Void, Officers working on bespoke roof-signs and mock-up door signs for PHOs, Using local businesses where possible.
- Page 53 5.22 Screens in Taxis – approved by LC (18th May) last year, Government released guidance 4th March 2021, Officers have compared to our current adopted stance, compliant with standards contained, but it does offer more detail.

It was reported that the draft policy had been compiled by experienced licensing officers having regard to a wide range of documents, existing licensing procedures and practice within the City Council. Very preliminary discussions had also taken place with trade representatives regarding their aspirations from such a policy and the draft policy would benefit from widespread consultation and scrutiny.

It was proposed that as many interested groups as possible would be contacted directly in writing to advise them of the draft policy and inviting them to comment and it was proposed that this would be done via an online questionnaire.

It was proposed that the consultation process be commenced on **Monday 29th March 2021**. This would allow sufficient time for officers to prepare any amendments to the draft policy, consultation letters and to place the questionnaire on the Council's website. It was proposed that the consultation should last 12 weeks, the last date for representation will be **Sunday 27th June 2021**.

Councillor Dennison proposed, seconded by Councillor:

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

There being no dissent to the recommendations, the Chair declared the proposals to be carried.

Resolved;

- (1) That the Committee consider the report and appendices and approve the draft policy (Appendix 1 of the report) and suggested consultation process with or without amendment.

- (2) That the Committee approve the consultation questionnaire (Appendix 3 of the report) to be used as the format for the online consultation.
- (3) That officers consider the consultation responses received and bring a further report back to committee providing information in respect of consultation responses received and any proposed amendments to the draft Policy arising from the consultation.

45 URGENT BUSINESS REPORT - DECISION TAKEN IN RESPECT OF A REVIEW OF A DUAL DRIVERS LICENCE

The Licensing Manager had submitted a report which advised the Committee of a decision that had been taken by the Director of Communities and Environment, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure. The report was exempt from publication by virtue of Paragraph 1, Schedule 12A of the Local Government Act, 1972 and related to a private hire driver's licence.

Resolved:

- (1) That the report be noted.

46 EXEMPT ITEM

The Chair advised Members that it had been recommended to exclude the press and public from the meeting for the following item of business on the grounds that they could involve the possible disclosure of exempt information.

It was moved by Councillor Guiding and seconded by Councillor Dennison:

"That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act."

No dissent was indicated to the proposal to exclude the press and public.

Resolved unanimously:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

The 'Live Teams' meeting concluded at this point and the Committee reconvened in a private Teams meeting to consider the exempt item.

47 REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE (PAGE 9)

The Committee received the report of the Licensing Manager for the purpose of determining a review of Hackney Carriage Driver Licence.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 47 in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

The decision of the Committee is set out in Exempt Minute No 47.

Chair

(The meeting ended at 4.40 pm)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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