



Licensing Committee

on Tuesday, 12 June 2018 at 6.30pm
in the Belle Vue Suite at the Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Myers) and Councillors Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan, Solloway, Thompson and Welch.

AGENDA

Exclusion of the Public - In accordance with the Council's Access to Information Procedure Rules, Members are recommended to exclude the public from the meeting during consideration of Item \$9 on the grounds that it is likely that if Members of the public were present there would be disclosure to them of exempt information as defined in Paragraph 3 (financial or business affairs of any particular person, including the Council) of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 17 May 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council's Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Safeguarding Update** – Julie Hague, Licensing Manager, Sheffield Safeguarding Children's Board, has been invited to attend the meeting and provide a presentation.

6. **National Licensing Matters – Legal Update** – Report by the Legal Services Manager (Attached)

Purpose of Report – To provide Members with a general update on national licensing matters.

7. **Sub-Committee Hearings – Update** – The Licensing Manager to provide a verbal update regarding recent cases considered and determined by the Licensing and Appeals Sub-Committee.

8. **Licensing Enforcement and Compliance Monitoring Activity** – The Licensing Manager to provide a verbal update regarding recent licensing enforcement and compliance monitoring activity.

Item Considered Exempt from Disclosure

- \$9. **Metro-Go – Presentation of a Business Case for Taxi Licensing**

Purpose of Report – Members are asked to consider a request for an exemption in relation to a Hackney Carriage condition.

10. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer:

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4 June 2018

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

LICENSING COMMITTEE

17th May 2018

Present – Councillors Myers (Chairman), Baxandall, Graham, Ireton, Madeley, Moorby and Solloway.

Officers – Solicitor to the Council (Monitoring Officer), Legal Services Manager, Licensing Manager, Licensing Assistant, Committee Officer and Committee Administrator.

Apologies for absence were received from Councillors Heseltine, Jaquin, Thompson and Welch.

Start: 6.30pm

Finish: 7:18pm

Councillor Madeley left the meeting at 6.50pm.

The minutes of the Committee's meeting held on 19th September 2017 were confirmed and signed by the Chairman.

Minutes for Report

LIC.200

REVIEW OF TAXI FARES

Further to minute No. LIC.198/17-18, the Licensing Manager submitted a report after legal advice had been sought about the proposal of including a discretionary booking fee in the fares tariff together with investigating whether there were any alternative ways of allowing hackney carriage proprietors to legally charge for journeys which commenced a considerable distance away from where the journey was booked.

Legislation allowed for an agreement to be made in advance of hiring a hackney carriage for a sum less than that shown at the end of the hiring to be paid but there was no provision to pay more than the fare shown on the meter, irrespective of what may have been agreed beforehand.

The legal advice given was that there would be no problem in incorporating a "distance to pick up" or "booking fee" and that a number of local authorities already had a booking fee within their fares tariff.

Resolved – (1) That, the Licensing Manager is authorised to undertake a consultation process in accordance with Section 65 of the Local Government (Miscellaneous Provisions) act 1976 on the proposed amendment to include a 'distance to pick up point charge' and 'soiling charge' to the fares tariff as set out in Appendix C to the report now submitted.

(2) That, subject to there being no objections to the amendments as set out in Appendix B to the report now submitted, the proposed fares to take effect from the day after the objections period ends.

Minutes for Decision

LIC.201

REVISION OF TAXI LICENSING POLICY

Further to Minute LIC.197/17-18, the Legal Services Manager submitted a report seeking approval for the adoption of the revised Hackney Carriage and Private Hire Licensing Policy as recommended by the Taxi Licensing Policy Working Group. The Working Group had held a series of meetings with licensing officers and representatives from the hackney carriage and private hire

taxi trades through which they considered the draft policy in detail with a view to ensuring that the policy provided appropriate safeguards for the travelling public, thereby instilling public confidence in the taxi trade. The aim had been to produce a workable policy which embodied best practice and prized the highest possible standards amongst hackney carriage drivers and private hire drivers and operators. In addition, the intention of the new policy was to guide decision making and provide clarity to the taxi trade and the general public as to the licensing requirements that the Council had to ensure public protection.

In respect of vehicles, the Working Group had recommended as follows:-

Tinted Windows - to maintain the current policy, but that the Licensing Committee be invited to further consider the policy in relation to Executive Vehicles (by way of conditions to be enforced on a private hire licence) by the end of 2018.

Tyre Tread Depth - adopting a requirement that the 2mm minimum tread depth be enforced at all times, as per the draft policy.

No part worn tyres be fitted (as per draft policy) together with the introduction of a requirement that no tyre be allowed that is more than 5 years old from the date of manufacture (which is evident from the date stamp on the tyre).

To permit the Licensing of so called category N vehicles that had been written off, provided the soundness of the vehicle could be ensured. This category of vehicles do not have any structural damage and could therefore be licensed safely.

To increase the age at which vehicles could be licensed for the first time from 5 years to 7 years. At present a vehicle which is 10 years old cannot have a vehicle licence renewed. The Working Group considered it prudent to extend this age to 12 years. The Working Group considered that these recommendations on vehicle age limits should be reviewed after 12 months.

That each vehicle must have a fire extinguisher fixed in an easily accessible place and that such a fire extinguisher must be of the foam type. Existing licensed vehicles with powder based extinguishers be allowed until the end of January 2019 to have a foam extinguisher installed.

That CCTV be made mandatory for all vehicles licensed by the Council from April 2020 and that all drivers be encouraged to fit CCTV once a specification and training procedures are issued by the Council. A further report shall be made to the Licensing Committee in respect of the proposed CCTV specification and training and procurement procedures associated with their purchase, installation and operation.

That the wording of the policy in Appendix M be clarified in relation to minimum door requirements, particularly in respect of minibuses.

That no advertising (other than name and telephone number of the proprietor) be permitted on roof signs (also see paragraph 6.11 of report) for hackney carriages and private hire vehicles beyond what is allowed in law.

The introduction of a requirement for drivers to conduct a daily vehicle inspection before starting work and keep such records within the vehicle for a 7 day period. There would also be a requirement to keep these for a period of one year and to produce these records to the Licensing Office (or the vehicle testing garage) if requested. The vehicle check documentation is to be based on a check list template issued by the Licensing Manager and is designed to boost public confidence in the taxi trade.

The introduction of a requirement for roof signs on hackney carriage vehicles to be permanently affixed.

The Working Group considered that vehicle testing periods should be altered to operate as follows:- vehicles under 3 years old - once per year, vehicles between 3 and 5 years old - twice per year and vehicles between 5 and 12 years old - three times per year. This is intended to boost public confidence within the taxi trade and is considered reasonable on the basis that the draft policy proposes to increase the age for vehicles which may be licensed (see paragraph 6.5 of report). This is to be reviewed after 12 months with a view to assessing rates of failure and the success or otherwise of introducing three tests per year for older vehicles.

The Working Group recommended that a sign be placed in vehicles making reference to a Drivers Code of Conduct and also reminding passengers of standards of conduct that should apply to their behaviour. The sign would be based on Department of Transport best practice guidance. The Licensing Manager had progressed this and was proposing to launch it during 'Safeguarding Week' in June 2018.

In respect of drivers, the Working Group recommended as follows:-

That an appropriately worded condition be introduced to ensure that drivers are dressed smart and tidy at all times.

That an English language test be mandatory for all NEW drivers. Existing drivers would not be required to take the test. The test would be externally administered (by Trinity College at a cost of £180 payable by the driver) and details would be issued to all new driver applicants by the Licensing Manager.

That DBS checks continue to be required as per the current policy. This includes a requirement for enhanced checks from all drivers, to ensure appropriate safeguarding. Applicants are also required to subscribe to an updating service which allows the Council to monitor changes that occur throughout the duration of the licence. This does not detract from the obligation of a driver to report criminal convictions to the Council. Furthermore, the requirement to obtain an enhanced DBS Certificate be brought into line with the expiry date of the badge.

That the Licensing Authority expect all drivers to take a break of at least six consecutive hours, in order to ensure the safety of drivers, passengers and members of the public.

In respect of safeguarding, the Working Group recommended as follows:-

That all drivers (existing and new) should be required to undertake compulsory safeguarding training. New applicants would be expected to undertake the training before a new licence was issued and existing ones before a driver licence was renewed. The Licensing Manager is to compile a training plan and timetable in respect of this.

That in principle, vulnerable passengers should not sit in the front seat of the vehicle, except where it is practical to do so or the passenger expressly request it themselves.

The Working Group recognised the importance of securing compliance with licensing conditions and acknowledged the key role that enforcement plays within that process. With respect to compliance issues, the Working Group recommended as follows:-

That a penalty points system be adopted as set out in the draft policy. This follows best practice operated by other local authorities - notably that run by Preston. The system would allow the imposition of points for contraventions of requirements on issues such as

conducting vehicle checks and behaviour on taxi ranks. Points would accumulate and upon reaching a set figure trigger a review of the licence whereby the Licence holder would be invited before a Licensing Panel for the Panel to determine if the driver was still fit and proper to hold a licence.

The Working Group stressed the importance of ensuring proper conduct on taxi ranks and requested that drivers be reminded of the rules that apply. The Licensing Manager is in the process of progressing this.

The Working Group made no recommendations to change the draft policy in respect of private hire operators.

The Working Group also considered policy and other concerns as follows:-

It was noted that affordability of taxis was a problem in rural areas across the District. It was noted that taxis in some other districts received subsidies and the Solicitor to the Council is in the process of contacting partners to ascertain if sources of funding may be available to provide grant support in the future.

The Working Group noted the important role that contracts for school transport play in the life of the District and that these are awarded by North Yorkshire County Council. The Working Group was keen that the County Council be informed of the improved standards that this Council would have as a result of adopting the new policy and that North Yorkshire County Council be invited to operate by the same standards for journeys within the Craven district.

The Working Group recognised that there were clear benefits from maintaining close links with the taxi trade to consider issues of mutual concern. It was thought it best however if liaison meetings between the trade and the Council (members and officers) were fixed on an ad hoc basis rather than work to a pre-set timetable, in order to maximise the benefit from such meetings.

The Working Group recommended that drivers badges be maintained at the current size, after hearing some concerns that they were too large.

The Working Group noted the importance of making vehicles accessible to disabled users. It acknowledged that there would be a cost to be incurred in respect of this but the Working Group considered that the proposal to increase the age of vehicles that may be licensed (from 5-10 years to 7-12 years) would assist with offsetting any cost.

The Working Group considered the issue of vehicles licensed in neighbouring authorities touting for business within Craven, with the consequence that local taxi firms lose out. The Licensing Manager is aware of the issue and has urged local drivers to report any enforcement issues to the Licensing Office so that they can be further investigated. The issue of working with neighbouring Licensing authorities would also assist and the Licensing Manager is keen to explore possibilities in this regard throughout 2018/19.

The Working Group called for MOT/testing arrangements to be reviewed (including the issue that just one garage within the District carries out vehicle tests) and recommended that this be added to the work programme for the Licensing Committee in 2018/2019.

The Working Group was of the view that the licensing of Hackney Carriage and Private Hire vehicles was an area that should properly be subjected to national standards/regulations. The Working Group recommended that the Chair of the Licensing Committee be authorised to write to the Secretary of State for Transport in respect of this.

During the ensuing debate, the Licensing Committee thanked Members of the Working Group, relevant officers and representatives of the taxi trade for all their efforts in comprehensively reviewing the draft policy, and it was

RECOMMENDED – That, the recommendations of the Working Group set out above and in the report and appendices now submitted are adopted and the draft Licensing Policy to be known as The Hackney Carriage and Private Hire Licensing Policy is endorsed.

Chairman.

Licensing Committee – 12 JUNE 2018



**NATIONAL LICENSING MATTERS –
LEGAL UPDATE**

Report of the Solicitor/Legal Services Manager

Ward(s) affected: All

1. **Purpose of Report** – To provide Members with a general update on national licensing matters.
2. **Recommendation** – Members are recommended to note the report.
3. **National Licensing Matters Updates**

Appendix A – LGA calls for introduction of national taxi standards
Briefing note attached.

Appendix B – LGA updates Gambling Regulation Councillor Handbook
Briefing note attached.

Appendix C – Institute of Licensing produces guidance on the application of the fit and proper person test.
Briefing note attached.

Appendix D – Government announces a cut in the maximum stake for Fixed Odds Betting Terminals from £100 to £2.
Briefing note attached.

4. **Implications**
 - 4.1 **Financial Implications** – None arising directly from this report.
 - 4.2 **Legal Implications** – None arising directly from this report.
 - 4.3 **Contribution to Council Priorities** – Not directly applicable.
 - 4.4 **Risk Management** – Not applicable.
 - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – Not applicable.
6. **Access to Information : Background Documents** – None.

7. **Author of the Report** – Alex Strickland, Legal Services Manager. (Tel: 07890 686735) email: AStrickland@cravenc.gov.uk

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendix A.

BRIEFING NOTE – The LGA calls for a national system of taxi regulation.

In May 2018, the Local Government Association stepped up calls for taxi licensing to be subject to national regulation - to ensure that there is a high degree of consistency across the system in setting and implementing appropriate standards, with a view to addressing safeguarding concerns.

The consensus across the Local Government sector, was that the current regulatory regime was outdated, characterised by legislation written when horse drawn carriages were in vogue. As such, it was not considered appropriate with a modern taxi trade that is being revolutionised by technology with operators such as Uber, now licensed in many areas.

The LGA pledged to work for reform and to campaign to introduce national standards, thereby providing clarity, transparency and consistency, whilst addressing key issues such as cross border working, designed to improve public safety.

Alex Strickland.
Legal Services Manager.

4 June 2018.

Appendix B.

BRIEFING NOTE - The LGA has updated the Gambling Regulation Councillor Handbook

In March 2018, the Local Government Association has updated its Gambling Regulation Councillor Handbook. The handbook offers a useful tool and resource for elected members and officers alike and takes into account issues of contemporary concern such as limits on fixed odds betting terminals. The update includes advice on good practice for councils around statements of principles and licensing conditions/codes of practice.

A copy of the handbook may be downloaded from the LGA website. Any members who require a hard copy are requested to contact the Legal Services Manager or Licensing Manager who shall be pleased to assist.

Alex Strickland
Legal Services Manager

4 June 2018

Appendix C.

BRIEFING NOTE - The Institute of Licensing issue guidance on the application of the fit and proper person test.

In April 2018, The Institute of Licensing published new guidance around how to approach the legal test when deciding whether a person is fit and proper to hold a licence. This of course has particular relevance in relation to taxi drivers. The guidance is useful in reminding members that a common application of the test is represented by asking the simple question whether the decision taker would be happy to leave a family member alone in a vehicle with that driver. If the answer in all the circumstances is no - it is highly likely that the applicant is not fit and proper.

The question arises however, when determining particular applications both under taxi legislation and the Licensing Act 2003 and members will appreciate the need to consider such applications on the merits taking account of only relevant matters. This guidance is helpful in reminding members of how this important legal test may be approached in practice.

Some members have been provided copies of this guidance. Any who have not, may approach the Legal Services Manager/Licensing Manager who shall be happy to assist.

Alex Strickland
Legal Services Manager

4 June 2018

Appendix D,

BRIEFING NOTE - The Government announces a reduction in the maximum stake for Fixed Odds Betting Terminals from £100 to £2.

On 17 May 2018, the Department for Digital, Culture, Media and Sport announced that there would be a reduction in the maximum stake for (category B2 type) Fixed Odds Betting Terminals from £100 to £2.

The announcement was made with the express intention of reducing gambling related harm and follows a public consultation that was concluded in January 2018.

The Gambling Commission has stated that it will toughen up protections around online gambling to include age verifications and limits upon spending until affordability checks have been conducted.

The Gambling Commission shall also take forward discussions with the gambling industry with a view to improving player protections in relation to category B1 machines (located in casino venues with a current £5 maximum stake) and category B3 machines (located in casino, betting, arcade and bingo venues with a current £2 maximum stake).

Public Health England is to conduct a review the evidence on the question of how gambling impacts upon public health.

Alex Strickland
Legal Services Manager

4 June 2018