

LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Committee of Broadland District Council, held at the council offices on Thursday 26 August 2021 at 9:30am.

Committee Members Present: Councillors: D King – Chairman, S J Catchpole, D G Harrison, K S Kelly, K G Leggett MBE, M L Murrell, S M Prutton

Apologies for Absence: Councillor: J L Thomas

Other Members in Attendance: Councillor: J Leggett

Officers in Attendance: The Assistant Director – Regulatory (NH), the Licensing Team Leader (SH), the Licensing & Enforcement Officer (RS) and the Democratic Services Officer (JH)

5 DECLARATIONS OF INTEREST

No declarations of interest were received.

6 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr J L Thomas.

7 MINUTES

The minutes of the meetings held on 28 August 2019, 23 September 2020, 29 October 2020, and 5 November 2020 were agreed as a correct record.

8 REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS – PRE-CONSULTATION

The Assistant Director – Regulatory introduced the report and explained that the draft revised Hackney Carriage and Private Hire Vehicle Policy and Conditions document was brought to the Committee for members' consideration in advance of an extended public consultation exercise. Member were advised that officers had sought to 'future-proof' the document for the next 5 years and anticipate both the business needs that could be supported alongside the need to protect the public.

The Licensing Team Leader advised members that there was a statutory requirement to review the Hackney Carriage and Private Hire Vehicle Policy by the end of the year with any changes to the policy put in place by 1 April 2022 and that the Committee were asked to consider the proposed changes to the policy before the public consultation began. She explained that a number of the changes proposed were in response to the Statutory Taxi and Private Hire Vehicle Standards document published by the Department for Transport in July 2020.

Members were then informed of the key changes to the policy, which were as follows:

DBS Update Service

All drivers would be requested to sign up for the DBS Update Service. 6 monthly checks with the DBS would be carried out on each driver. If a driver was not registered with the Update Service, they would be required to produce and pay for a full DBS enhanced disclosure every 6 months.

Dual Driver Licences

The Authority was considering introducing dual driver licences. This would mean that someone licensed to drive a Private Hire Vehicle would also be licensed to drive a Hackney Carriage. At present Broadland District Council did not have any licensed hackney carriage vehicles. However, should this change in the future, a licensing process for drivers would already be in place.

The Licensing Team Leader explained that the application process for each licence type was the same, so no additional resources would be required, she further explained that it was recognised as good practice to offer Dual Licenses.

Members queried the need of dual licenses, the benefit to drivers and potential cost of added new equipment to the vehicles. The Licensing Team Leader explained that the license would cover the individual; the vehicles would be used for either private hire or as a hackney carriage. She explained that this would allow drivers the flexibility to operate either type of vehicle. The Assistant Director – Regulatory added that, although there were no hackney

carriages at present, with the pace of new housing and an increasing population, there may be a need for hackney carriages in the Broadland District in the next 5yrs; offering dual licenses would enable the Council to 'future-proof' the policy.

After further discussion, where it was noted that there would be no additional costs, checks or standards required for issuing dual licenses, Members agreed to recommend that the Authority commence issuing dual licenses.

Immigration Status

Under the newly introduced EU Settlement Scheme applicants were required to demonstrate their immigration status at the time of application.

Medicals

The age at which a medical would be required annually would be increased from 60 to 65. This would align the Authority with the current medical requirements under the DVLA Group 2 scheme.

Good Standard of English

Applicants may be asked to demonstrate that they had a good standard of English (written and oral) at the time of application. At present, there was no specific language assessment; this would bring the Authority in line with the current Department for Transport Statutory Standards.

One member queried how this would be assessed and the Licensing Team Leader explained that the method of testing had not been confirmed at this stage, but that there were a number of providers available. Officers would also consider the method of testing used by neighbouring Authorities.

In response to a member's query, the Licensing Team Leader explained that the good standard of English test would only apply to new applicants and not existing drivers, however, should complaints be made about the standard of English of an existing driver, they may be required to take the test.

Disability Awareness Training

Applicants would be required to complete an approved training session on disability awareness. This was not required at present and would bring the Authority in line with the current Department for Transport Statutory Standards.

Convictions Policy

The Convictions Policy had been updated to reflect the standard required by the Institute of Licensing's recently introduced Safe and Suitable document.

Second Badge for Drivers

It was proposed to issue all drivers with a second badge with the intention that the driver would wear one badge and the second badge would be displayed on the front console of the vehicle in view of passengers. This was recognised as good practice and the conditions were being updated to reflect this.

Members commented that a second badge would be better placed in the rear of the vehicle, where it could be more easily seen by passengers.

Notification of Arrest

All drivers would be required to notify the Licensing Team in the event that they were arrested. At present, the requirement was to notify the Team on receipt of a caution of conviction. This was recognised as good practice and the conditions were being updated to reflect this.

NR3 Database

Checks would be made to the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or Private Hire Vehicle licences. This was in line with the current Department for Transport Statutory Standards.

Taxi Meters

It was proposed to introduce a requirement for all licensed hackney carriage vehicles to have a meter fitted. This was recognised as good practice and the conditions were being updated to reflect this.

One member queried why meters would only be included in hackney carriage vehicles and not private hire vehicles. The Licensing Team Leader explained that private hire vehicles were not permitted meters as they could only accept pre-booked fares, where the fare is pre-agreed. She explained that it was illegal for private hire vehicles to stand at taxi ranks or be hailed in the street. On the other hand, hackney carriages were only hailed by passengers in the street or at taxi ranks; meters were good practice for hackney carriages as they ensured consistent fares were charged across the District.

Basic DBS for HC Proprietors

Hackney carriage proprietors would be required to produce a satisfactory basic DBS disclosure at the time of application. This was in line with the current Department for Transport Statutory Standards.

Maximum age limit for vehicles

Vehicles over the age of 10 years from the date of first registration would not be considered for re-licensing. There would be a five-year lead-in period for this change and it was therefore proposed that this condition take effect from 1 April 2027. This was proposed as a way to improve the environmental

credentials of the fleet and reflect the Government's current greener travel initiatives.

LPG (Liquefied Petroleum Gas)

It was proposed to remove current conditions specific to LPG vehicles as it was not foreseen that there would be any further applications for LPG vehicles.

In response to a member's query, the Licensing Team Leader confirmed that there were currently no LPG vehicles in the fleet.

Executive Plate Policy

The circumstances under which the Authority issued an executive plate had been amended. This was recognised as good practice and the conditions were being updated to reflect this.

Limousine Policy

Further clarification in respect of the licensing of limousines had been included in the policy document. This was recognised as good practice and the conditions were being updated to reflect this.

CCTV Policy

Some further updates had been made to the policy in relation to the provision of CCTV in vehicles. This was in line with the current Department for Transport Statutory Standards.

Members queried whether the Council would make the provision of CCTV in vehicles mandatory in the future. The Licensing Team Leader explained that this was kept under review, but that at present there was no evidence for the need to make CCTV provision mandatory; she also highlighted the financial implications for drivers.

In response to further questions regarding GDPR of CCTV recordings, the Licensing Team Leader explained that at present the driver/operator was the data controller, but that if the Council made CCTV mandatory in all licenced vehicles then the Council would be the legal data controller for the whole fleet (around 350 vehicles).

Electric Vehicles

The authority wished to encourage the provision of electric vehicles and some further detail had therefore been included in the policy document. This was proposed as a way to improve the environmental credentials of the fleet and reflect the Government's current greener travel initiatives.

Members queried whether the updates to the policy would result in blanket approval of all electric vehicles and the Licensing Team Leader explained that

the current discretion regarding concerns of particular models would not be affected by the updated policy.

During discussions on non-petrol-powered vehicles, Members felt that the policy should not be limited to electric vehicles, as there had been advancements in other types of power. Members suggested that the policy wording be amended to “alternative non-hydrocarbon fuels”.

DBS Check for Operator Base Staff

All staff at the Operator base receiving and making bookings would be required to produce a basic DBS disclosure. This was a further requirement under the Department for Transport Statutory Standards.

Members queried whether the updated policy would allow for app-based companies such as Uber for operate in the District. The Licensing Team Leader explained that the policy would not stop them from operating in the District, and that companies such as Uber would have to comply with the Council’s policy.

In response to members’ questions on the cost of a taxi license, the Licensing and Team Leader clarified that Local Authorities could not make a profit from issuing licenses - only recoup the cost of issuing. She then outlined the current costs:

- 3yr License - £232.60
- Medical Assessment - £50
- Drivers Assessment - £80-100

The Assistant Director – Regulatory further clarified that a review was being undertaken regarding the current fees and charges.

After further discussion, it was, accordingly,

RESOLVED to

1. Note the draft Policy and Conditions, with comments outlined above to be considered in the consultation process;
2. Recommend that the Authority commence issuing dual licenses.

9 REVIEW OF GAMBLING STATEMENT OF PRINCIPLES (POLICY STATEMENT)

Members considered the report of the Licensing Team Leader, which presented the draft reviewed Statement of Principles for the Committee’s consideration in advance of a six-week consultation.

The Licensing Team Leader informed members that the Authority was required to review its Gambling Statement of principles every three years, with the current statement expiring in January 2022. If the Council did not review and approve an updated version of the Statement, it would be unable to accept new applications for gambling licenses nor carry out enforcement on current licensed premises. She further explained that there were no substantial changes proposed.

Members queried why the Council had not passed a 'no casino' resolution and whether this was something that could be left undecided. The Licensing Team Leader confirmed that there was no risk to the Council in leaving it unresolved and noted it was unchanged from previous policies.

In response to queries on visiting premises and resource levels within the team, the Licensing Team Leader confirmed that officers carried out visits to premises and, given the small number of licensed premises in the Broadland District, there was no strain on resources. The Assistant Director – Regulatory added that there was an intention to increase the inspection rate of licensed premises on a risk rated basis. He reassured members that resources within the team were continually monitored.

Members discussed the list of consultees and requested that the Citizens Advice Bureau also be consulted. The Licensing Team Leader confirmed that they would be added to the list of consultees.

After further discussion, it was, accordingly,

RESOLVED to

Note the draft Statement of Principles, with comments outlined above to be considered in the consultation process.

(The meeting concluded at 11:14am)

Chairman