

LICENSING APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing Appeals and Complaints Committee of South Norfolk District Council held on 25 August 2021 at 3.00pm.

Committee Members Present:	Councillors: Y Bendle (Chairman), J Halls, T Holden, W Kemp, N Legg, J Savage and T Spruce
Apologies:	D Burrill, J Easter, P Hardy, J Rowe and J Wilby
Officers in Attendance:	The Assistant Director – Regulatory (N Howard), the Licensing Team Leader (S Harris) and the Licensing and Enforcement Officer (R Setford)

647 Review of the Council's Hackney Carriage and Private Hire Vehicle Policy and Conditions – Pre-Consultation

The Chairman of the Committee informed members that there was a statutory requirement to review the Hackney Carriage and Private Hire Vehicle Policy 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 a response to the Statutory Taxi and Private Hire Vehicle Standards document published by the Department for Transport in July 2020.

Members 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 introduced her report which presented the draft revised Hackney Carriage and Private Hire Vehicle Policy and Conditions document for the Committee's consideration in advance of a public consultation exercise.

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.

DBS Categorisation

All DBS checks must be an enhanced disclosure with a check under the “other workforce” categorisation. This was recognised as good practice and the conditions were being updated to reflect this.

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.

Members queried whether the Councils medical form would allow for the medical assessor to give their opinion of the driver's fitness to drive, the Licensing Team Leader explained that the Councils medical assessment form was based on the DVLA's D4 form, with an amendment where the doctor had to state whether or not the driver was fit to drive.

One member raised a concern that given the increased difficulty getting appointments with doctors, the need for a medical assessment might become restrictive, they suggested that the Council looked at policies to promote employment instead.

The Chairman of the Committee explained that it was the Councils and the Committees duty to ensure the safety of residents not increase the employment of drivers.

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.

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.

In response to a members' question, the Licensing Team Leader advised that

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.

The Licensing Team Leader explained that a lead-in time could be considered for the installation of taxi meter. Members agreed that a lead-in time should be given to drivers to offset the additional cost of the meter as well as any delay in installation.

After further discussion members noted that meters would be beneficial and ensure that equal fares were charged.

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.

Members noted that a vehicles age did not always reflect the condition of the vehicle, it was suggested that the vehicles mileage also be taken into consideration. The Licensing Team Leader agreed to look at using mileage as a consideration of a vehicles suitability, but noted that it would not be as easy for the authority to track the mileage of all vehicles in the fleet, as it was to keep track of the age of the vehicles.

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 questions on why conditions to LPG vehicles were to be removed, the Licensing and Enforcement Officer explained that there had only been one LPG powered vehicle licensed in South Norfolk, back in 2007. The Assistant Director – Regulatory added that current Government policy was phasing out the use of LPG in favour of electric powered vehicles.

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 discussed the installation of CCTV in licensed vehicles and felt that it was useful not only to convict drivers for wrongdoing but also to protect drivers themselves.

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.

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.

One member queried the Councils policy on disability accessible vehicles, and it was noted that some authorities required all licensed vehicles to have disabled access. The Licensing Team Leader informed members that the Council encourages the use of vehicles with disabled access but that there was no change in the policy regarding a specific quota of disability accessible vehicles in the fleet.

Members discussed the infringement points table where it was suggested that the current point system be reviewed. The Licensing Team Leader agreed to review this and assess how it differed from neighbouring authorities.

It was then,

RESOLVED

To

Note the draft Policy and Conditions, with comments outlined above to be considered in the consultation process.

(The meeting concluded at 4.07pm)

Chairman