

At a meeting of the Licensing Committee held in Council Chamber - Allerdale House, Workington on Wednesday 20 March 2019 at 2.30 pm

## **Members**

Councillor Angela Kendall (Chair)  
Councillor Mary Bainbridge  
Councillor Malcolm Grainger  
Councillor Peter Kendall  
Councillor Jacqueline Mounsey  
Councillor Bill Pegram

Councillor Len Davies  
Councillor Hilary Harrington  
Councillor Billy Miskelly  
Councillor Ron Munby MBE  
Councillor Stephen Stoddart

Apologies for absence were received from Councillor Christine Smith Councillor Tony Annison, Councillor Janice Wood and Councillor Martin Wood

## **Staff Present**

G Collinson, L Jardine and J Morgan

### **420. Minutes**

The minutes of the following meetings were signed as a correct record:

Licensing Committee held on 3 October and 31 October 2018

Licensing Panels held on 10 September, 17 October and 12 November 2018

Licensing Regulatory Panels held on 14 December and 20 December 2018

### **421. Declaration of Interests**

None Declared

### **422. Questions**

None Received

### **423. Review of Hackney Carriage & Private Hire Policies**

The Senior Licensing and Compliance Officer submitted a report which sought member's approval to refine and alter parts of current Hackney Carriage and Private Hire Policies.

Members were presented with details of the amendments to four policies;

#### **Driving Assessment**

To consider an extension to the existing timescale required for drivers to pass the practical driving assessment, and to impose a penalty for non-compliance.

The Senior Licencing Officer answered questions from members and clarified that this amendment was required to ensure that all drivers have sufficient time to complete the test and that imposing penalties would ensure all drivers comply, she also confirmed that all drivers have already been sent at least two reminders to complete the driving assessment.

### **Agreed**

Members approved the officer's recommendations as follows;

- a) Allow an extension of time of six months for existing drivers to pass the practical driving assessment, running from the original date of 15 January 2019 with a new due date of 15 July 2019; and
- b) Give delegated powers to the Senior Licencing and Compliance Officer and Licencing and Compliance Officer in conjunction with Legal Services and the Chair or Vice Chair of the Licencing Committee to allow an extension after 15 July 2019 in individual cases; and
- c) Impose one of the following penalties for existing drivers who do not pass the driving test by the due date of 15 July 2019, or who have not been allowed an extension by officers;
  - i. Suspension of driver's licence or
  - ii. Revocation of driver's licence

### **Knowledge Test**

The Senior Licencing and Compliance Officer confirmed that currently there are no penalties in the policy for non-completion of the knowledge test and at the time of the meeting only 19 drivers had completed the test. Members were asked to agree to impose penalties for drivers who do not pass the test by 31 October 2019.

### **Agreed**

Members approved the officer's recommendations as follows;

- a) To impose the penalty of suspension of licence for existing drivers who do not pass the knowledge test by 31 October 2019; or

### **Vehicle Age Policy**

The Senior Licencing and Compliance Officer advised that there was some ambiguity with the current policy and proposed amendments to the wording of paragraph 4. She also clarified the situation with Vehicle Testing Centres; that the current centre was chosen following the standard tender process.

### **Agreed**

Members approved the officer's recommendations as follows;

- a) Remove and replace the wording in paragraph four of the policy with the following:

“If a vehicle is over four years of age from the first date of registration within the duration of its licence, a vehicle test is required no later than six months following the commencement date of the vehicle licence and no earlier than 28 days before that date (‘First Six Month Test Date’). For example, if a vehicle turns four on 29<sup>th</sup> March, it must be tested by 29<sup>th</sup> September at the latest but no earlier than 1<sup>st</sup> September. Following the First Six Month Test Date, subsequent tests must be completed no later than six months following the previous test and no earlier than 28 days before each subsequent six month test is due to be undertaken”

- b) Remove the failure to comply with condition to have six month test penalty of “immediate revocation or refusal to renew the vehicle licence” and replace with “suspension of vehicle or refusal to renew the vehicle licence”.

### **Vehicle Advertising Policy**

It was confirmed that enquires had been received regarding advertising being placed on vehicles which raise awareness of charitable campaigns rather than to generate commercial revenue for the vehicle proprietor, with the recommendation to waive such fee.

### **Agreed**

Members approved the officer’s recommendations as follows;

The addition to the wording of paragraph 5.1 of the policy as follows:

- a) If the advertisement is to raise awareness of a campaign or charitable cause, the fee is waived.

The Legal and Licencing Manager clarified to members that the right of appeal to the amended policies was through the Magistrates Court.

### **424. Delegated Powers and Expedited Process to Reinstate Driver's Licence following Revocation**

The Senior Licencing and Compliance Manager submitted a report which sought members approval and to consider the Local Authority’s approach to the revocation of Hackney Carriage/Private Hire Drivers’ Licences and update delegations.

The Senior Licencing and Compliance Manager clarified the different circumstances where revocation or suspension would be appropriate.

Members asked questions of the proposed changes to the policy and also on the subject of the voluntary register of drivers who have had licences refused or revoked.

In relation to the 'voluntary register' the Legal and Licencing Manager confirmed that the register is multi use and not just a taxi driver register but that implementation would create GDPR risks and an increased workload for the authority.

### **Agreed**

Members approved the officer's recommendations as follows;

- a) Delegate to the Senior Licencing and Compliance Officer/Licencing and Compliance Officer in conjunction with the Legal and Licencing Manager the revocation of licences under S61 Local Government (Miscellaneous Provisions) Act 1976 and where appropriate as amended by S52 Road Safety Act 2006;
- b) Delegate to the Senior Licencing and Compliance Officer/Licencing and Compliance Officer in conjunction with the Legal and Licencing Manager, the power to reinstate a driver's licence following revocation; and
- c) To adopt the policy appended to the report entitled "Policy to reinstate Hackney Carriage/Private Hire Driver's licence following revocation".

**The meeting closed at 3.15 pm**