

At a meeting of the Licensing Committee held in Council Chamber - Allerdale House, Workington on Tuesday 29 October 2019 at 2.00 pm

Members

Councillor Ron Munby MBE (Chair)
Councillor Peter Gaston
Councillor Elaine Lynch
Councillor Will Wilkinson

Councillor Peter Kendall
Councillor Alan Smith

Apologies for absence were received from Councillor Adrian Kirkbride Councillor Mary Bainbridge, Councillor Carmel Bell, Councillor Allan Daniels, Councillor Malcolm Grainger, Councillor Daniel Horsley, Councillor Sally Lansbury, Councillor Owen Martin and Councillor Lynda Williams

Staff Present

G Collinson, J Irving, L Jardine and J Morgan

148. Minutes

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

Licensing Committee held on 11 September 2019

Licensing Panels held on 18 February 2019 and 11 July 2019

Licensing Regulatory Panels held on 03 July 2019 and 11 July 2019

149. Declaration of Interests

None declared

150. Questions

None received

151. Review of Hackney Carriage/Private Hire Knowledge Test

The Senior Licensing and Compliance Officer submitted a report which sought member's approval to allow an extension of one month for existing drivers to pass the knowledge test from 31 October 2019 to 30 November 2019, and to give delegated powers to the Senior Licensing and Compliance Officer and Licensing and Compliance Officer in conjunction with Legal Services and the Chair/Vice Chair of Licensing Committee to allow an extension after 30 November 2019 for individual cases.

The Senior Licensing and Compliance Officer then went through the report, advising members that all drivers have been reminded about the requirement to complete the knowledge test in writing (some up to four times) and drivers that have still yet to complete the test have also been contacted by telephone.

Due to software issues the knowledge test did not become live until 19th November 2019. As drivers have not had the full 12 months to complete the test, the extension is proposed in the interest of fairness. Failure to pass the test by the deadline would result in suspension of the drivers licence.

Members then asked questions of the officers regarding the numbers of drivers left to pass the test, in response the Senior Licensing and Compliance Officer confirmed that of 303 drivers, 238 had passed the test with 65 remaining, however some of the 65 would be retiring or leaving the trade. Officers then clarified that all the lost time due to the delay with the introduction of the test would be recovered with the new extended deadline of 30 November 2019.

Councillor Smith then moved the motion to approve the officer's recommendations.

This was seconded by Councillor Kendall.

A vote was taken on the motion, 6 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Agreed

Members approved the officer's recommendations as follows;

- a) Allow an extension of time of time of one month for existing drivers to pass the knowledge test, extended from the original date of 31 October 2019 with a new date of 30 November 2019 and suspend all existing drivers who have passed the knowledge test by 30 November 2019; and
- b) Give delegated powers to the Senior Licensing and Compliance Officer and Licensing and Compliance Officer in conjunction with legal services and the Chair or Vice Chair of the Licensing Committee to allow an extension after 30 November 2019 in individual cases.

152. Review of Hackney Carriage/Private Hire DBS Requirements

The Senior Licensing and Compliance Officer submitted a report which sought member's approval to amend Hackney Carriage and Private Hire DBS requirements. At the Licensing Committee meeting on 11 September 2019, it was resolved that applicants for hackney carriage and private hire licences would have to subscribe to the DBS update service throughout the duration of the licence, this report was to recommend how the DBS subscription should be introduced.

The Senior Licensing and Compliance Officer then went through the report, advising members of the cost savings of the DBS service, clarifying that once registered to the service, the applicant would not need to pay to apply for a new DBS check, currently costing £40 plus admin fees.

The report recommended that all applicants for new licences to submit an enhanced DBS disclosure certificate as part of the application criteria and to subscribe to the update service within 28 days, and that all existing licence holders are to submit a new enhanced DBS disclosure certificate when due and subscribe to the update service at that point. The final recommendation was that once the annual subscription is in place, the checking of records will be completed on an annual basis as close to the anniversary of the grant of the licence as possible.

Members then asked further questions in relation to the cost savings of the DBS subscription service.

Councillor Wilkinson then moved the motion to approve the officer's recommendations.

The motion was seconded by Councillor Gaston.

A vote was taken on the motion

A vote was taken on the motion, 6 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Agreed

Members approved the officer's recommendations as follows;

- a) All applicants for new licences to submit an enhanced DBS disclosure certificate as part of application criteria and subscribe to the update service within 28 days; and
- b) Existing licence holders to submit a new enhanced DBS disclosure certificate when due and subscribe to the update service at that point; and
- c) Once there is a subscription to the update service, checking of records to be on an annual basis as close to the anniversary of the grant of the licence as possible.

153. Review of Hackney Carriage/Private Hire Driving Assessment

The Senior Licensing and Compliance Officer submitted a report which sought member's approval to amend the current policy relating to drivers inherited rights.

The Senior Licensing and Compliance Officer then went through the report, advising members that on 1 June 2002 the Licensing Committee approved the implementation of a practical driving assessment run by the then Driving

Standards Agency (DSA). A decision was made by the Committee at that time, that existing drivers should be exempted from taking the assessment. Inherited rights were granted initially for existing drivers with the thought that natural wastage would eventually reduce and eliminate the number of drivers who had not passed the assessment in due course. However, after reviewing the numbers there are still 36 licensed drivers who have inherited rights who have not passed the assessment. It may be that some of those drivers may also be exempt from taking the test, as per the policy.

Members were advised that an enquiry has been received by the licensing authority from a member of the trade, asking the authority to consider introducing the requirement that all drivers must pass the driving test, unless they are exempt. The reason for this request is to ensure that there is a level playing field across the trade to ensure an equal level of competence in the interests of public safety.

Written representations were then provided to members from members of the Taxi trade.

Members then asked questions of the officers regarding the cost of undertaking the practical driving test, the procurement process of the driving test provider and the controls currently in place within the current policy.

It was advised to members that the cost of the practical driving test was dependant on time and day of the week, but that standard prices began at £82.00 (Weekday 8am – 5pm) and £98.50 at evenings and weekends. In relation to control measures currently in place, members were then advised that drivers who do not comply with policy or gain 8 or more driving points would need to attend a meeting of the regulatory panel.

Members were comfortable that the current legislation satisfied the objective of protecting public health and safety, and that the appropriate measures were currently in place.

Councillor Kendall moved the motion to leave the policy as existing so that eligible drivers retain inherited rights and be exempt from the driving assessment.

The motion was seconded by Councillor Smith

A vote was taken on the motion, 6 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Agreed

Members agreed to leave the policy as existing so that eligible drivers retain inherited rights and be exempt from the driving assessment.

154. Renewal of Hackney Carriage/Private Drivers Licences in Extenuating Circumstances

The Senior Licensing and Compliance Officer submitted a report which sought member's approval to review the renewal procedure of drivers' licences when a driver cannot attend in person due extenuating circumstances.

The Senior Licensing and Compliance Officer then went through the report explaining that the amendment to the procedure would address the practical difficulties experienced by members of the armed forces who may be overseas or applicants with other extenuating circumstances who cannot attend the office on time to renew their licence. It seeks to balance the legalities of ensuring the Licensing Authority consider and grant any licences legally with compliance of all existing criteria in place to assess whether an applicant is fit and proper.

Members were advised that for an applicant to take advantage of the procedure they must advise the Licensing Authority of their circumstances four weeks in advance and the decision will be subject to approval by the Licensing Officers in conjunction with the Legal Department and Chair/Vice Chair of the Licensing Committee.

Members then asked questions of the officers in relation to extenuating circumstances.

Councillor Lynch then moved the motion to allow renewal of licences subject to requirements being adhered to in extenuating circumstances, as per officers recommendations.

The motion was seconded by Councillor Wilkinson

A vote was taken on the motion, 6 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Agreed

Members approved the officer's recommendations to allow renewal of licences subject to requirements being adhered to in extenuating circumstances

The meeting closed at 2.55 pm