

Time Commenced: 6.00pm
Time Finished: 7.48pm

LICENSING COMMITTEE
2 July 2015

Present: Councillor Sandhu (Chair)
Councillors Barker, Hezelgrave, Hickson, A Holmes, Jackson,
Keith, J Khan, S Khan, Poulter, Skelton, Whitby, Winter

05/15 Apologies for Absence

Apologies for absence were received from Councillors Poulter and Redfern

06/15 Late Items

There were no late items.

07/15 Declarations of Interest

Councillor S Khan declared an interest on Item 7, 2.7 after being given legal advice left the meeting at 6.12pm.

08/15 Termination of Approved Garage Contract

The Committee considered a report which stated that until February 2015 Derby City Council had a contractual agreement with Abbey Garage Car Care Centre Ltd for the inspection and testing of hackney carriages and private hire vehicles, as one of a number of approved testing garages for the licensed vehicle fleet within the city. In February 2015 the business became Abbey Garages Ltd after being sold. As a consequence of the sale of the business the Driver and Vehicle Standards Agency (DVSA), formally known as Vehicle and Operator Services Agency (VOSA) stopped the business from undertaking MOT's. This was due to there being no approved examiner. The Licensing Team had not been notified of this change in circumstances. The new owner of Abbey Garage Ltd confirmed by email to officers that they were no longer authorised to undertake MOT's.

The report detailed the following:

Clause 4.1 of the contract document states "The Service will be in conformity with the Specification". As the Specification requires the ability to perform MOT testing, Abbey Garage is not in a position to provide the Service "in conformity with the Specification" and is therefore in material breach of the contract.

Clause 22.3.2 states that “Any material breach or a series of persistent minor breaches by the Supplier of the Contract or any Order pursuant thereto which in the opinion of the Council justifies termination of the Contract” allows termination of the contract by the authority.

The contract was formally terminated on 1 June 2015 by the Council's Procurement Team.

The Authority now has a contract with five Approved Garages.

The Committee resolved to note the report.

09/15 To consider a resolution to exclude the press and public from the meeting during the consideration of the following item:

“That under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3, Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

The Committee considered the resolution and after seeking legal advice from the Monitoring Officer, the Members voted unanimously to permit the public to attend the meeting.

10/15 Review of Derby City Council’s Licensing Administration System Following Casey’s Rotherham Metropolitan Borough Council Report Outcomes

A report was presented to the committee by the Head of Environmental Health and Licensing, on behalf of the Acting Strategic Director of Neighbourhoods entitled "Review of Derby City Council's Licensing Administration System Following Casey's Rotherham Metropolitan Borough Council Report Outcomes".

Following a number of recent high profile child sexual exploitation cases that had occurred around the country, reviews had been undertaken that had highlighted various shortfalls of local authority and other partners' services.

The report focused on the outcomes of those reports in relation to the links between child sexual exploitation and taxi licensing, and set out the actions that officers believed were necessary to address some of the concerns that had been raised.

Members discussed the recommendations at length and the importance that the standards expected of taxi drivers licensed by Derby City Council were not to be diluted in anyway. The safeguarding of children and vulnerable adults was the major point of discussion and that it was essential the recommendations in the Casey report were adhered to and made part of the adopted protocols and policies. A member highlighted that it was the Committee's role to set protocols and guidelines and to trust officers that these will be carried out.

The committee raised concerns relating to taxi drivers licensed by other authorities, who were subsequently awarded contracts to drive young people and vulnerable adults within Derby and how they could be monitored and any issues concerning these drivers reported. The Monitoring Officer responded by stating that the Local Authority Designated Officer shared relevant information with their peers in other authorities and that they would be happy to seek external instruction to aid Licensing Officers.

Councillor J Khan raised concerns regarding point 2.7 of the recommendations and proposed rather than restricting Members who had ever previously held a taxi licence, any restriction should be time limited. This proposal was not seconded.

The committee resolved to:

- 1) Note the findings of the Casey report;**
- 2) Make proposals for further action as appropriate, on any of the identified findings;**
- 3) Approve the information sharing protocol set out at Appendix 3 of the report;**
- 4) Approve the revised Taxi licensing Sub Committee Guidelines set out at Appendix 4 of the report;**
- 5) Recommend to Council an amendment to the Constitution to increase the number of Members who sit on Taxi Licensing Sub-Committee meetings from three to five;**
- 6) Recommend to Council an amendment to the Constitution to delegate powers to officers to deal with applicants and existing licence holders who are subject to immigration controls;**
- 7) Recommend to Council an amendment to the Constitution to restrict those Members that have previously held taxi licences from sitting on the Licensing Committee**
- 8) Recommend to the Monitoring Officer, amendments to the Members' Code of Conduct to restrict:**
 - i. contact from Members the purpose of which is to influence the processing of individual applications;**
 - ii. members making representations on behalf of the trade or individual drivers at sub-committee hearings;**

- iii. **diluting regulatory standards after representations from the trade.**

Councillor J Khan requested that his vote against paragraph 7 in the resolution be recorded.

Minutes End