

# ITEM 4

Time Commenced: 6:05pm

Time Finished: 8:07pm

## LICENSING COMMITTEE

14 July 2016

**Present:** Councillor Sandhu (Chair)  
Councillors Ashburner, Barker, Froggatt, Hezelgrave, A Holmes, Jackson,  
J Khan, Pegg, Poulter, Raju, Whitby

### 01/16 Apologies for Absence

Apologies for absence were received from Councillors Keith and Marshall.

### 02/16 Late Items

There were no late items to be introduced by the Chair.

### 03/16 Declarations of Interest

There were no declarations of interest.

### 04/16 Minutes of the Meeting held on 17 March 2016

The minutes of the meeting held on 17 March 2016 were agreed as an accurate record.

### 05/16 Approval of Testing Stations for Hackney Carriage and Private Hire Vehicle Inspections

The Committee considered a report of the Strategic Director of Communities and Place which was titled "Approval of Testing Stations for Hackney Carriage and Private Hire Vehicle Inspections" which stated the existing testing stations which undertook the testing of hackney carriage and private hire vehicles are due to expire on 31 July 2016.

The report further stated that the testing of vehicles for the annual inspection at the renewal of the vehicle licence, or new applications, and subsequent re-tests if required and the testing of vehicles following the relevant enforcement action by licensing officers, (spot checks), accident damage checks and meter checks.

When approved the new contract would expire on 31 July 2018 and Derby City Council invited interested parties to tender inline with the Council's current Procurement Policy.

**Resolved to approve the testing stations which met the required criteria for inclusion in the Council's list of Specified Testing Stations.**

## 06/16      General Licensing Fees and Charges 2016-17

The Committee considered a report of the Strategic Director of Communities and Place on General Licensing and Fees 2016-17. It was reported that the Communities and Place Directorate annually reviews its fees and charges across a range of services included in its portfolio. This was done to ensure that the fees and charges reflected the cost of delivering services and inflationary increases were taken into account and that budget income targets were achieved.

The proposed fees and charges for 2016/17 were set out in Appendices 2 and 3 of the report. The fees and charges made under the Licensing Act 2003 were set out in Appendix 4. All charges were outside the scope of VAT.

### **Resolved to:**

- 1. approve the fees and charges 2016/17 as set out in Appendices 3 and 4.**
- 2. note the fees and charges made under the Licensing Act 2003 set out in Appendix 4.**

## 07/16      Correspondence from Rossendale Borough Council

The Committee were presented a report on behalf of Director of Communities and Place which outlined that the Council's continued involvement with Rossendale Borough Council which addressed the issue of their licensed drivers undertaking third party private hire work in Derby and elsewhere. The report included the correspondence the Council had received from Rossendale Borough Council which could be found at Appendix 2 of the report.

The Committee discussed the report and applauded the co-operation they had received from Rossendale Borough Council.

### **Resolved to:**

- 1. note the report**
- 2. Legal Services draft a letter to be signed by the Chair of the Licensing Committee and sent to Central Government regarding safeguarding issues surrounding taxi drivers who register with one authority and drive in another authority's area of jurisdiction.**

## 08/16 Consultation on Changes to Taxi Licensing Administration & Decision Making

The Committee considered a report of the Strategic Director of Communities and Place the report stated at Council on 18 May 2016, it was agreed to undertake a review of the taxi licensing sub-committee decision making processes and procedures. A series of proposals and recommendations were agreed. A consultation exercise with the trade and the public as primary stakeholders of the Council's licensing function on the proposed changes was also approved.

Officers were asked to consider and propose an administrative scheme for licence applications for determining such applications, to include the renewal of hackney carriage and private hire licences.

The report set out in more detail the consultation process and sought comments from Committee on the proposals. The report further stated that robust principles, processes and procedures will be needed to enable the implementation, from an agreed date, of a new system for making clear and consistent decisions which are in the public safety interest.

The First Proposal set out at 4.5 of the report relied on the introduction of an administrative system for determining licensing applications and renewals based on established current taxi licensing sub-committee processes, but with officers standing in the members' stead. It would replace the current system of member-based taxi licensing sub-committee hearings, and will be chaired by the officer delegated to carry out the role, should this be resolved by Council as the preferred option. The existing member guidelines will be updated to make them fit for application by officers. Changes to the existing scheme of delegations from Licensing Committee to officers will also be required to give effect to the proposal.

The Second Proposal set out at 4.6 of the report relied on the development of proposals with the Cabinet Member for Regulatory Services that are consistent, fair and transparent, and which will then be consulted upon with the trade and the public as primary stakeholders of the Council's licensing function. Officers have since reviewed, developed and are now ready to present to the member more detailed best practice approaches to dealing with the administration of licensing, in the knowledge of other licensing authorities' experiences. This includes, but is not limited to, considering the introduction of a new penalty points system, the application of a minimum-requirement application threshold, and housekeeping around the current imposition of age limits. Having regard also to the Jay and Casey reports on matters relating to child sexual exploitation, officers were also tasked with securing that the consultation process includes proposals requiring all new licence applicants to successfully undertake approved safeguarding training, and for existing drivers and operators to undertake similar training prior to renewal of their licences.

From point 4.7 to 4.32 of the report the details of the execution of both proposals were determined.

Members discussed at length the proposals detailed in the report, the discussions raised many issues.

The Committee firstly addressed their concerns surrounding the Disclosure and Barring Service being administered by a third party as stated at 4.21 of the report and were concerned about how the police would view this, the Committee was assured by the Head of Environmental and Licensing that police would be able to comment on this proposal.

Committee Members stated on 18 May 2016 a review was undertaken of taxi licensing processes, which was subsequent to the Casey report being published. Changes had been made to the way in which taxi licensing decisions were reached, the introduction of five member panels replacing the then existing three panel members. The proposal listed at 4.5 suggested that decisions on applications and issues arising with already licensed taxi drivers would be made by a single officer. Members highlighted that Members were in effect cost free but increasing the number of officers to undertake this work would incur additional costs. The Committee felt that shifting responsibility for decision making from Members to officers would undermine Members and be a retrograde step.

When referring to the proposed Penalty Points System outlined at 4.7 of the report Councillors felt whilst this was a good system for new applicants it could not be effectively applied to issues of existing taxi drivers which were currently put before the Taxi Licensing Sub Committee for consideration.

Following the lengthy discussions there was cross party agreement that a third option of maintaining the "status quo" thereby retaining the existing Member led sub committee hearing system with perhaps the introduction of some elements of the new proposals, namely the Penalty Points System. The Head of Legal Services advised the Committee of the procedures which would have to be followed in order to have this additional option added for consideration as part of the consultation process.

**Resolved to:**

- 1) Note the report**
- 2) the Cabinet Member for Regulatory Services be informed of the comments made by the Licensing Committee.**

09/16 To consider a resolution to exclude the press and public from the meeting during the consideration of Item 10.

“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 Paragraphs 1 & 2 of 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”

**Resolved to exclude press and public.**

MINUTES END