

LICENSING COMMITTEE
08 July 2021

Present: Councillor A Atwal (Chair)
Councillors: Bettany, Cooper, A J Graves, Hezelgrave, A Holmes,
Hussain, Jennings, J Khan, A Pegg and Skelton

In Attendance: Olu Idowu – Solicitor – Legal Services
Samantha Dennis – Director of Public Protection and Street
Pride
Mike Kay – Head of Environmental Protection, Housing
Standards, Licensing, Emergency Planning and Business
Continuity

01/21 Apologies

Apologies were received from Councillors Peatfield, Testro, Pattison and Potter.
Councillor Peatfield requested that it be recorded that she was having to self
isolate after receiving a track and trace notification relating to a COVID 19 alert.

02/21 Late Items to be Introduced by the Chair

There were no late items.

03/21 Declarations of Interest

There were no declarations of interest

04/21 Minutes of the Meetings held on 18 March 2021

It was noted in the minutes, that an update detailing the impact of the Covid-19
pandemic, on the trade, had been requested for this meeting by the Committee.
The Committee questioned why such a report wasn't on the agenda. The Head
of Environmental Protection, Housing Standards, Licensing, Emergency Planning
and Business Continuity stated that as we were now in the middle/nearing the
end of the pandemic this report would be better being brought to the next
Licensing Committee when they would be able to set out a complete set of
information and have a more comprehensive understanding of the impacts the
pandemic has had on businesses

The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity raised an issue with the minutes, at 33/20 - Gambling Act 2005 - Statement of Principles Consultation. The minutes state an eight week consultation period. Colleagues in the Consultation Team had since advised that this ought to be a twelve week consultation exercise. Therefore, it was requested that the minutes be amended to reflect this. Committee agreed to this amendment.

The minutes of the meeting held on 18 March 2021 were confirmed as an accurate record.

05/21 Statutory Taxi & Private Hire Vehicle Standards National Register of Taxi & Private Hire Licence Revocations and Refusals (NR3)

The Committee considered a report from the Director of Public Protection and Streetpride. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity presented this report detailing action the Council could introduce to further assist in deliberations of applications at both new and renewal of both Taxi and Private Hire Licences. The Department for Transport suggested, last year, in the Statutory Taxi and Private Hire Vehicles Standards that the National Register of Taxi & Private Hire Licence Revocations and Refusals (NR3) should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.

The Local Government Association (LGA) commissioned the National Anti-Fraud Network (NAFN) to develop a national register of taxi and private hire vehicle driver refusals and revocations (NR3). This register is increasingly being used by local authorities as it may have information which is not disclosed by an applicant such as their licence being revoked from another authority or having an application refused elsewhere. This is important intelligence which could show a person's past behaviour which could impact on the fit and proper person test.

The Committee were asked to approve the adoption of the policy. A draft of the policy was attached to the report at appendix 1 for Committee's approval. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity confirmed the Council would need to enter into a 12 week consultation period with the trade on the wording of the policy. It was also requested that if no adverse comments were received to the implementation of the register that Committee delegated the authority to make any minor changes to the draft policy, along with any minor changes to any existing policies, if needed as a result of the new policy being implemented, to the Head of Service for Licensing and the Licensing Manager in consultation with the Chair of Committee.. Any adverse comments would be referred back to the Licensing Committee.

It was confirmed that it was an expectation that all Licencing Authorities would adopt this policy.

The Committee discussed the merits of such a register and the ability to information share with other Licencing Authorities, questioning whether it would penalise any individuals or not. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity confirmed it would not, but stressed the Council's duty of care to the public. Debate was also held over whether a twelve week consultation period was too long. The Head of Legal Services advised that Derby City Council's Corporate Policy stipulated that consultations ran for period of twelve weeks and there would have to be very good reasons to sway from that time frame. Committee also discussed what was meant by 'adverse comments' to the policy.

Committee questioned whether spent convictions were to be included on this register and whether those details would be shared amongst other authorities if required. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity stated he would make further enquiries on this point and circulate more details to the Committee. Committee confirmed that they would welcome the standardisation across Licencing Authorities though.

Resolved to:

- 1. Consider the report and agree to the adoption of the National Register of Taxi & Private Hire Licence Revocations and Refusals (NR3).**
- 2. Agree to commence consultation on the wording of the policy, as set out at Appendix 1, for a twelve week period.**
- 3. To delegate authority to make changes to the draft policy following any minor responses to the consultation, to the Head of Service for Licensing and the Licensing Manager in consultation with the Chair of Committee.**
- 4. The Committee authorise the Head of Service for Licensing and the Licensing Manager to make amendment to any existing policies to reflect the adoption of NR3.**

06/21 Statutory Taxi & Private Hire Vehicle Standards Additional Requirements - Criminality Checks

The Committee considered a report from the Director of Public Protection and Streetpride. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity presented the report which detailed what additional measures the Council could introduce to further address the concerns around safeguarding of the public, in particular children and vulnerable adults. Committee were reminded of the checks and tests drivers currently have to complete, but informed that unless concerns are raised, the DBS and DVLA checks are only carried out on application and renewal which could mean a substantial period of time elapsing before further checks are made. Therefore, this report requested that members approve the amendments to the drivers conditions at Appendix 2 which would allow Derby City Council to access the records so that checks can be carried out at least every 6 months.

Committee were also informed that The Statutory Taxi & Private Hire Vehicles Standards also suggested that licensing authorities should test a driver's proficiency in both oral and written English language skills. Members were asked for their thoughts on officers investigating providers of these skills with a view to implementing language proficiency tests at a future date.

The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity confirmed that, at the present time, there were no requirements for DBS checks to be carried out on Private Hire Operators or their booking staff, all of whom were in possession of personal/sensitive data. Members were requested to approve an addition to existing checks where all operators would be required to submit a Basic Disclosure from the DBS as part of their application or renewal process. Where the operator is a company, the requirement would be relevant to all directors of the company.

Members were asked to approve conditions set out in Appendix 1 of the report, which applied to dispatch and booking staff. This would require an operator to maintain a register of their booking/dispatch staff evidencing the sight of a Basic DBS certificate for each person thus adding another layer of protection for the travelling public. The conditions also required the Basic level of DBS to be recorded for each person.

It was acknowledged that there would need to be the statutory twelve week consultation on the implementation of this policy.

Discussion was held on the contents of the report and the attached appendices. Members felt the introduction of DBS checks for booking operators and dispatch staff was very reassuring as to providing further protection to the public.

They also debated the necessity of language proficiency tests for drivers and felt that whilst oral tests were vital they didn't feel that written tests were necessary. It was agreed that enquiries should be made of the LGA to seek clarity on the level and type of language proficiency tests appropriate for taxi and private hire drivers.

Resolved to:

- 1. Consider the report and note the proposed amendments to existing processes.**
- 2. Consider and approve the proposed additional conditions attached at Appendix 1 of the report relating to Private Hire Operator licences.**
- 3. Consider and approve the proposed amendments to the conditions attached at Appendix 2 of the report relating to Private Hire/Hackney Carriage Driver licences.**
- 4. Consider and approve the proposed amendments to the conditions attached at Appendix 3 of the report relating to Private Hire/Hackney Carriage Vehicle licences.**
- 5. Agree the items relating to condition changes as outlined in Appendices 1, 2 and 3 of the report be released for a 12 week consultation period.**
- 6. Agree to delegate authority to make changes to the wording of the proposed conditions following any minor responses to the consultation, to the Head of Service for Licensing and the Licensing Manager in consultation with the Chair of this Committee.**
- 7. Agreed that enquiries should be made of the LGA to seek clarity on the level and type of language proficiency tests appropriate for taxi and private hire drivers.**

MINUTES END