

LICENSING COMMITTEE
18 March 2021

Present: Councillor A Atwal (Chair)
Councillors: Bettany, Cooper, A J Graves, Hezelgrave, A Holmes, J Khan, Marshall, Pearce, Peatfield, A Pegg, Sandhu 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
Angela Rawson – Team Leader - Licensing

28/20 Apologies

Apologies were received from Councillor Smale

29/20 Late Items to be Introduced by the Chair

There were no late items.

30/20 Declarations of Interest

There were no declarations of interest

31/20 Minutes of the Meetings held on 28 January 2021

The minutes of the meeting held on 28 January 2021 were confirmed as an accurate record.

It was noted in the minutes, that an update on the impact of the Covid pandemic, on the trade, had been requested for this meeting by the Committee. The Chair noted this and asked the Team Leader – Licensing when the Committee may expect to receive such a report. It was confirmed that having a full report ready for this meeting had been too optimistic. It was also acknowledged that the full impact of the Covid pandemic on the regulatory trade may not be seen for a while after lockdown restrictions have been lifted. The Team Leader – Licensing confirmed that she would be liaising with other teams and gathering information to enable a report to be received, by the Licensing Committee at the next meeting.

32/20 Equality Act 2010 - Provision of Wheelchair Accessible Vehicle List

The Committee considered a report from the Director of Public Protection and Streetpride. Team Leader - Licensing presented the report which detailed what the Council could introduce to help protect and aid wheelchair users when taking advantage of either the hackney carriage or private hire taxis.

The Team Leader – Licensing informed the Committee that, although the Equality Act 2010 has been in place for a number of years, not all of the Act has been enacted and in April 2017, the government introduced some new sections (165 – 167) in relation to the assistance of passengers in wheelchairs using designated taxis and private hire vehicles. It was confirmed that Derby City Council has a responsibility to ensure that disabled people are supported when using the facilities by making them more wheelchair accessible. It was proposed that introducing a ‘wheelchair accessible vehicles’ list would empower wheelchair users to be able to use taxis more confidently. Disabled groups and networks, nationwide have requested that Licensing Authorities use such a list and this is also supported by the Department of Transport, who had issued statutory guidance on this matter.

It was confirmed that all Derby City Council registered Hackney Carriages were able to accommodate wheelchairs, with it’s user secured properly. However, it was noted that there were some limitations as some of the motorised wheelchairs could be very large and special vehicles would be required to accommodate these.

The Committee were then updated on the taxi driver’s responsibilities under the Equalities Act, which were to carry the passenger, safely, whilst in the wheelchair and not to make any additional charge for doing so. The driver was also required to give the passenger mobility assistance ‘where reasonably required’ in getting in and out of the vehicle (either in the wheelchair or out of it) and to load the wheelchair separately if this was required.

It was confirmed that prior to the list being published drivers would need to be notified that this information, with their vehicles’ details would be put on the Council’s website advertising that their vehicles would be available for this type of use. It was confirmed that drivers would be able to request to be made exempt from these requirements if they felt they would not be able to assist wheelchair users in this way, due to their own medical reasons and would have to display a badge stating they were exempt.

Once the list was made live it would be an offence for a driver not to comply with the requirements as stipulated in the Equalities Act.

Resolved to:

- 1. agree the implementation of a Wheelchair Accessible Vehicle List in accordance with Sections 165-167 of the Equality Act 2010 (the Act).**
- 2. Receive further update on more defined Wheelchair Accessible List which detailed more information on what size wheelchair the taxi would be able to accommodate and whether they would be able to accommodate motorised wheelchairs.**

**33/20 Gambling Act 2005 - Statement of Principles
Consultation**

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 how, Derby City Council as the designated Licensing Authority under the Gambling Act 2005 (the Act) was required to produce a Statement of Principles (the Statement). The Statement would set out how Derby City Council would exercise its functions under the Act. The Council must review this statement every 3 years. The last review was undertaken in 2018

The Committee were informed that the Authority must consult widely before determining or revising the Statement. The Draft Statement of Principles for release for consultation purposes was attached to the report as Appendix 1. It was proposed to have a twelve week consultation period, to allow comments to be received from the general public, stakeholders and partners. Any responses would be considered the referred to a future Licensing Committee for them to agree the final version, which will need to be referred to Full Council for ratification, before any amendments are made to the Statement.

Committee were informed that the Gambling Committee were looking at some proposed legislative changes and it may well be that some changes may need to be made to the Statement after the consultation period to accommodate these. As these are legislative changes they have to be included in the statement so there would be no need for them to go to consultation.

The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity confirmed that the final revised Statement of Principles should be published by the end of December 2021 and that the approved Statement of Principles relating to gambling would come into effect from 31 January 2022.

Resolved to approve the attached Draft Statement of Principles for release for consultation purposes (Appendix 1).

34/20 Statutory Taxi & Private Hire Vehicle Standards Update

The Committee considered a report from the Director of Public Protection and Streetpride. Team Leader - Licensing presented the report which provided a progress update following the release by the Department of Transport (DfT) of the Statutory Taxi & Private Hire Vehicle Standards intended to improve safety for taxi and private hire vehicle passengers.

The Committee were informed, by the Team Leader – Licensing, that after reviewing the document in detail it was clear that Derby City Council already had many of the suggested actions already embedded within their existing processes, conditions and policies.

The Committee were briefed on the outline of the work planned to be undertaken over the coming year and a copy of this was attached to the report at Appendix 1. This was broken down into Short term, medium term and long term.

It was confirmed that it was hoped that a lot of administrative processes would be moved on to a digital platform within the next 12 months to help streamline processes.

It was also confirmed that training and knowledge testing requirements would also be reviewed within the next few months, under the short term plan, along with councillor and officer training. Work was going to be undertaken with the councillor development team and Legal to provide some options for additional training to ensure all have the necessary skills and knowledge. The Member training to include Licensing Procedures, the course of natural justice, understanding CSE, disability and equality, the making of difficult and potentially controversial decisions and the appearance of bias. It was stressed how important it was that Members attend these training sessions. Discussion on how Member training would be delivered followed.

The Members were then briefed on the plans for medium and long term work plans and the rational for the timeframe. Along with the plans and work to be done.

Resolved to note the contents of the report and attached appendix

MINUTES END