

LICENSING COMMITTEE

Tuesday, 24 January 2023

PRESENT – Councillors, Councillor Iftakhar Hussain (Chair), Casey, Brookfield, Taylor, Imtiaz and Raja.

OFFICERS – Niky Barret (Licensing Officer), Shelagh Lyth (Solicitor), Denise Andrews (Licensing Manager), Tayyab Mulla (Governance Officer)

RESOLUTIONS

11 **Welcome & Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors D Hardman, L Salton, D Gee and T Fazal

12 **Minutes of Previous Meeting**

RESOLVED - The Minutes of the previous meeting held on Tuesday 22nd November 2022 were approved as a correct record.

13 **Declaration of Interest**

There were no Declaration of Interests.

14 **Outcome of Consultation on Policy Revision**

Members discussed a report which presented the Revised Hackney Carriage and Private Hire Licensing Policy. The purpose of this report was to present the outcome of the recent consultation with the trade and other stakeholders on the on the proposed Hackney Carriage and Private Hire Licensing.

The Principal Licensing Officer asked members if they would like to reconsider the contents of the draft policy in light of the consultation response for the following areas of the proposed Hackney Carriage and Private Hire Licensing Policy.

DBS Update Service

- All Licensed drivers are required to sign up to the DBS Update Services and maintain their registration throughout the licensed period. This had enabled the Council to undertake periodic checks at least every 6 months, in accordance with the Statutory Taxi and Private hire Vehicle Standards.
- Licensed drivers who had failed to register with the update service, or who had allowed their registration to lapse would have been required to provide a new enhanced certificate every six months
- Where the Council were unable to check the drivers status due to failings on the part of the driver, it may suspend the driver's licence until

such time as it is satisfied that there is no new information recorded against the driver

- Nothing in this section will negate the requirement for licensed drivers to inform the council within 48 hours of any arrests and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence.
- If there had been any change to the information held by the DBS, the driver would be required to provide a new certificate to the council and register that one with the update service.

Members were informed that there was some resistance at the Taxi Forum to any automatic suspension of driver licenses if licensed drivers were not on the update service. However, it was explained that the power to suspend was discretionary and would only be used where drivers had failed to respond promptly to requests for new certificates, if they had not maintained their registration with the update service.

Members agreed not to amend this section

English Proficiency

- The Statutory Taxi and Private Hire Vehicle Standards 2020 identify that a lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
- A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve these objectives.
- The Council requires all applicants for new driver's licences to demonstrate their language proficiency, either by providing evidence of formal qualifications such as GCSE, GCE, Functional Skills Level 1 or 2 in English, or ESOL certificate at Level 1 or 2.
- Applicants who do not hold any formal qualifications in English must undertake a free skills assessment provided by Blackburn Adult Learning service and provide evidence that they have passed the assessment

Members were advised that at the Taxi Forum a Private Hire Operator who was licensed to operate 1 vehicle and a second operator licensed to operate up to 10 vehicles, voiced concerns that recruiting new drivers would become difficult, but the proposal was supported by a third operator. In addition to this the Private Hire Drivers Association have indicated they had no problem with this proposal.

Members agreed not to amend this section.

Driver Training and Knowledge Test

- Applicants for a new driver's licence are required to pass the Blackburn with Darwen Knowledge Test before being issued with a licence. A fee is required for the driver training sessions and tests and any applicant cancelling an appointment with less than 48 hours' notice, would not be eligible for a refund.
- The Council publishes a comprehensive guidance pack and training for new drivers on its website, to help them prepare for the driver training and knowledge test.
- If an applicant fails three successive tests, their application will be rejected and a period of 12 months must elapse, before they will be eligible to book onto the driver training session again.
- Applicants must bring in their photo-card driving licence on the day of the test. This must be in date and have their current address on it.

Members were advised that at the tax forum one of the operators who had submitted his concerns with the policy had spoken out against the proposed cap on attempts drivers may have on passing the Driver Knowledge Test. They also suggested that the local routes element of the test be scrapped altogether. However, another operator had supported the proposal and the Private Hire Drivers Association had indicated they did not have any problem with this.

Members agreed not to amend this section

Medical Fitness

- Medical certificates, completed by the driver's own GP practice, or by one of the Council's approved suppliers for medicals as published on the Council's website, are required on first application and then every 5 years from age 45 until the age of 65 when they are required annually

Members were advised that the proposal was to adopt the same frequency of medical assessments used by the DVLA. However, despite the wording in the current policy stating that the medical should be completed by the drivers own GP, the Council has for a number of years accepted medical certificates from 2 other approved providers, to ease the pressure on drivers who were unable to get appointments from their own GP's for these medicals. This established practice is now reflected in the revised wording.

The Private Hire Drivers Association's formal response was that they did not agree. However members agreed with the proposal to adopt the same frequency of medical assessments used by the DVLA.

Hackney Carriage and Private Hire Vehicles

- The Council will not issue a vehicle licence for any vehicle which is licensed as either a hackney carriage or private hire vehicle with any other Local Authority. If the Council becomes aware that other vehicle licences are running concurrently with this Council's licence, the Blackburn with Darwen vehicle licence will be immediately revoked.

Members were advised that at the Taxi Forum a Private Hire Operator who was licensed to operate 1 vehicle spoke out against this proposal and another

operator had raised concerns about the impact of this on accident management companies. However, members had discussed the proposal and agreed that the council should not issue a license to any driver whose vehicle is licensed with a different authority.

Members were advised that that proposed emission standards for new vehicles below were opposed by the Taxi Forum, The Private Hire Drivers Association and 3 individual responses passed on by the Hackney Carriage Association all oppose this proposal.

Euro 4 emission limits (petrol)

CO – 1.0 g/km

HC – 0.10 g/km

NOx – 0.08

PM – no limit

Euro 6 emission limits (diesel)

CO – 0.50 g/km

HC+ NOx – 0.17 g/km

NOx – 0.08 g/km

PM – 0.005 g/km

PM – 6.0×10^{-11} g/km

The Executive Member had also agreed not recommend this proposal. Members agreed that the proposal should be removed from the policy.

Members were advised that there had been general opposition to the proposal for the Council to not issue a vehicle licence for any vehicle that had been written off by insurers under category A, B or S.

The Private Hire Drivers Association did not agree with the proposal and the Executive Member had agreed not to recommend this proposal. Members agreed that the proposal should be removed from the policy.

Private Hire Operators

- In accordance with the Statutory Guidance the Council requires applicants to provide a recent basic DBS certificate before a private hire operator's licence will be granted, and then annually throughout the duration of the licence, in respect of the person named on the licence, or for each director or partner where the licence is held by a company or partnership.
- Where an applicant, director or partner also holds a valid Blackburn with Darwen driver's licence, the requirements in 6.3.1 are dis-applied in respect of that individual
- Any applicant who has spent six continuous months or more, overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English
- Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register.
- Applications for private hire operators licences must provide a copy of their policy on employing ex-offenders in roles that would be on the register required by 6.6.4.

Members were advised that one operator asked if the Council would be providing guidance on the policy for ex-offenders and it was suggested that a sub-group could be established to look at producing a template for all operators to use. Members agreed not to amend this proposal.

Revised Convictions Policy

- A minor traffic or vehicle related offence is considered to be one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property, including vehicles. An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed.

Members were advised that during the consultation there had been a general opposition to this proposal from the Private Hire Drivers Association, taxi forum and the Executive Member had agreed not to recommend the proposal.

The Principle Licensing Officer provided a handout which incorporated the existing policy guidelines for the offences covered by the section in the draft that attracted the objections. Members agreed to continue to consider these using the current policy guidelines.

The Principle Licensing Officer had informed members that the Private Hire Drivers Association had also 'Not Agreed' 3 other elements from the draft policy which had not been amended as part of this review. These were as follows.

- 1. Conditions attached to drivers licences – Smoking in private hire vehicle fines**

Members were informed that this was not a condition on a licence, but the Licensing Service do include reference to the Health Act 2006 on all driver licences, to remind the holder of the offences and penalties that have been in place since the Smoke Free legislation came into effect on 2006.

- 2. Private Hire and Hackney Carriage Penalty Points Scheme**

Members we advised that this scheme was introduced before the last policy revision in 2016 and remains unchanged.

- 3. Disclosure and Barring Service checks - relating to Certificate of good conduct requirements**

Members were informed that this requirement was introduced in Blackburn in the 2016 Policy review. The Statutory Standards also addressed Overseas convictions.

RESOLVED – The Members recommend the draft policy as amended be presented to the next available Council Forum for adoption.

15 Update on the work of the Public Protection Service

The Committee received an update on the work of the Council's Public Protection and Environmental Health Services (PPS) where there was a connection with businesses and persons who required a licence from the Council. It also provided an update for Members on national policy changes and proposals affecting licencing work.

Joint Operational Work

Licensing and Environmental Health Officers have worked with Lancashire Police and BwD Children's Services on Operation Latimer. On 19 December visits were carried out at three businesses – 2 in Blackburn and 1 in Darwen following concerns around possible child sexual exploitation (CSE).

During the visits business owners and staff were spoken to and educated about CSE and the premises were inspected to ensure they were complying with health and safety, licensing and hygiene requirements.

Officer revocations

In quarter 3 of 2022/23, 2 drivers have had their hackney/private hire drivers' licences revoked by officers for issues which needed immediate action.

Appeal results

Since the last Licensing Committee 2 appeals against the decision of officers or general licensing sub-committees to revoke private hire vehicle driver licences have concluded. The Magistrates Court agreed with the decision made by the Licensing Sub-Committee and awarded costs against the driver of £1500. This is now subject to a further appeal to the Crown Court. The appeal against the officer decision was withdrawn with costs awarded of £2844.

Blackburn with Darwen Taxi Forum meeting

At November's meeting of the Taxi Forum the focus was on the consultation on the proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy.

Complaints to Licensing Team

During the period 21 complaints have been made to the Licensing Team – 17 related to taxi/private hire licensing and 4 were about alcohol or late night hot food licensed premises.

The most common complaints were about verbal abuse/threatening behaviour by licensed drivers and refusal to take passengers with guide dogs or making additional charges for carrying passengers using wheelchairs.

Environmental Health have also received 2 complaints about noise and disturbance emanating from licensed premises

Routine work carried out

The following table provides figures on some of the key work carried out from 1 October 2022 to 31 December 2022.

Vehicle licences processed – hackney carriage and private hire	497
Driver licences processed – new and renewal applications	137
Licensing Act licences processed These are new licences, variations to existing licences and changes to designated premises supervisor	33
Temporary Event Notices processed	41
Animal Welfare Licences processed	2
Street trader	2

Licensing Committee Member Resources

Members were advised that the Local Government Association has published a range of resources and handbooks to help councillors with their role sitting on licensing committees.

The committee were provided with the links to the training courses and had agreed to complete the training and provide the certificates by the end of the fiscal year.

RESOLVED - The update be noted

16 Minutes of Licensing Sub Committees

The Committee received the proceedings of the following Sub Committees:

General Licensing Sub Committee held on 15th November 2022
General Licensing Sub Committee held on 13th December 2022

RESOLVED – That the proceedings of the Sub Committees as outlined above were approved as a correct record and were duly signed by the Chair.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed