

LICENSING COMMITTEE

26TH JANUARY 2021.

PRESENT- Akhtar (in the Chair), Batan, Brookfield, Gee, Groves, Salton, Rawat, Hussain and Taylor.

Also Present: Denise Andrews, Donna Riding, Julie Fisher and Paul Conlon.

Resolutions

1. Welcome and Apologies

The Chair welcomed those present to the meeting.

2. Declaration of Interests

There were no declarations made.

3. Minutes of the Meeting held on 29th October 2019.

RESOLVED- That the minutes of the meeting held on 29th October 2019 be approved as a correct record and signed by the chair.

4. Department of Transport Statutory Taxi and Private Hire Vehicle Standards.

The Committee received a report on informing them of the Department of Transport “Statutory Taxi and Private Hire Vehicles Standards” and proposals for working towards compliance with standards.

The Committee were aware that the Council was responsible for the licensing of Hackney carriage and private hire operators. The council has to have regard to the legislation in place including case law, relevant guidance best practice and its own policies and procedures. In 2020 the Department for transport has published “Statutory Taxi and Private Hire Vehicle Standards”. These standards were applied to Local Authorities having regards to the Policing and crime act 2017, which enabled the Secretary of State to issue statutory guidance to local authorities as to how taxi and private hire licensing should be undertaken to protect children and vulnerable adults when using taxis and private hire vehicles.

The council needed to review its taxi licensing policies and standards so that they meet the standards outlined by the department for transport whilst

ensuring that the standards adopted are appropriate for the for the Borough's local needs and the Council would need to be transparent in explaining the reason for these standards.

Members discussed the standards and how these would be implemented if adopted. Attention was drawn to the requirement for need to be proficient in both written and oral communication in English language and asked how this would be tested, how this would be managed with existing drivers and who would pay for this. In response it was stated that the requirement would be paid for by the applicants as it would be a licensing requirement and that it would only be for new applicants as it could not be implemented retrospectively. The test would be part of the licensing process. Members discussed the issue of CCTV in cabs to protect both the driver and the passengers. Issues relating to data protection were discussed and the requirements relating to how this would be managed with the council being the Data Protection Manager. A Member drew attention to the penalties relating to mobile use whilst driving which was 6points under the council's policy and whether this should be up to 6points to ensure that the panel had some leeway to consider applications on their individual merits.

Members discussed the current financial situation with relation to COVID19 the way that the trade was being severely affected and to impose financial requirements on drivers would cause increased hardship on them.

RESOLVED- That the discussions with the Trade Representatives take place regarding the Departments of Transport Standards in September with a view to the result of these discussions being reported back to the committee in the next year to take account of the current situation relating to COVID 19 and its effect on the trade.

5. **PART II - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 Schedule 12A to the Local Government Act 1972.

6. **Application for Licensing of Tuk Tuk Vehicles**

The committee considered an application for the registration of a Tuk Tuk as a Private Hire Vehicle. The application had been considered by the General Licensing Sub Committee in October who had adjourned the application as they did not feel that they had sufficient information on which to make an informed decision and therefore the application was adjourned until the next

Full Licensing Committee in January 2021 pending further investigation and consideration of the safety aspects of the applicant's vehicle.

Prior to the hearing on Tuesday 26th January, the applicant was provided with a copy of Appendix E: Enquiries and Observations by the Police Liaison Officer with Respect to the Licensing of Tuk Tuk type vehicles. He had been informed that the information contained in that report may considerably undermine his application, based on these safety concerns raised the applicant was invited to submit further representations in advance of the adjourned hearing in support of his application or to request an adjournment to enable him to fully respond. He stated that he did not require an adjournment and asked the Committee to make the decision based on the information provided.

The Applicant did not attend the virtual hearing on 26th January, the Committee took into consideration the representations which the applicant made to the Sub-Committee during the initial hearing on 20th October 2020. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Council to licence a private hire vehicle as long as they are satisfied that the vehicle is suitable in type, size and design for use as a Private Hire Vehicle. The Committee considered the available information at length following which a decision was made.

RESOLVED- That the Committee were not satisfied that the applicant's vehicle was suitable, therefore the application for a licence was refused. The applicant has a right of Appeal of the decision to the Magistrates Court within 21 days of receipt of the notification.

7. Minutes of the Licensing Sub Committees

The Committee received the proceedings of the following Sub Committees:

Licensing Act Sub Committee held on 18th August 2020
Licensing Act Sub Committee held on 17th November 2020
Licensing Act Sub Committee held on 25th November 2020
General Licensing Sub Committee held on 19th October 2019
General Licensing Sub Committee held on 10th December 2019
General Licensing Sub Committee held on 21st January 2020
General Licensing Sub Committee held on 18th February 2020
General Licensing Sub Committee held on 10th March 2020
General Licensing Sub Committee held on 30th June 2020
General Licensing Sub Committee held on 20th October 2020
General Licensing Sub Committee held on 15th December 2020

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

Signed:.....
Date.....

Chair of the meeting
At which the minutes were confirmed.