

# LICENSING COMMITTEE

## Tuesday 26<sup>th</sup> April 2022

**PRESENT** – Councillors Akhtar (Chair), Casey, Desai, Gee, Hussain M, Salton, Brookfield, Taylor, and Fielding.

**OFFICERS** – Denise Andrews (Licensing Manager), Niky Barrett, (Principal Officer, Licensing) Shelagh Lyth (Solicitor) and Phil Llewellyn (Corporate and Democratic Lead).

### RESOLUTIONS

#### 7 **Welcome & Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors Akhtar H and Patel Alt.

#### 8 **Declaration of Interest**

No Declarations of Interest were received.

#### 9 **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 15<sup>th</sup> November 2021 were approved as a correct record and were duly signed by the Chair.

#### 10 **Statutory Taxi and Private Hire Vehicle Standards – Review of Convictions Policy**

Members discussed a report which presented a revised draft policy on convictions and other relevant considerations for Members to consider and amend as necessary, after which Officers would then undertake consultation with the trade and other relevant stakeholders.

The Department for Transport published its Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020 and the expectation of the Government was emphasised throughout the document in bold.

Blackburn with Darwen's current policy was agreed across the ten Greater Manchester licensing authorities and Blackburn with Darwen in 2012, as part of the Public Protection Partnership in place at that time.

The rehabilitation periods detailed in the Statutory Standards and the Institute of Licensing's (IOL) suitability guidance had been compared to the existing policy and were summarised in a table in the report.

In order to incorporate the Government's clearly expressed minimum standards when considering the offending behaviour of applicants and licensees, the existing policy had been comprehensively redrafted to align it to

the recommendations in the Statutory Standards in respect of criminal offences and the additional elements that featured in the IOL's 2018 guidance.

Once adopted, Members had to have regard to the revised policy when determining private hire and hackney carriage applications and reviews.

Members discussed the draft policy, feeding back their views on the proposed changes to the rehabilitation periods for offences, and were asked to feedback these views to the Licencing Team following the meeting.

Officers confirmed that the consultation exercise would involve both taxi drivers and operators, as well as other users and agencies, and that social media and texts would be used to help ensure that all taxi drivers were aware of the consultation exercise.

The results of the consultation exercise would be fed back to the July meeting of the Committee.

### **RESOLVED –**

1. That Members feedback on their views/amendments to the contents of the draft policy be noted and that any further comments be fed back to officers.
2. That the Principal Licensing Officer is directed to undertake a six week public consultation exercise.
3. That the outcome of the consultation exercise is reported back to the next scheduled meeting of the Licensing Committee.

## **11 Update on the work of Public Protection and Environmental Health Service**

Members were updated 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.

### **Taxi safety operation**

In March, a joint operation was undertaken with Licensing, Trading Standards and Environmental Crime Officers and the Police. 6 private hire vehicles licensed by Blackburn with Darwen Borough Council were stopped. The vehicles were given road side safety inspections and checks made that correct licences were in place. No problems were identified.

## **Officer revocation**

A taxi driver had his licence revoked using officer powers following notification by the Police of his potential involvement in an ongoing fraud investigation.

## **Appeal results**

Since the last Licensing Committee, 2 appeals against the decisions of the General Licensing Sub-Committee to revoke private hire vehicle driver licences had been concluded. In both cases the Magistrates Court agreed with the decision made by the Licensing Sub-Committee.

Licensing Officers agreed to feedback to the Committee the results of any appeals by taxi drivers to decisions made by the General Licensing Sub Committee in future.

## **Blackburn with Darwen Taxi Forum meeting**

At February's meeting of the Taxi Forum the Council's arrangements for MOT testing of hackney carriages and private hire vehicles and driver training and assessment were discussed.

## **Routine work carried out**

Figures were provided on some of the key work carried out from 1 April 2021 to 31 March 2022.

## **National Issues**

The Department for Transport (DfT) issued best practice guidance on taxi and private hire vehicle (PHV) licensing. This had recently been updated to take into account stakeholder views and changes in the way the sector operated. DfT were currently consulting on the proposed changes. The consultation ended on 20 June 2022. A response will be made on behalf of the Licensing Authority. The main areas on taxi and private hire licensing which the DfT are seeking views on were:

- Driver licensing – additional assessments above standard driving licence
- Vocational training and assessment of drivers
- Vehicles with tinted windows
- Vehicle identification and signage
- Vehicle age limits

## **Levelling up the UK**

The Government's published levelling up document included reference to exploring transferring control of taxi and private hire vehicle licensing to both combined authorities and upper-tier authorities. As a unitary council authority providing both upper and lower tier functions, Blackburn with Darwen was already the regulator for the private hire and hackney carriage trade in the Borough. However, if the Government pursued this option there would be serious implications for the 11 remaining Lancashire district councils and the 10 Manchester councils that made up the Greater Manchester Combined

Authority, as they would be reduced to 2 licensing authorities for the purpose of Hackney Carriage and Private Hire licensing functions.

**RESOLVED** – That the Committee noted the report.

**PART II - THE PRESS AND THE 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 items in view of the fact that the business to be transacted was exempt by virtue of Paragraph 3 of Part 1 contained in Schedule 12A of the Local Government Act 1972.

**12 Minutes of the Licensing Sub Committees**

The Committee received the proceedings of the following Sub Committees:

- General Licensing Sub Committee held on 9<sup>th</sup> November 2021
- General Licensing Sub Committee held on 14<sup>th</sup> December 2021
- General Licensing Sub Committee held on 21<sup>st</sup> December 2021
- General Licensing Sub Committee held on 11<sup>th</sup> January 2022
- General Licensing Sub Committee held on 8<sup>th</sup> February 2022
- General Licensing Sub Committee held on 15<sup>th</sup> February 2022
- General Licensing Sub Committee held on 5<sup>th</sup> April 2022
- General Licensing Sub Committee held on 12<sup>th</sup> April 2022

Councillor Denise Gee requested that it be formally minuted that she still did not agree with the decision making at the meeting held on 21<sup>st</sup> December 2021, which she considered was of a political nature, rather than being independent.

**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