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LICENSING COMMITTEE
Tuesday, 18 October 2022

PRESENT – Councillors, , Casey, Gee, Salton, Brookfield, Taylor, Fazal, Hussain, Imtiaz and Raja.

OFFICERS – Niky Barret (Principal Officer, Licensing) Shelagh Lyth (Solicitor) and Tayyab Mulla (Governance Officer)

RESOLUTIONS

1 Welcome & Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors D Hardman and J Shorrocks

2 Declaration of Interest

No Declarations of Interest were received.

3 Minutes of the Previous Meeting

RESOLVED - The Minutes of the previous meeting held on Wednesday 3rd August 2022 were approved as a correct record. One matter was raised including an incorrectly noted decision. With the amendment of these the minutes were agreed as correct method.

4 Review of Hackney Carriage and Private Hire Licensing Policy

Members discussed a report which presented the Review of Hackney Carriage and Private Hire Licensing Policy. The purpose of the report was to present a revised draft policy for Members to consider and amend as necessary. 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 expectations of the Government were emphasised throughout the document in bold.

The Principal Licensing Officer responded to questions about the following areas of the proposed Hackney Carriage and Private Hire Licensing Policy.

DBS Update Service

- All Licensed drivers were 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 license until such time as it is satisfied that there is no new information recorded against the driver
- Licensed drivers would be required 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 once with the update service.

Members discussed if drivers had been signing up to the DBS Update Service, and were informed that the majority of drivers initially sign up for the update service, but in subsequent years had allowed their registration to lapse for various reasons. The DBS update service does issue reminders to drivers to renew their registration, but if the drivers contact details have change and they have not notified the DBS of the changes, they will not receive those reminders

English Proficiency

- The Statutory Taxi and Private Hire Vehicle Stands 202 had identified that a lack of language proficiency could impact the drivers ability to understand written documents such as policies and guidance, relation to the protection of the children and vulnerable adults. Oral proficiency would also be relevant in the identification of potential exploitation through communication with passengers.
- The Council were required that all applicants for new drivers licenses were required to demonstrate their language proficiency 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 did not hold any formal qualifications in English were required to undertake a free skills assessment provided by Blackburn Adult Learning services and provide evidence they had passed the assessment.

The Principal Licensing Officer advised members that the Council were working with Blackburn College to allow low income drivers to be enrolled on to a ESOL course for free.

Members agreed with the policy and felt that it may create barriers if a licensed driver was unable to speak English.

Councillor Tasleem Fazal suggested that the requirement to know English should not be made mandatory from the beginning, as drivers should be given the chance to be enrolled on to a course whilst still being a licensed driver.

Driver Training and Knowledge Test

Applicants for a new drivers licence are required to pass the Blackburn with Darwen Knowledge Test. The safeguarding element of this training is proposed to be provided by a specialist third party provider who only provide the training and tests in English.

Members were informed that the training is delivered online however applicants are required to provide identification at the start of the session and keep their web cameras on throughout the training and the test at the end.

The policy also proposes to introduce emission standards for new vehicles which would have to meet the following emission standards.

Euro 4 Emission Limits(petrol)

CO- 1.0g/km
HC- 0.10 g/km
NOx – 0.08
PM – No Limit

Euro 6 Emission Limits(diesel)

CO – 0.50g/km
HC+NOx- 0.17 g/km
NOx – 0.08g/km
PM – 0.005 g/km
PM -6.0X10¹¹/km

Members were provided a handout providing the figures of the fuel types of Blackburn with Darwen Hackney and Private Hire Drivers Vehicles.

Members discussed the impact the emission standards would have on drivers but did conclude that emission standard would not cause a major issues for drivers due to a large proportion of drivers changing or owning hybrid Vehicles which are compliant with Euro 4 and Euro 6.

Roadworthiness

Members were informed that the Council would not issue a vehicle licence for any vehicle that had been written off by insurers under Category A, B or S.

- A relates to vehicles that must be scrapped
- B relates to vehicles that may be broken and their parts reused
- S relates to vehicles that have sustained structural damage that is repairable

Disclosure and Barring Service checks by Private Hire Operators

In accordance with the Statutory Guidance, the Council will require applicants to provide a recent basic DBS certificate before a private hire operator's licence would be granted and to get basic disclosure certificates for their employees who dispatch drivers and vehicles.

The Principal Licensing Officer informed the Members that the duty would be with the operator to ensure that the necessary checks had been completed in respect of dispatch staff, in line with their own policy.

Members discussed the draft policy, and agreed to begin consultation subject to one amendment to include reference to the Council only licensing vehicles with 4 road wheels.

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

Resolved –

1. That Members feedback on their views to the contents of the draft policy be noted and that any further comments be fed back to officers.
2. That the outcome of the consultation exercise is reported back to the next scheduled meeting of the Licensing Committee.

5 Update on the work of Public Protection & Environmental Health 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.

Operations Stay Safe

Licensing officers joined force with Lancashire Police and BwD Children's Services as part of operation Staysafe on Friday 9 September, in direct response to concerns raised by the trade about stone throwing incidents where youths are targeting licensed vehicles. Whilst there were no incidents of stone throwing that evening, 5 licensed private hire vehicles were noted as failing to display private hire signage in accordance with their licence conditions and were issued with warning letters.

Officer Revocations

In the past 3 months 3 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 members were informed that an appeal against the decision of a general licensing sub-committees to revoke private hire vehicle driver licences had concluded. The Magistrates Court agreed with the decision made by the Licensing Sub-Committee and awarded costs against the driver of £300. There are 2 appeals currently going through the court process.

Blackburn with Darwen Taxi Forum meeting

At July's meeting of the Taxi Forum a report back was given of the review into the Council's arrangements for MOT testing of hackney carriages and private hire vehicles. The recommendation of the review was to keep the in-house provision in place.

Noise nuisance from licensed premises

The Environmental Protection Team have been involved in investigations into complaints about noise disturbance at 6 venues. Work continues to try to resolve the problems for affected nearby residents.

Routine work carried out

The following table provides figures on some of the key work carried out from 1 July 2022 to 30 September 2022.

Vehicle licences processed – hackney carriage and private hire	370
Driver licences processed – new and renewal applications	178
Licensing Act licences processed These are new licences, variations to existing licences and changes to designated premises supervisor	31
Temporary Event Notices processed	36
Animal Welfare Licences processed	1
Street trader	5

Taxi Trade Tax Checks

Members were informed that mandatory tax checks were implemented in April 2022 for all taxi and private hire licence holders in England and Wales.

Since early September HM Revenue and Customs (HMRC) had been writing to taxi drivers using taxi booking apps giving 30 days to respond and declare their income or face an investigation into their tax affairs. For all new applicants for licences the Council's licensing service application form required a declaration to be made that the applicant is aware of the content of HMRC guidance relating to tax registration obligations.

RESOLVED – The update be noted

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed