

LICENSING COMMITTEE

27 October 2020

Present:

Councillor Keith Owen (Chair)
Councillors Buswell, Branston, Henson, D, Newby, Quance, Vizard, Warwick, Wood and Wright

Apologies:

Councillor Mitchell, K

Also present:

Service Lead - Environmental Health & Community Safety, Legal Advisor, Principal Licensing Officer, Democratic Services Officer (MD) and Democratic Services Officer (HB)

14 **Minutes**

The minutes of the meeting held on 14 July 2020 were taken as read and approved for signing as correct by the Chair at the earliest possible convenience.

15 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

16 **The Statutory Taxi and Private Hire Vehicle Standards**

The Service Lead - Environmental Health and Community Safety presented the report on the Statutory Taxi and Private Hire Vehicle Standards, which provided Members with an overview of the of the recently published document, issued by the Department for Transport (DfT) and for Members to consider the proposed requirements of the document. It was highlighted that the standards set out provided a range of measures to protect taxi passengers, most notably the more vulnerable, to ensure public safety.

Particular reference was made to the Section 177(1) of the Policing and Crime Act 2017, which required Local Authorities to address and consider the proposed individual changes. Should the Licensing Committee be minded to reject the proposals, Central Government could impose a national legislation.

The Service Lead - Environmental Health and Community Safety commented on the measures outlined in the report, highlighting that the requirement for Private Hire Operators to conduct DBS checks for Call Handlers and Dispatchers would commence in February 2022 to allow appropriate time for taxi operators to implement the required changes.

The Service Lead - Environmental Health and Community Safety made reference to the following three categories of recommendations:-

- elements stipulated which the Council had already achieved such as sharing information, changes to the application form to declare previous convictions and refusals by other authorities, a full list being set out in Appendix A
- measures to adopt because of gaps in the current policy and detailed in the recommendations with varying timescales to provide the trade time to implement such as moving to an automatic updating system on the disclosure and barring system (DBS) administered by the Council, and the need for private hire operators to adopt a policy on relevance of conviction to cover its call handling staff.
- elements to give further consideration such as a points based system for disciplinary matters, the extension of mandatory CCTV to private hire vehicles, and training for the trade, these measures to be progressed through a working group via the Taxi Forum

In response to questions raised by the Licensing Committee Members, the Service Lead - Environmental Health and Community Safety explained:-

- CCTV provision had been a mandatory condition in respect of Hackney Carriage vehicles since 2017. Private Hire Vehicles operated under a different legislation, and currently had no condition requiring CCTV. This would be progressed through the working group including other aspects such as voice recording.
- the measures outlined in the report would be monitored for progress of implementation through regular engagement. The Licensing Authority would provide guidance and, where needed, regular reminders to ensure the measures are put into operation. Regular inspection of operators and their staff would be undertaken to ensure compliance and the onus was on individual operators to achieve compliance;
- only a basic, rather than an enhanced DBS Check, could be required under Department of Transport statutory standards for operators although some 80% held drivers licences and were therefore required to produce enhanced DBS checks. The enhanced check include additional “soft” information provided by the Police such as investigations;
- the timescale for operators to comply had been discussed at the recent Taxi Forum meeting;

Member’s attention was given to the requirement for both Taxi Operators, Members and Officers to attend mandatory Safeguarding, Equality and Diversity training, to ensure the standards were of the highest level. Members would be invited to a training session in November 2020. If Members did not attend the training, they would be ineligible to attend a Licensing Sub Committee, as well as leaving the Council open to legal challenge.

Members thanks the officers for the report.

The Chair moved amended wordings to the recommendations:-

- (2.3) - that the Licensing Committee consider and approve the following changes to the Hackney Carriage and Private Hire Policy; and
- (2.4) - The Licensing Committee consider and approves setting up a working group through the taxi forum to start meeting in 2021 to consider:

It was explained that the reason for the amendment to the wording was for clarification that Licensing Committee had both considered and approved the recommendations. The Chair moved and was seconded by Councillor Newby to amend the wording of recommendations, 2.3 and 2.4 in the report which was voted upon and carried unanimously.

RESOLVED that:-

- (1) the content of the statutory standards be noted;
- (2) the next review date of the Hackney Carriage and Private Hire Policy be set for October 2025;
- (3) the following changes be approved for the Hackney Carriage and Private Hire Policy:-
 - (a) Appendix E be amended to state that 'no licence will be issued to any individual that appears on either the children or adult barred lists;
 - (b) Appendix L be amended to require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators, coming into effect for all new applications and renewals from February 2021 and all existing operators by 1 January 2022;
 - (c) Appendix L be amended to require Private Hire Operators to hold a register of all the staff that will take bookings or dispatch vehicles to come into effect for all operators from 1 January 2022;
 - (d) Appendix L(2) be expanded to require Private Hire Operators to collect the following information as part of their records from 1 January 2022:-
 - The name of the driver;
 - The name of any individual that responded to the booking request; and
 - The name of any individual that dispatched the vehicle
 - (e) Appendix L be amended to require Private Hire Operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request and come into effect for all operators from 1 January 2022; and
 - (f) Section 4.5 along with Appendices B, L and P be amended requiring all drivers and operators' applications and renewals be conducted through the update service, in effect from 1 February 2021; and
- (4) a working group be established through the Taxi Forum to commence in 2021 to consider the following matters:-
 - (a) Reviewing the disciplinary process and address the feasibility of a points-based system being added to the policy; and
 - (b) Looking at further quality standards for both Hackney Carriage and Private Hire vehicles to consider such matters as CCTV, vehicle emissions, consumer safety and identification and training.

17 Licensing Fees and Charges Update to Animal Licence Fees

The Principal Licensing Officer presented the report on the Animal Licensing Fees and Charges, which sought approval for the proposed amendments to the fee structure for animal licensing in Exeter from 1st January 2021. He highlighted the statutory principle to the setting of fees was that they be reasonable and relate to the costs of performing the function and that recommendations would ensure Exeter City Council complied with the European Services Directive (2006/123/EC)

Particular reference was made to the changes brought in by DEFRA, which included a new scoring Matrix, which had been in use by Exeter City Council for several years, which provided an estimation of the costs involved. The costs had been split into

Parts A and B, where part A would cover the majority of the costs for the more lengthy inspections. Members noted that, as part of the fee re-structure detailed in the report, a new section for dog, day care venues had also been included.

RESOLVED: that the Licensing Committee approve the fees for the period from 1 January 2021 to 31 March 2021, as contained in Appendix A of the report presented at the meeting.

The meeting commenced at 5.30 pm and closed at 6.09 pm

Chair

DRAFT