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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Tuesday, 7 July 2015

<u>Present:</u>	Councillor	WJ Davies (Chair)
	Councillors	S Niblock J Salter M Sullivan
<u>Deputies:</u>	Councillors	D Roberts (In place of C Spriggs) E Boulton (In place of L Fraser) G Ellis (In place of G Watt) D Mitchell (In place of P Williams)
<u>Apologies:</u>	Councillors	A Hodson

5 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

6 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 2 June 2015 be approved.

7 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE RENEWAL REQUIREMENTS

The Strategic Director of Regeneration and Environment reported upon changes to the legislation in respect of the licensing of Hackney Carriage and Private Hire Drivers and requested Members to consider an amendment to the requirements for the renewal of Private Hire and Hackney Carriage Driver Licences in line with the changes coming into effect from 1 October 2015.

The Licensing Manager outlined the current requirements that must be met before an individual may be granted a Hackney Carriage or Private Hire Driver Licence. Members were advised that amendments to Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act made by the Deregulation Act 2015 would come into effect on 1 October 2015 providing that private hire and hackney carriage driver licences granted by a district council shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

Members were requested to bring the requirements for the renewal of a Hackney Carriage or Private Hire Driver Licence in line with the issue of a three year licence from 1 October 2015. It was proposed that drivers who are currently licensed and would be due for renewal from 1 October 2015 provide evidence of the requirements set out within the report prior to the renewal of the licence and thereafter before each three year renewal date.

In response to questions from Members, the Licensing Manager confirmed that officers would take every opportunity to inform drivers of any amendments made including a newsletter to all drivers and early notification of the renewal procedure to individual drivers. The Licensing Manager also advised that drivers would be encouraged to sign up to the Disclosure and Barring Service update service which would cost £13 per year.

Members expressed concerns regarding how the Licensing Authority would be kept up to date by drivers of any actions that must be notified to Licensing including penalty points on their driving licences. The Manager advised Members that procedures would be put in place to undertake these checks when drivers attended the office in respect of their vehicles. As the prime objective is to protect members of the public, any concerns regarding the issuing of three year licences would be reported back to this Committee. Members were advised that licences could be issued for less than three years if it was appropriate in individual circumstances. Members asked whether the Council was notified by the Courts if a driver is convicted of a criminal offence.

The Head of Legal and Member Services advised that it was not incumbent upon the Courts to notify the Local Authority in respect of any convictions received by drivers as they may not be aware that they are a licensed driver, however, he would raise this issue with the court user group.

In response to Members' concerns in respect of people who had lived abroad, the Licensing Manager informed Members that a certificate of good conduct would be obtained. Members asked about a dress code in respect of drivers. It was reported that a dress code was in place for drivers on the Wirral and any concerns in respect of this would be acted upon should they be reported to officers.

The Licensing Manager reported that further to the concerns raised, the process would be monitored and Members would be updated in respect of this. Members were also advised that the legislation gives provision to issue licences for a lesser period should it be considered appropriate.

It was moved by Councillor S Niblock and seconded by Councillor J Salter that
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“Members approve the following Policy in respect of the renewal of Private Hire and Hackney Carriage Driver licences to be effective for licences that become due for renewal from 1 October 2015:

An application to renew a Private Hire Driver Licence or a Hackney Carriage Driver Licence must include the following:

An enhanced Disclosure and Barring Service Certificate that has been issued no more than 28 days prior to the renewal date.

A completed Medical Report in accordance with the Council's Policy for Medicals to be presented within 28 days of the renewal period.

A code from the Driver and Vehicle Licensing Agency that will allow the office to access the individual's driving record before processing the renewal application.

For the avoidance of doubt an application will not be considered unless the above requirements are met on or before the renewal date. The granting of the renewal application will be subject to whether the details provided through the above documentation satisfy the requirements for the licensing of Hackney Carriage and Private Hire Drivers."

Resolved –

That Members approve the following Policy in respect of the renewal of Private Hire and Hackney Carriage Driver licences to be effective for licences that become due for renewal from 1 October 2015:

An application to renew a Private Hire Driver Licence or a Hackney Carriage Driver Licence must include the following:

An enhanced Disclosure and Barring Service Certificate that has been issued no more than 28 days prior to the renewal date.

A completed Medical Report in accordance with the Council's Policy for Medicals to be presented within 28 days of the renewal period.

A code from the Driver and Vehicle Licensing Agency that will allow the office to access the individual's driving record before processing the renewal application.

For the avoidance of doubt an application will not be considered unless the above requirements are met on or before the renewal date. The granting of the renewal application will be subject to whether the details provided through the above documentation satisfy the requirements for the licensing of Hackney Carriage and Private Hire Drivers.

8 REVIEW OF LICENSING FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND AND PRIVATE HIRE OPERATOR LICENCES

The Strategic Director of Regeneration and Environment requested Members to review and approve the licence fees in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015.

It was reported that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the cost of a licence must be related to the cost of the licensing scheme itself and it was appropriate for a local authority to recover their administrative and other associated costs.

As a result of the change in the duration of Private Hire and Hackney Carriage Driver Licences for a period of three years and Private Hire Operator Licences for a period of five years a review of the fee structure was required to reflect the fact that licences would be issued for more than one year.

The fees that related to annual licences were attached to the report together with the proposed fee structure. The Licensing Manager advised that the cost of the administration of the processes had been calculated based on the revised duration of the Licences. The review had taken into consideration that there would be reduced officer time dedicated to processing licences and reduced costs in producing badges and paper licences. The proposed fees were considered appropriate to recover the costs of the issue and administration of the licences and these costs would be kept under review.

The Licensing Manager advised that no concerns in respect of the proposal had been raised by operators and that if any representations were received during the consultation period, these would be reported back to the next Committee meeting.

Members were advised that the fees would be reviewed in March 2016 and that they would be informed of any changes identified.

Members thanked the Licensing Department for their work in providing the detailed report.

It was moved by Councillor S Niblock and seconded by Councillor D Mitchell that –

“(1) Members of the Licensing, Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 2 of the report in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015, subject to any objections being received as part of the consultation process.

(2) That the licence fees be further reviewed in March 2016 and that if any proposed changes are identified these will be reported to a future meeting of this Committee.”

Resolved –

(1) Members of the Licensing, Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 2 of the report in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015, subject to any objections being received as part of the consultation process.

(2) That the licence fees be further reviewed in March 2016 and that if any proposed changes are identified these will be reported to a future meeting of this Committee.