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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 18 July 2018

<u>Present:</u>	Councillor	RL Abbey (Chair)	
	Councillors	G Wood WJ Davies P Stuart	A Hodson D Mitchell
<u>Deputies:</u>	Councillors	D Elderton (In place of I Lewis) S Williams (In place of M Jordan)	
<u>Apologies:</u>	Councillor	C M Meaden	

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 REVIEW OF HACKNEY CARRIAGE FARES

The Corporate Director for Business Management reported upon proposals to amend the Hackney Carriage Tariffs and determine whether it would be appropriate to approve an increase in Hackney Carriage Tariffs subject to any objections being received as part of the consultation process.

The Licensing Manager advised Members that the last increase of hackney carriage fares was in February 2017 when the initial hiring distance on tariff 1 (standard day rate) was reduced. All other tariffs and distances had remained unchanged.

Members were informed that a proposal had been submitted by the Unite Hackney Carriage trade representatives to increase hackney carriage tariffs with effect from 1 October 2018 and the details of the increases were set out within the report. Tables comparing the current and proposed rates and the effect of the proposed increases were attached as appendices to the report.

It was reported that should Members approve the amendments to the current tariffs, the proposal must be advertised for a period of fourteen days and if no objections are received the revised tariff would become effective on 1 October 2018. If objections are received they would be reported back to this Committee for consideration.

Derek Cummins, Unite the Union addressed the Committee and requested that Members consider the proposals, as tariff 2 had not been changed since 2007.

Gary Gregory, Unite the Union expressed the view that none of the proposals were unreasonable in view of costs for vehicles and the minimum wage.

In response to Mark Hazelhurst, Mark Smith and David Falkner who all addressed the Committee to express their opinions, the Chair advised them that they should submit their views and comments through the consultation process.

On a motion by Councillor A Hodson and seconded by Councillor P Stuart it was –

Resolved – That the proposals to amend the Hackney Carriage Tariffs be approved for consultation and that all Hackney Carriage Licence Holders should be written to advising of the proposals and consultation in addition to the proposals being placed in the local paper.

7 PRIVATE HIRE VEHICLE OPERATOR LICENCES

The Corporate Director for Business Management sought Members' approval to amend the procedure for licensing Private Hire Operators.

The Licensing Manager advised that Private Hire Operator Licences are issued for a period of five years and the Council must be satisfied that an applicant for the grant of a Private Hire Operator Licence is fit and proper before a licence is granted.

Members were informed that an applicant for the grant or renewal of a Private Hire Operator Licence must undergo a criminal record check and obtain a Basic Disclosure before a licence may be granted or renewed except in circumstances where the applicant holds or is in the process of applying for a Private Hire Driver Licence. Criminal record checks are undertaken for Private Hire Drivers on initial application and then every three years on renewal of their licences.

Therefore, a currently licensed Private Hire Driver applying for a Private Hire Operator Licence may not have undertaken a criminal record check for up to three years and it was proposed that all applicants for a Private Hire Operator Licence, including currently licensed Private Hire Drivers must submit a Basic Disclosure with their application, except in circumstances where their application is concurrent with an application for a Private Hire Driver Licence.

On a motion by Councillor D Mitchell and seconded by Councillor P Stuart it was –

Resolved – That the amendment to the procedure for licensing Private Hire Operators be approved.

8 PRIVATE HIRE VEHICLE CRITERIA AND LICENCE CONDITIONS FOR NON STANDARD LUXURY VEHICLES

The Corporate Director for Business Management sought Members' approval to amend the procedure for licensing non standard luxury vehicles.

The Licensing Manager advised that the current Special Event Private Hire Vehicle Licence Conditions that came into effect in March 1999 had been approved by this Committee and had not been subject to review since that date.

It was reported that the conditions allowed for an exemption from displaying the plates on the vehicle and the requirement to display door signs and that there were currently eight vehicles subject to those conditions. In September 2017 Members of this Committee approved revised criteria and conditions for standard Private Hire Vehicles and subsequently applications had been received for exemption from displaying plates and door signs which had been considered by the Licensing Panel. The Panel had granted licences subject to Private Hire Vehicle Licence conditions with additional conditions including those relating to the display of plates and door signs.

The Licensing Manager proposed that the Special Event Private Hire Vehicle Licence conditions were replaced with the standard Private Hire Vehicle Licence criteria and conditions approved by Members in September 2017 with any additional conditions imposed by the Licensing Panel for each application should this be considered appropriate and necessary.

On a motion by Councillor D Mitchell and seconded by Councillor P Stuart it was –

Resolved –

- (1) That an amendment to the procedure for licensing non standard Private Hire Vehicles be approved.**
- (2) That should an application be received to license a vehicle that does not comply with the current criteria and conditions for private hire vehicles it be considered necessary and appropriate that each application be considered on its own merits and would therefore be referred to the Licensing Panel.**

9 PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The Corporate Director for Business Management sought Members' approval in respect of revised Private Hire Driver and Private Hire Vehicle Licence Criteria and Conditions in respect of drivers and vehicles undertaking work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Corporate Director for Strategy and Partnerships to transport children to and from educational establishments.

The Licensing Manager reported that separate Private Hire Drivers and Private Hire Vehicle Licence conditions and Criteria in respect of drivers and vehicles undertaking the work outlined above had been approved in January 2008, however these conditions had not been subject to review since that date. Therefore, further to a review of these conditions, it had been identified by officers from the Licensing Department and the Strategy and Partnerships that there was no longer a requirement to have such different conditions for drivers and vehicles undertaking work exclusively under a contract to transport children to and from educational establishments. It had however been recognised and acknowledged that there does remain justification for retaining a difference in the requirements necessary to become a Private Hire Driver undertaking work exclusively under the terms and conditions of a contract issued by the Corporate Director for Strategy and Partnerships. It was proposed that an applicant seeking to undertake this work be

exempt from the Knowledge Test but that they obtain the MIDAS qualification in place of the VRQ in introduction to the role of the professional taxi and private hire driver. It was also proposed that Private Hire Vehicles undertaking this work be required to produce an MOT Certificate and Compliance Test Certificate for tests undertaken within 28 days prior to a licence being issued. It was further proposed that once a vehicle reaches 6 years of age it would be required to be tested every six months and a six month licence be issued. It was not currently proposed to impose the 10 years age limit that was currently applied to other Private Hire Vehicles but that this would be kept under review.

The draft conditions were attached to the report and the Licensing Manager advised that should they be approved, it be delegated to officers to make any subsequent minor amendments in the standard Private Hire licence conditions.

Members expressed concerns in respect of the 10 year age limit for vehicles not being applied and proposed that this be implemented for new applicants and applications for change of vehicles.

On a motion by Councillor P Stuart and seconded by Councillor A Hodson it was –

Resolved (7:1) –

- (1) That the revised Licence Conditions for Private Hire Driver and Private Hire Vehicles which are used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Corporate Director for Strategy and Partnerships to transport children to and from educational establishments be approved.**
- (2) That officers be delegated to make any subsequent minor amendments to the standard Private Hire licence conditions.**
- (3) That the revised Criteria as set out in paragraphs 3.3 and 3.4 of the report for applicants and vehicles seeking to be licensed as Private Hire Drivers and Vehicles respectively, to undertake work exclusively under a contract to transport children to and from educational establishments be approved.**
- (4) That the 10 year age limit that currently applies to other Private Hire Vehicles be imposed in respect of any new applications and applications for change of vehicles.**