

REGULATORY AND GENERAL PURPOSES COMMITTEE

Tuesday, 23 March 2021

Present:

Councillor A Hodson (Chair)

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|-------------|------------|-------------|
| Councillors | AER Jones | T Norbury |
| | M Collins | L Rowlands |
| | C Cooke | J Stapleton |
| | G Davies | I Williams |
| | K Greaney | KJ Williams |
| | C Jones | S Williams |
| | D Mitchell | |

13 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 item on the agenda and state the nature of the interest.

No such declarations were made.

14 MINUTES

Resolved – That the accuracy of the minutes of the meeting of the Regulatory and General Purposes Committee held on 19 January 2021 be approved.

15 MINUTES OF THE REGULATORY PANEL

Resolved – That the accuracy of the minutes of the meetings of the Regulatory Panel held on 11 November, 26 November and 16 December 2020 and 29 January 2021 be approved.

16 DEPARTMENT FOR TRANSPORT - STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Director of Law and Governance submitted a report advising Members of the Committee of the publication of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards document which was attached as an appendix to the report and sought Members' approval of proposed actions in response to its recommendations.

The Licensing Manager reported that the standards within the document had been developed to address the safeguarding of the public, in particular children and vulnerable adults. It was emphasised within the document that the importance of considering these standards cannot be overstated. The recommendations set out in the document were the result of detailed discussion with the trade, regulators and safety campaign groups.

Members were informed that it is a requirement that all licensing authorities should publish their consideration of the measures contained in the Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these. The Department for Transport (DfT) had undertaken to monitor the effectiveness of the Standards in achieving the protection of children and vulnerable adults (and by extension all passengers).

The Licensing Manager advised Members that she had reviewed the Licensing Authority's current conditions and criteria for licensing Hackney Carriage and Private Hire Drivers and Vehicles as well as Private Hire Operators against the DfT's Standards and the result of this review was set out in Table A attached in Appendix 2 to the report. Alongside each of the DfT's recommendations a summary was provided of the Licensing Authority's current position and any proposed action in response to the DfT's recommendation. Members were further informed that where possible an estimated timescale to complete the proposed action had been given.

A number of recommendations contained within the document which were not currently in place and therefore required to be addressed were outlined within the report. The purpose of the Statutory Taxi and Private Hire Vehicle Standards was to offer greater consistency across the country particularly on safeguarding children and vulnerable adults. It was reported that whilst some of the proposed actions would take time to deliver, as set out within Table A in Appendix 2 of the report, due to the need to consult with interested parties, there were others which could be implemented without the need for consultation, subject to the approval of Members of this Committee.

The Licensing Manager advised that should Members approve the revised Convictions Policy as set out in Appendix 3 of the report, the revised Convictions Policy would replace the current policy with immediate effect. Members of the Committee were also being asked to approve the following amendments to the current licensing criteria and conditions where they do not match the DfT's Standards, namely:

- The time period for notification of any investigation into offences by licence-holders to be amended to 48 hours;
- Oral and written English Language proficiency tests to be a requirement for applicants for Private Hire and Hackney Carriage Driver Licences;

- Authorisation be given to the Licensing Manager to refer individuals to the Disclosing and Barring Service (DBS) for consideration to be added to the barred lists in certain circumstances; and
- Mandatory annual DBS checks be a requirement for Private Hire and Hackney Carriage Vehicle Proprietors and Operators who do not hold a Private Hire or Hackney Carriage Driver licence. If the applicant is a limited company this will apply to all individuals listed in an executive position on the Companies House Public Register.

Members were advised that if approved, it was proposed that the revised criteria or amended conditions would have effect, in respect of new applicants, 28 days from the date of approval and in respect of current licence holders, 28 days after the notification of approval.

Members of the Committee were also requested to authorise the Licensing Manager to undertake consultation in respect of the following recommendations contained within the Statutory Taxis and Private Hire Vehicle Standards document, namely;

- Mandatory subscription to the DBS Update service;
- Twice yearly DBS checks for licensed drivers; and
- The introduction of CCTV in licensed vehicles.

Derek Cummins, Unite the Union, addressed the Committee and requested clarification on what would constitute a hand-held device.

The Licensing Manager confirmed that it would not be for the Licensing Authority to determine what constitutes a hand-held device. The reference for the Licensing Authority would be the conviction of the offence itself.

On behalf of the Committee, the Chair thanked the Licensing Manager for her hard work in providing the detailed report.

Further to questions from Members of the Committee in respect of extra pressure on resources and staffing, the Licensing Manager advised that resources would be kept under review to ensure the public were protected effectively.

On a motion by Councillor M Collins and seconded by Councillor D Mitchell, it was -

Resolved –

- (1) **That the proposed actions as set out within Table A attached in Appendix 2 of the report which provided a response to the recommendations contained within the Statutory Taxi and Private Hire Vehicle Standards document be approved.**

- (2) That the proposed revisions to the Council's Statement of Policy and Guidelines relating to the relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences attached in Appendix 3 of the report be approved.
- (3) That the Licensing Manager be authorised to amend current conditions and criteria in accordance with the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards document and undertake consultation on the adoption of the following:
- Mandatory subscription to the Disclosure and Barring Service (DBS) Update service;
 - Twice yearly Disclosure and Barring Service (DBS) checks for licensed drivers; and
 - The introduction of CCTV in licensed vehicles.

17 REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS

The Director of Law and Governance submitted a report for Members of the Committee to consider revised Private Hire Operator Licence Conditions.

The Licensing Manager reported that a review of the current Private Hire Operator Licence Conditions had been undertaken to provide effective protection for members of the public. The review had had regard to the Department for Transport's Statutory Taxis and Private Hire Vehicle Standards. The review had also taken into account changes in technology since the development of the current conditions.

Members were advised that the amendments that had been made particularly related to booking records, the recording of complaints and requirements relating to staff employed by the Operator.

The Licensing Manager informed Members that the draft document had been subject to consultation with licensed Private Hire Operators and that a summary of feedback from this consultation was attached in Table A in Appendix 2 of the report. Members were further informed that the proposed conditions had also been shared with other Licensing Authorities in the City Region to seek to achieve consistency across the City Region.

On a motion by Councillor L Rowlands and seconded by Councillor G Davies it was –

Resolved – That the revised Private Hire Operator Licence Conditions attached as Appendix 1 to the report be approved.

