

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 10 MARCH 2015

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor D J Sanders Chairman

Councillor H J W Davies
Councillor A F Knight
Councillor E May
Councillor K H Turner

Councillor A P Hadley
Councillor R P Lillis
Councillor L W Smith
Councillor D J Westcott

Officers in Attendance:

Licensing Manager (I Carter)
Licensing Officer (J Rendell)
Mendip Legal Representative (L Dolan)
Meeting Administrator (K Kowalewska)

LEP1 Apologies for Absence

No apologies for absence were received.

LEP2 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor H J W Davies	All	SCC	Spoke and voted
Councillor L W Smith	All	Minehead	Spoke and voted
Councillor K H Turner	All	Brompton Ralph	Spoke and voted
Councillor D J Westcott	All	Watchet	Spoke and voted

LEP3 Public Participation

No member of the public had requested to speak on any item on the agenda.

LEP4 Licensing Regime for Hackney Carriage/Private Hire Drivers and Taxi Assessment Test

(Report No. WSC 47/15 – circulated with the Agenda.)

The purpose of the report was for Members to consider the licensing requirements for Hackney Carriage/Private Hire Drivers within West Somerset with regard to the requirement to pass a practical driving assessment before a drivers licence was granted or renewed.

The Licensing Officer presented the report and advised that Members were being asked to approve one of the two options as set out in the report, having considered the impact upon the trade and the obligations on the Council to protect the safety of the public using licensed Hackney Carriages or Private Hire Vehicles. It was highlighted that option 2 of the recommendation was the officers' preferred option.

The Committee debated the recommended options and various questions and issues were asked and answered by the officers.

The main points raised during the discussion included:

- Members objected to the current arrangement of the Somerset Road Safety tests starting and finishing at Deane House, Taunton due to the inconvenience this would cause to the taxi drivers with regards to fuel costs and the potential loss of trade by taking the time to travel to Taunton. However, officers confirmed that options to undertake the tests in West Somerset could be explored, and it was proposed to amend the recommendation to indicate that the tests could be held at an alternative location in West Somerset.
- It was also proposed that the recommendation should have a three year period written into it so that the test should be taken at renewal or every three years.
- There was no flexibility on the location of where the DVSA test centres were held.
- Members supported the requirement of applicants having to retake the test on renewal of a hackney carriage and private hire vehicles drivers licence.
- It was noted that Option 2 of the recommendations should be amended to read "That Members resolve to require all applicants for the grant and/or renewal of..."
- The differences between the DVSA Taxi Test and the Somerset Road Safety were explained, however it was advised that the same test was conducted and applicants were tested to the same level by qualified examiners using the same requirements.
- Following concerns, it was confirmed that a portion of the test called the 'free drive' was designed to examine the applicant's knowledge of the area.

- Queries pertaining to the wheelchair exercise being optional were raised and officers confirmed that there was a requirement for a hackney carriage vehicle to be wheelchair accessible but this did not apply to a private hire vehicle. Further clarification would be sought from Somerset Road Safety on this issue and the Committee would be advised accordingly.

On being put to the vote Option 1 of the recommendation was REFUSED.

It was proposed to approve Option 2, to include amendments relating to the tests being held in West Somerset and to be undertaken over a three year period from renewal. The amended recommendation was duly seconded. On being put to the vote Option 2, as amended, was CARRIED.

RESOLVED that all applicants for the grant and/or renewal, over a three year period, of a hackney carriage and private hire vehicles drivers licence be required to provide proof that they have completed the DVSA Taxi Test or Somerset Road Safety Test. All Somerset Road Safety Tests to be offered in West Somerset.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

LEP5 **Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators**

(Report No. WSC 46/15, circulated with the Agenda.)

The purpose of the report was for Members to consider the licensing requirements for Hackney Carriage/Private Hire Drivers and Private Hire Operators within West Somerset with regard to the removal of one year licences, the granting of licences that run for a period of up to three years from the date of issue, the replacement of the Knowledge Test with a Knowledge and Suitability Interview, requiring applicants for renewal of a drivers licence to pass a knowledge and suitability interview and obtain a suitable medical certificate before a licence is granted.

The Licensing Manager presented the item, providing brief details and reasons for the proposed recommendations that would change the practice of hackney carriage/private hire drivers and private hire operators.

During the debate the following main points were raised:

- Clarification was provided on the removal of the DBS check for those years when it was not required; and it was confirmed that DBS was required at grant and every three years.
- In response to concerns regarding the monitoring of convictions during the three year period, there was a requirement within the taxi policy, and a condition on the licence, that the Council must be notified if a driver was convicted of an offence.

- The discretion for giving a refund would lie with the Licensing Manager who would look at each situation on its own merits and would be able to calculate what was owed. Legislation did not require a refund to be provided.
- In response to a request for the Licensing Committee Chair or Vice-Chair to be present at the knowledge and suitability interview, it was advised that under the Scheme of Delegations responsibility for granting a licence to a suitable applicant was currently delegated to the Licensing Manager and under the current scheme the Chair or Vice-Chair of the Licensing Committee did not have a role in granting a licence.
- The Legal Advisor advised that the Scheme could be amended to enable the Chair or Vice-Chair to be consulted by the Licensing Manager before a licence was granted; the Constitution would have to be revised because in its present form it did not support the request.
- The set format of the face-to-face interview was explained.
- The reason for not restricting the location of the interview was explained, however it was advised that the majority of the interviews would be held at the Williton Council Offices.
- It was proposed to amend recommendation 2.4 of the report to include 'Choice of office by arrangement'.
- The proposed amendments to the policy would be put in effect in April 2016 to allow the trade to become fully informed and accustomed to the changes.
- It was confirmed that the licensing regime did not have statutory consultees.

Councillor D Sanders proposed the recommendations of the report, as amended, which were seconded by Councillor D J Westcott.

On being put to the vote the recommendations, as amended, were CARRIED, with one abstention.

RESOLVED (1) that the removal of one year licences for Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences be approved.

RESOLVED (2) that the removal of the requirement to provide a conviction check in the form of either a standard DBS check or a Police Subject Access check (data held on PNC) for those years when an Enhanced DBS disclosure is not required be approved.

RESOLVED (3) that the granting of Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences for a period of up to three years from the date of grant of the licence be approved.

RESOLVED (4) that the replacement of the knowledge test with a knowledge and suitability interview be approved. Choice of office by arrangement.

RESOLVED (5) that the requirement for all drivers seeking a renewal of a drivers licence to pass a knowledge and suitability interview prior to the granting of a licence be approved.

RESOLVED (6) that all applicants for the grant or renewal of a hackney carriage and private hire vehicles drivers licence be required to obtain a suitable medical certificate before a licence is granted.

In recognition of this being the last Licensing Committee before the May elections, the Chairman took the opportunity to thank the Members of the Committee and the officers and legal advisors who attended the meetings for their help, guidance and commitment.

The meeting closed at 5.37 pm