

## South Somerset District Council

**Minutes** of a meeting of the **Licensing Committee (Informal)** held at the **Virtual Meeting using Zoom meeting software on Tuesday 13 July 2021.**

(10.00 - 11.00 am)

**Present:**

Councillor David Recardo (Chairman)

Jason Baker

Dave Bulmer

Karl Gill

Tony Lock

Kevin Messenger

Wes Read

Paul Rowsell

Linda Vjeh

Martin Wale

William Wallace

**Officers**

Rachel Lloyd

Michelle Mainwaring

Vicki Dawson

Jo Morris

Specialist - Licensing

Case Officer (Strategy & Support Services)

Lead Specialist (Environmental Health)

Case Officer (Strategy & Support Services)

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**1. Apologies for Absence (Agenda Item 1)**

Apologies for absence were received from Councillors Crispin Raikes, Jeny Snell and Andy Soughton.

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**2. Declarations of Interest (Agenda Item 2)**

There were no declarations of interest.

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**3. Public Participation at Committees (Agenda Item 3)**

Members noted that the applicant for Item 8 – Permission to apply for a Hackney Carriage Vehicle Licence would address the Committee at the time the item was discussed.

There were no other members of the public present at the meeting.

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**4. Date of Next Meeting (Agenda Item 4)**

Members noted that the next meeting of the Licensing Committee would be held on Tuesday 7<sup>th</sup> September 2021 at 10.00am.

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## 5. Taxi and Private Hire Licensing Policy (Agenda Item 5)

The Lead Specialist – Environment introduced the report and explained that the Taxi and Private Hire Licensing Policy had been refreshed to ensure all current legislation, guidance and best practice was incorporated. In addition, the policy had been restructured to allow for easier reading.

The Specialist – Licensing referred to the statutory guidance and explained that there was an expectation that the recommendations were incorporated and implemented unless there was a compelling reason not to do so. She highlighted the key statutory guidance changes to the policy which included:

- An introduction for safeguarding training
- Language proficiency test
- A new requirement for licensed drivers to undertake DBS checks every six months and action taken if not carried out
- A requirement for existing licensed holders to notify of any arrest, release or charge for certain convictions with a time limit of 48 hours
- A national register to record refusals and revocations
- A basic disclosure for all hackney carriage and private hire vehicle applicants that were not South Somerset District Council licensed drivers
- A requirement for private hire operators and licensed holders to provide an annual basic disclosure where they were not already licensed drivers.

The Specialist – Licensing referred to the other changes in the policy which included:

- Companies would be informed of any occasions where licenses may be suspended or revoked
- All new applicants would have a three year licence
- Adopted the Institute of Licensing Guidance on determining the suitability of applicant and licensees and would replace the current Criminal and Convictions Policy
- If an existing driver reached seven penalty points on their DVLA licence the matter would be referred to the Licensing Committee or Licensing Sub Committee
- All new licensed vehicles to be compliant with the current European Emission Standard
- Vehicles that are under 5 years old would have one vehicle check and vehicles over five years would have a test at the point the licence was renewed and around the mid-point of the licence period
- As recommended by the report produced by the Disabled Persons Transport Advisory Committee, the new policy recommended a mixed fleet to accommodate the needs of all disabled passengers and that at least 25% of vehicles should be wheelchair accessible
- Changes to the policy where licences may be suspended or revoked and the penalty point system

During the discussion, Members raised a number of comments and questions. In response, the Lead Specialist – Environment and Specialist – Licensing advised members of the following:

- The Licensing Committee was being asked to agree for the draft policy to go out to consultation to various stakeholders including all drivers and operators and the Police. The Policy would then be presented to District Executive for approval and be formally adopted as South Somerset District Council's Policy. If there were

significant comments made during the consultation process these could be brought back to the Licensing Committee.

- Sometimes information was received from the Police about incidences involving taxi drivers and the information had been acted upon particularly where there could be a public safety issue. The Police were involved in the Disclosure and Barring Service check and in the past had provided additional information such as pending court cases.
- Discussions to date on the policy had mainly been held with colleagues in other Somerset authorities. During the consultation period, the policy would go out to a much wider stakeholder group. The Lead Specialist – Environment agreed to provide members with a list of people who would be part of the formal consultation process. The information would also be available on the Council's website.
- All drivers would be subject to an enhanced disclosure because of the nature of their work. The vehicle licence holders and the private hire operators would be subject to a basic disclosure because the Council was not entitled to ask for an enhanced disclosure for those particular roles as they did not have close contact with children or vulnerable people.
- A set frequency of undertaking refresher safeguarding training had not been specified in the draft policy at this stage and had not been included in the statutory guidance either. The issue would be left flexible and applied as seen fit going forward.
- Licences could not be suspended as part of an investigation.
- A private hire operator would need to be a licensed driver to drive a licensed vehicle to carry out a job. Generally, most of the vehicle licence holders and operators were also licensed drivers and would not be required to undertake a basic disclosure. The Statutory Guidance promoted use of the DBS update service where drivers paid an annual fee to keep their disclosures up to date.
- The Council was responsible for licensing taxi drivers, the operator would be responsible for their business and would have their own insurance if a claim was made in relation to negligence following an investigation but this would need to be confirmed by legal. The suspension, revocation and refusals element of the policy outlined the grounds for suspending a licence; evidence of wrong doing was required and a decision could be taken on a case by case basis but the Council was constrained by the legislation and guidance.
- Because of the variety of issues a licence could be suspended, it would be very difficult to give a timeframe for the matter to be dealt with.

At the conclusion of the debate, members were content to approve the recommendations outlined in the report and requested that that any responses received during the consultation period be brought back to a future meeting of the Licensing Committee prior to the policy being recommended for approval by District Executive.

- RESOLVED:** That the Licensing Committee recommends that the Director – Support Services and Strategy:
- (a) Agrees to the amendments to the draft policy and permits the required consultation on the policy to take place.
  - (b) Agrees that any responses received during the consultation period be brought back to a future meeting of the Licensing Committee prior to the policy being recommended for approval by District Executive.
  - (c) Agree decisions in relation to licensing non wheel chair accessible vehicles are delegated to Licensing Officers who will apply the guidance within the policy.

*(Voting: unanimous)*

**6. Appointment of Licensing Sub-Committee Chairmen (Agenda Item 6)**

Members considered the report and recommended members to be appointed as Licensing Sub Committee Chairmen.

That the Licensing Committee recommend that the Director – Support Services and Strategy appoint the following members as Licensing Sub Committee Chairmen: Councillors Jason Baker, Tony Lock, Crispin Raikes, Wes Read, David Recardo, Linda Vijeh and Martin Wale.

**7. Exclusion of the Press and Public (Agenda Item 7)**

**RESOLVED:** That Agenda Item 8 be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 1: “Information relating to any individual for, or recipient or form recipient of any service provided by the authority.” It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

**8. Permission to Apply for a Hackney Carriage Vehicle Licence (Confidential) (Agenda Item 8)**

This item was considered in closed session.

The Committee was addressed by the applicant who explained the reasons for his request.

Members unanimously approved the request to allow the licensed driver to apply for a hackney carriage vehicle licence for a car which is more than 5 years old.

**RESOLVED:** That the Licensing Committee recommend that the Director – Support Services and Strategy approves the request for the licensed driver to apply for a hackney carriage vehicle licence for a car which is more than 5 years old.

*(Voting: unanimous in favour)*

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Chairman

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Date