

MINUTES OF GENERAL LICENSING COMMITTEE

MEETING DATE Tuesday, 17 October 2017

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Jane Bell, Mary Green, James Marsh, Barbara Nathan, Paul Wharton and David Wooldridge

CABINET MEMBER: Councillor Jacqui Mort (Public Health, Safety and Wellbeing).

OFFICERS: Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager) and Dianne Scambler (Democratic and Member Services Officer)

OTHER MEMBERS AND OFFICERS: Denise Johnson (Director of Development, Enterprise and Communities), Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) (Licensing Officer) and Chris Ward (Licensing Officer) (Licensing Officer)

PUBLIC: 1

38 Apologies for Absence

Apologies for absence were received from Councillors Mike Nelson (Vice Chair), Harry Hancock and Ken Jones.

39 Minutes

RESOLVED (Unanimously): That the meeting of the General Licensing Committee held on 19 September 2017 be confirmed as a correct record for signing by the Chair.

40 Declarations of Any Interest

There were no declarations of any interests.

41 Equalities Legislation (1) - Activation of elements of s165 and s167 of the Equalities Act 2010 relating to wheelchair users, along with associated documentation

The Committee considered a report of the Director of Development, Enterprise and Communities that presented the outcome of a consultation exercise undertaken on Equalities Legislation (1) – Activation of Elements of Section 165 and 167 of the Equalities Act 2010 relating to wheelchair users, along with associated documentation relating to its enforcement.

Members were also reminded that authorities who chose to implement the relevant sections of the Equalities Act 2010 in relation to wheelchair users are obliged to

produce a list of “designated users” that will set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle; the name of the operator; and information on the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a “reference wheelchair” can be accommodated. The draft list produced by the Council was attached to the report.

It was acknowledged that some drivers may have a medical condition, a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the level of assistance that these duties require. The Act therefore allows licensing authorities to grant exemptions, requiring a local system to be put in place and Members considered a proposed Medical Exemptions Policy that had been drafted for this purpose.

Despite the considerable lengths officers had undertaken to ensure that all interested parties were made aware that the consultation was taking place few responses had been received and these were included within the report.

RESOLVED (Unanimously):

1. That full Council be recommended to formally adopt (a) sections 165 and 167 of the Equalities Act 2010; (b) the draft Medical Exemptions Policy (c) associated documentation consisting of the draft application form, draft letter confirming the granting of exemption and draft certificate/notice to be displayed by exempted drivers.
2. That drivers of vehicles on the list of “designated vehicles” be provided with an opportunity to apply for medical exemption in accordance with the Medical Exemptions Policy; and
3. That following is adoption by Council, the final version of the list of designated vehicles be published.

42 Equalities Legislation (2) - Draft Policy for Medical Exemption from Requirement to Carry Assistance Dogs

The Committee considered a report of the Director of Development, Enterprise and Communities that presented the outcome of a consultation exercise undertaken on Equalities Legislation (2) – Draft Policy for Medical Exemption from requirement to carry assistance dogs.

At its meeting on 13 June 2017, the Committee received a report that sought formal adoption of formal documentation relating to the enforcement of equalities legislation regarding the transporting of visually impaired passengers and assistance dogs. The report also outlined the current licensing conditions relating to the transportation of assistance dogs and set out the findings of a test purchase exercise. The Committee agreed that there should be a consultation exercise with relevant stakeholders on the Medical Exemption Policy before a decision was made on the recommendation to formally adopt Sections 168-173 of the Equalities Act by the Council.

Despite the considerable lengths officers had undertaken to ensure that all interested parties were made aware that the consultation was taking place few responses had been received and these were included within the report.

RESOLVED (Unanimously):

That full Council be recommended to formally adopt (a) sections 168-173 of the Equalities Act 2010, (b) the draft Medical Exemptions Policy, (c) the draft application

form, (d) draft letter confirming the granting of exemption and the (e) draft certificate/notice to be displayed by exempted drivers.

43 Equalities Legislation (3) - Draft Policy/Testing Requirements to ensure Safety of Licensed Vehicles which have been subject to modification

The Committee considered a report of the Director of Development, Enterprise and Communities that presented the outcome of a consultation exercise undertaken on Equalities Legislation (3) – Draft Policy/Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification.

The draft policy includes details of the technical standards considered necessary to ensure the continuing roadworthiness of licensed/modified vehicles and subject to a number of technical objections raised within the consultation it was considered appropriate to delegate authority to officers to initiate further discussion with the trade in order to refine the technical specification element of the policy.

Two options for the testing of modified vehicles had been identified, one option to allow the current independent testing stations to undertake the additional testing or the requirement of all additional testing to be carried out by Lancashire County Council at their premises in Bamber Bridge. Although three responses to the consultation had expressed their opposition to the second option, members considered that the purpose built facility of the County Council's would give a more consistent approach to the testing regime.

RESOLVED (Unanimously):

1. To recommend to full Council to formally adopt the Draft Policy/Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification.
2. That delegated authority be given to the Revenue and Benefits Manager and Interim Licensing Officer to initiate further discussion with the trade, in a constructive manner, in order to refine the draft technical specification, prior to its referral to full Council on 22 November 2017. by the trade.

RESOLVED (F6: Abstention:1):

- 3 To recommend full Council agree Option 2 (LCC facility at Bamber Bridge) for the testing of modified vehicles.

44 Proposed Adoption of Intended Use Policy

The Committee considered a report that sought Members recommendation to full Council for the formal adoption of the draft Intended Use Policy following a consultation exercise that had been undertaken throughout August 2017.

Although the Authority does not consider itself to have a major problem arising from the number of out of town drivers operation within the borough it is considered imperative that the Council plays its part in seeking to minimise its exposure to risk at every opportunity. Although only a few responses had been received both drivers and operators generally supported the idea.

RESOLVED (Unanimously):

1. To recommend full Council to formally adopt the draft Intended Use Policy and associated documentation.
2. Approval of the proposed amendment at section 6.14 of the current Licensing Policy to reflect the adoption of the policy if approved.

45 Proposed Revisions to Licensing Policy

The Committee received a report on the outcome of a consultation exercise that had been undertaken on a number of proposed changes relating to the Licensing Policy. Full details of the 14 proposed Policy/Condition changes were contained within the report. Each proposal was individually discussed and voted upon.

RESOLVED (Unanimously): Approval of Proposed Changes 1, 2, 5, 6, 7, 8, 10, 11, 12, and 13 with general guidance to be provided for drivers within the Licensing Policy on Proposed Change 13: (Seating numbers)

RESOLVED (F5:A2): Approval of Proposed Change 9

RESOLVED (Unanimously):

That Proposed Change 3 be changed to include vaping devices.

That Proposed Change 4 be changed to include vaping devices.

That Proposed Change 14's wording be changed "Operators must..."

That delegated authority be given to the Chair of Licensing to approve Proposed Changes 3, 4 and 14 following further consultation by the trade.

46 Safeguarding Training

The Committee received a report informing Members of the outcome of a consultation exercise that had been undertaken on the requirement for all new applicants for a driver's licence to complete appropriate online Safeguarding training prior to their application being granted, and for all licensed drivers to successfully re-take this training prior to renewal of their licence and in accordance with certain criteria as defined by the authority.

Although all drivers who responded to the consultation objected to the training proposals, one operator was broadly in agreement. The Committee considered it imperative that all drivers licensed by the authority attended CSE training as they are in direct daily contact with some of the most vulnerable members of our society. Members also commented that drivers can also be vulnerable and need to know how to protect themselves.

RESOLVED (Unanimously): That full Council be recommended to approve the replacement of section 5.9 of the Licensing Policy with new wording set out in Section 10 of this report which would:

- a) Require all new applicants for a Hackney Carriage or Private Hire Driver's Licence to satisfactorily complete the online/e.learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board; and for all new applicants to provide proof of the successful completion of this online course as part of the application process;
- b) Require all drivers currently licensed with this authority to re-take and provide documentary evidence of successful completion of the above course prior to each subsequent renewal of their licence;
- c) Require all applicants (i.e. whether a new applicant or existing licence holder seeking to renew their licence) to provide evidence of successful completion of the above course which is dated within a 3 month period prior to the date on which a new application or application for renewal is made;

- d) Require that all, in all cases, the online test referred to above shall be taken under officer supervision at the Civic Centre and only upon production of proof of identity; and
- e) Require any licensed driver to complete a training course within a reasonable period of up to 3 months when obliged to undertake one by the Licensing Authority at risk of suspension for non compliance.

Chair

Date