

GENERAL LICENSING COMMITTEE

TUESDAY, 23RD JANUARY, 2018, 6.00 PM

CROSS ROOM, CIVIC CENTRE, LEYLAND

AGENDA

1 Apologies for Absence

2 Declarations of Any Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Minutes of the General Licensing Committee

(Pages 3 - 8)

To confirm the minutes of the General Licensing Committee meeting held on 28 November 2017 attached.

4 Proposed Changes to the Licensing Policy

(Pages 9 - 12)

Report of the Revenues Manager attached.

5 Proposed Change to the Licensing Policy (Professional Qualifications) and Revised Approach to Future Changes

(Pages 13 - 20)

Report of the Revenues Manager attached.

6 Establishment of Working Group

(Pages 21 - 32)

Report of the Revenues Manager attached.

7 Update on Recent Licensing Activity

(Pages 33 - 40)

Report of the Revenues Manager attached.

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Committee
Councillors John Rainsbury (Chair), Mike Nelson (Vice-Chair), Jane Bell,
Mary Green, Claire Hamilton, Harry Hancock, Ken Jones, Jim Marsh,
Barbara Nathan, David Watts and David Wooldridge

The minutes of this meeting will be available on the internet at
www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Tuesday, 20 February 2018 - Cross Room, Civic Centre, Leyland

MINUTES OF GENERAL LICENSING COMMITTEE

MEETING DATE Tuesday, 28 November 2017

MEMBERS PRESENT: Councillors Mike Nelson (Vice-Chair), Jane Bell, Mary Green, Claire Hamilton, Harry Hancock, Ken Jones, Jim Marsh, Barbara Nathan, David Watts and David Wooldridge

CABINET MEMBER: Councillor Jacqui Mort (Cabinet Member for Public Health, Safety and Wellbeing)

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

OTHER MEMBERS AND OFFICERS: Councillor Keith Martin and Councillor Paul Wharton and Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) (Licensing Officer), Chris Ward (Licensing Officer)

PUBLIC: 0

47 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Rainsbury. Councillor Wooldridge had apologised that he might be late due to an earlier engagement.

48 Declarations of Any Interests

There were no declarations of interest.

49 Minutes of the General Licensing Committee

RESOLVED (Unanimously):

That the minutes of the meeting of the Committee held on 17 October 2017 be approved and signed.

50 Minutes of the General Licensing Sub Committee Panel

50a Minutes of meeting Tuesday, 17 October 2017 of General Licensing Sub-Committee Panel

RESOLVED (Unanimously by those members of the Panel present):

That the minutes of the meeting of the General Licensing Sub-Committee Panel held on 17 October 2017 be approved and signed.

50b Minutes of meeting Tuesday, 24 October 2017 of General Licensing Sub-Committee Panel

RESOLVED (Unanimously by those members of the Panel present):

That the minutes of the meeting of the General Licensing Sub-Committee Panel held on 24 October 2017 be approved and signed.

51 Residential Caravan Sites - Proposed Adoption of (1) Model Standards 2008 and (2) Draft Mobile Home Fee Policy with Associated Documentation

The Interim Licensing Manager presented the report which proposed in respect of Residential Caravan Sites that the Council conduct a consultation exercise on Model Standards and a draft Mobile Home Fee Policy. Also attached to the report were appendices relating to the; model standards, fees policy, fees calculation, application form and equality impact assessment.

The Council had responsibility for the licensing of these sites with central government producing guidance on licence conditions to be applied. It did not appear that the Council had adopted this guidance. The purpose of the conditions was to promote the safety and welfare of site residents. At present there were three licensed sites in the borough.

After the end of the consultation period (which included both site owners and residents), responses would be considered by the Committee and formal adoption of the subsequently proposed standards and policy would be considered by full Council.

In respect of the model standards and the three existing sites, these could not be introduced/implemented retrospectively and would need to be by negotiation with the site owner(s). Whilst the Council currently had no charging policy, these three sites fell within the criteria of those which could be subject to a fee charging regime. This Council's suggested charges had been calculated on its own arrangements. When the consultation ended and the report was presented to Committee this would include more comparative information on charges by other neighbouring authorities.

RESOLVED (Unanimously):

That in respect of:

(1) Model Standards 2008:

- (a) note the Model Standards 2008 for Caravan Sites in England (attached as Appendix 1 to the report);
- (b) agree that for future applications for a site licence, the Licensing Section undertake a consultation exercise with stakeholders on the proposed adoption of the Model Standards 2008 using the methodology set out in section 10 of the report; and
- (c) agree that for existing holders of a site licence, the Licensing Section enter into negotiations with each of the 3 current holders of a site licence in order to secure their agreement for incorporation of the 2008 Model Standards within the site licence;

(2) Draft Mobile Homes Fee Policy:

- (a) note the draft Mobile Homes Fee Policy (Appendix 2 to the report) and associated documentation (Appendices 3-5 to the report);
- (b) agree that the Licensing Section undertake a consultation exercise with stakeholders on the proposed adoption of the draft Mobile Homes Fee Policy, using the methodology set out in section 10 of the report; and
- (c) agree in principle that – the draft Mobile Homes Fee Policy be adopted - holders of a site licence should pay an annual fee for an inspection by Licensing staff from 2018/19 onwards (as referred in section 7.7.3 of the report); and

- (3) both (1) and (2) above, agree to receive a report on the outcome of the consultation exercises at a future meeting, with a view to subsequently reporting to full Council for formal adoption.

52 Implementation Plan

The Interim Licensing Manager presented the current version of the implementation plan. This had been regularly reported to the Committee since March 2017 with the last being at the meeting on 19 September. It was a living document and now contained 32 actions and the progress on these was detailed in the report.

In respect of safeguarding training to be provided to all drivers, this was discretionary training and had been provided. After its promotion by officers only 27 (about 10%) of all licensed drivers had as yet not taken this up. The Council had recently approved a change of policy for the licensing of drivers and attendance at this training was now compulsory. All new applicants on application and existing licence holders on renewal would have to attend or would not be granted a licence.

RESOLVED (Unanimously):

That the progress being made in the Implementation Plan be noted.

53 Forward Plan

The Interim Licensing Manager presented the current version which had last been considered by the Committee on 19 September 2017.

Key points

- fees and charges – this was provisionally listed for the Committee in January 2018 subject to clarification of the Licensing Section staffing situation
- in-cab cctv – it was the intention that a report be brought to Committee in February 2018
- Council's Gambling Policy – this had to be reviewed and adopted by 31 January 2019 and could be a significant piece of work needing to be scheduled

RESOLVED (Unanimously):

That subject to the inclusion of a Review of the Council's Gambling Policy, the Committee's Forward Plan be noted.

54 Member Training Programme

The Interim Licensing Manager produced a report on the ongoing training programme for members of the Committee.

The Committee was asked to reflect on the recent visit to Chorley BC and it was observing its licensing meetings was felt overall to have been useful mainly noting the good chairmanship, being knowledgeable and in control of proceedings. It was wondered if the Committee might want to reciprocate. Also, the Committee was also asked to consider whether to participate in and jointly fund a training event with Chorley BC hosted by Jim Button in March 2018.

RESOLVED (Unanimously) that:

- (1) the training programme be noted;
- (2) Chorley BC be thanked for its hospitality and asked if members of its Licensing Committee would like to visit and observe a meeting of South Ribble's Licensing Committee; and
- (3) Chorley be advised that this Council is interested to be participate in and jointly fund a training event hosted by Jim Button in March 2018.

55 Update on Miscellaneous Licensing Activity

The Interim Licensing Manager presented an update to Committee on miscellaneous licensing activity that had taken place since the last meeting in October. This had included:

- Taxi Trade Forum held on 26 October 2017 – this had been well attended with good debate and worth repeating but still no owners were present. An issue was access to the drivers' professional qualification. It was wondered whether there was scope to amend the Council's policy to grant a licence allowing drivers six months grace to acquire the qualification, if not achieved the driver would lose the licence;
- consultation in November 2017 as a result of members' deliberations at the General Licensing Committee in October 2017;
- decision to defer referral of the modified vehicles' report to full Council until 17 January 2018; and
- outcome of an inspection exercise carried out by the Licensing Section to ensure that all vehicles licensed with tinted rear windows and licensed since July 2016 meet with the revised requirements of the Council's Licensing Policy.

RESOLVED (Unanimously) that:

- (1) the information provided on recent Licensing activity (sections 6-8 of the report) be noted; and
- (2) in respect of the Taxi Trade Forum:
 - (a) a report be presented to a future meeting on the details/merits of a provisional six month driver's licence in lieu of acquiring the professional qualification;
 - (b) a report be submitted to the next meeting of the Committee detailing the scope/terms of reference of a task group to look at the suitability/appropriateness of the Council's current age limit on licensed vehicles; and
 - (c) noted that the proposed date of the next Forum was 1 February 2018;

- (3) lack of progress in respect of vehicles that had been subject to modification was noted and Councillor Nelson offered to assist to get members of the trade to a meeting with the County Council; and
- (4) the Committee commended officers in the Licensing Section for their efforts to achieve the target of licensed vehicles fitted with tinted glass to comply with the Council's policy.

56 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By virtue of Paragraph 1: Information relating to any individual.

57 Update on Recent Decisions to Revoke Two Drivers' Licences Taken (1) Under Standing Order 35 and (2) by a General Licensing Sub-Committee Panel

The Interim Licensing Manager reported on two recent decisions to revoke Hackney Carriage Driver's Licences. The first being a decision to revoke taken on 18 October 2017 under the Standing Order 35 and the second being a decision taken on 17 October 2017 by the General Licensing Sub-Committee Panel.

RESOLVED (Unanimously):

That the decisions taken be noted.

Chair

Date

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	23 JANUARY 2018

September 2017



TITLE	REPORT OF
PROPOSED CHANGES TO LICENSING POLICY	REVENUES MANAGER

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

Taking into account the outcome of the consultation exercise undertaken throughout November 2017 (summarised at section 4.3 below), members are requested to consider the 3 proposed revisions to the existing Licensing Policy as set out in section 4.1 to this report below.

2. RECOMMENDATIONS

Members are requested to forward this report to the meeting of full Council on 28 February 2018 with a recommendation for formal adoption of the 3 proposed revisions to the current Licensing Policy (as set out in section 4.1 below).

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. CHANGES TO LICENSING POLICY

4.1 On 17 October 2017, the General Licensing Committee received a report detailing the outcomes of a consultation exercise regarding a number of proposed changes to the Council's Licensing Policy. Whilst the majority of proposed amendments were adopted without further comment (and went on to be adopted by the full Council at its meeting on 22 November 2017), a number of the proposed changes were required to be amended and re-submitted for a second consultation exercise. These are summarised below:

Original proposal put to GLC on 17 October 2017	Members' suggested amendment to original proposal	Proposed final version of wording in Licensing Policy / conditions
Amendment of paragraph 5.11 of the Licensing Policy to state: "Tobacco products	Wording of proposed change to be amended to include vaping devices	New third sentence in paragraph 5.11 of the Licensing Policy: "Tobacco products (including e-cigarettes and vaping devices)

(including e-cigarettes) may not be smoked or used inside a licensed vehicle at any time.”		may not be smoked or used inside a licensed vehicle at any time.”
Hackney Carriage Vehicle Condition 10 and Private Hire Vehicle Condition 9 be amended to state: “All vehicles must display no-smoking signs in each passenger-carrying compartment of the vehicle, these signs relating to both tobacco and e-cigarettes”	Wording of proposed change to be amended to include vaping devices	New wording in Hackney Carriage Vehicle Condition 10 and Private Hire Vehicle Condition 9: “All vehicles must display no-smoking signs in each passenger-carrying compartment of the vehicle, these signs relating to tobacco, e-cigarettes and vaping devices”
Amendment third paragraph of paragraph 9.3 of the Licensing Policy to state: “Operators will be expected to ensure that all dispatch staff they employ also undertake appropriate Safeguarding training. This training will either be provided directly by Council staff or commissioned from an appropriate provider. Operators will be expected to keep adequate records of all Safeguarding training undertaken by staff (including name of staff member and date undertaken) and to make all such records available for inspection by an officer of South Ribble Council on request.”	Wording of proposed change to be amended to state “Operators must....”	New wording of paragraph 9.3 of the Licensing Policy: “Operators must ensure that all dispatch staff they employ also undertake appropriate Safeguarding training. This training will either be provided directly by Council staff or commissioned from an appropriate provider. Operators will be expected to keep adequate records of all Safeguarding training undertaken by staff (including name of staff member and date undertaken) and to make all such records available for inspection by an officer of South Ribble Council on request.”

- 4.2 The second consultation exercise took place during the month of November 2017. The consultation exercise was promoted on the Council’s website, and was referred to at the Taxi Trade Forum on 26 October 2017.
- 4.3 It can be confirmed that no responses were received during the second consultation exercise.
- 4.4 If adopted, this proposed wording would oblige operators to ensure that their dispatch staff are adequately trained. In practice, it is suggested that this could be achieved via the free online course on Child Sexual Exploitation provided through the website of the Lancashire Safeguarding Children’s Board (this being the same course that licensed drivers are expected to complete). Given resource constraints, it is not currently practical for Licensing staff to provide the training themselves and the proposed use of the LSCB website would seem a sensible alternative. Staff can write to operators and provide them with a link to the Lancashire Safeguarding Children’s Board training site, and they would then be expected to maintain appropriate records of training undertaken by their dispatch staff. Licensing officers could then undertake an enforcement exercise in the future with a view to assessing the level of compliance; the outcome of this could be reported to members at a future meeting.

5. NEXT STEPS

5.1 The minutes of the General Licensing Committee meeting held on 17 October 2017 record that, with regard to the above proposed amendments, delegated authority should be given to the Chair of Licensing to approve them following the completion of further consultation with the trade. Unfortunately, when the reports were forwarded from the General Licensing Committee to full Council on 22 November 2017, the Committee's wish for authority to be delegated to the Chair of Licensing was omitted from the report and hence no delegated mandate from full Council has been given. Consequently, with the agreement of the General Licensing Committee, this report will need to be forwarded on to full Council on 28 February 2018 for final adoption.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

6.2 Comments of the Monitoring Officer

The proposed changes to the wording places a duty on operators to ensure that their dispatch staff are sufficiently trained and provides an adequate response to the issue of CSE.

Other implications:	
▶ Risk	The introduction of training for dispatch staff will help to provide a more robust response to the issue of Child Sexual Exploitation.
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

None

SMT Member's Name: Peter Haywood
Job Title: Revenues and Benefits Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	5 January 2018

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	23 JANUARY 2018

September 2017



TITLE	REPORT OF
PROPOSED CHANGE TO THE LICENSING POLICY (PROFESSIONAL QUALIFICATIONS) AND REVISED APPROACH TO FUTURE CHANGES	REVENUES MANAGER

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report outlines a number of concerns expressed by the licensed trade in relation to new applicants for a Hackney Carriage or Private Hire Driver’s Licence, who – under the current Licensing Policy – are obliged to obtain a relevant professional qualification prior to a licence being granted. This report sets out an alternative approach which would give a period of grace after granting the initial application (within which the qualification could be acquired). The report then proposes a more co-ordinated approach to future changes to the Licensing Policy, rather than the *ad hoc* approach adopted in recent months.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the trade concerns regarding professional qualifications expressed in section 6 below;
- 2.2 in light of these concerns, consider the following proposed amendments to the current Licensing Policy (set out in sections 7.3 and 7.6 of the report)
- 2.3 determine whether the above proposed amendments to the Licensing Policy should be submitted for consultation in line with the methodology in section 8 (with particular consideration to the proposed length of time post-granting within which a professional qualification should be obtained, as set out in section 7.4 below);
- 2.4 subject to section 2.3 above, agree to receive a report on the outcome of the consultation exercise at a future meeting, with a view to forwarding any proposed amendment to the Licensing Policy to full Council for formal adoption; and
- 2.5 consider the adoption of the approach to future policy changes set out in section 9 below.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. BACKGROUND TO THE REPORT

- 4.1 Members will recall that, at the meeting of the General Licensing Committee in November 2017, they received a report updating them on Licensing activities. Part of that report outlined a discussion at the Taxi Trade Forum held on 26 October 2017, at which – following on from their consultation responses during November 2017 - trade representatives had continued to express concerns at the need for licensed drivers to acquire a Level 2 qualification prior to a licence being issued. In view of this, the Chair of the Forum agreed to explore a further amendment to the Licensing Policy which would accommodate these concerns. If adopted, such an amendment would permit applicants who did not possess an appropriate qualification to receive their licence on a conditional basis, along with a period of grace (eg 3-6 months was mentioned) within which they would then be obliged to acquire the qualification.

5. CURRENT POSITION – LICENSING POLICY

- 5.1 Following a formal period of consultation and a resultant recommendation from the General Licensing Committee, full Council resolved on 22 November 2017 to adopt new requirements for driver qualifications. The current requirement (set out in section 5.7 of the Licensing Policy) is reproduced below:

“One of the Council’s objectives is to have a professional and respected trade. It is important that licensed drivers are not only competent to drive to a high standard, but also that they can deliver customer service and offer appropriate assistance to passengers.

Before a new applicant is granted [my emphasis] a Hackney Carriage or a Private Hire driver’s licence, they must be able to provide original evidence that they have passed the BTEC Level 2 Certificate in Taxi and Private Hire Driver or an appropriate and equivalent Level 2 qualification. Alternatively, a new applicant must have attended and successfully completed any appropriate in-house course to be devised and presented by officers of South Ribble Borough Council, and paid any fee approved by members for administration of this course. Any driver whose licence with the authority has been granted since July 2016 on the basis of them having completed the now-discontinued course provided by the Driver Standards Agency will be given a period of 6 months to register for a suitable training course and 12 months to complete the qualification.”

- 5.2 The text in emphasis above confirms that any new applicant for a Hackney Carriage or a Private Hire driver’s licence will be required to provide evidence of having acquired an appropriate Level 2 qualification prior to their application being granted. The rationale for requiring a Level 2 qualification in this way is that the Council sets high standards for its licensed drivers and expects them to act in a professional manner; providing proof of obtaining a professional qualification before application offers some reassurance of the driver’s integrity and commitment to high standards.

6. CONCERNS EXPRESSED BY THE TRADE

- 6.1 The local licensed trade has consistently voiced its opposition to the requirement for a professional qualification. Recently, this view has been expressed in the following ways:

6.1.1 Consultation exercise

During the formal consultation exercise which resulted in the introduction of the revised section 5.7 of the Licensing Policy, existing drivers repeatedly expressed their opposition to the requirement on the grounds that they were “time-served”. However, the requirement to obtain a professional qualification prior to application (as set out in section 5.7 of the Licensing

Policy) only applies to new applicants and not existing licence holders, a point made in responding to consultation submissions as appropriate.

6.1.2 Taxi Trade Forum – 13 July 2017

At the initial meeting of the restored Taxi Trade Forum on 13 July 2017, an operator engaged in robust debate with members present about the (then) proposed professional qualification requirement. The minutes of that meeting record:

“Representatives of the taxi trade that were present disputed the need for drivers to undertake the prescribed BTEC qualification, stating that it did not enhance the role of the driver as it was more about a common sense approach rather than learning new skills and knowledge. The cost of the course was £200 and operators found difficulty encouraging prospective drivers to enrol, given the cost and course content. As the course related to all matters relating to the driving of a taxi, Members were confused as to why the trade considered the course inappropriate and the Chair offered to undertake the course on behalf of the Committee and report back.”

The operator was forthright in his opinions that a pre-requirement to obtain the qualification was a disincentive to new drivers entering the market and therefore a barrier to his business. He maintained that smaller operators needed the flexibility to take on new staff to respond to fluctuations in demand, but the pre-requirement for a qualification undermined this position. This problem was compounded by the perceived difficulties in accessing the Level 2 course run by Lancashire College at Blackburn, which it was claimed would not run unless there were sufficient delegates to make it worthwhile for the organisers (a view to some extent supported by the difficulties in enrolling both the Chair and operator raising the concerns on the course in question).

6.1.3 Taxi Trade Forum – 26 October 2017

At this latest meeting of the Forum, operators again raised concerns about the professional qualification, once more pointing out their inability to respond to fluctuations in demand for their services by speedily acquiring a licence for new drivers. The minutes of this meeting record that, in view of the issues experienced by applicants not being able to book on a course, the Council was looking at the possibility of issuing a one-off three month interim licence (although this would need due consideration and consultation). In his capacity as Chair of the Forum, Councillor Nelson confirmed he was still intending to enrol on the current Level 2 course to experience it first-hand.

7. PROPOSED WAY FORWARD

7.1 Enquiries have revealed that a number of other local authorities have adopted an approach whereby new applicants are given a specified period of time (typically 12 months) within which to acquire the required professional qualification. Extracts from the Licensing Policies of a selection of such local authorities are attached as Appendix 1.

7.2 In practical terms, there are 2 possible ways in which a “period of grace” could be introduced:

- i) a full 3 year licence could be granted and issued (and full fee paid) but – should the required qualification not be obtained at the end of the period of grace – the licence will be immediately suspended; or
- ii) a licence could be granted for the length of the period of grace only (eg 12 months). The advantage of this is that, should an applicant not acquire the required qualification at the end of the period of grace, the issued licence will immediately expire; this reduces the risks to the Council which may arise if there are difficulties in retrieving a suspended licence from (say) an owner-driver. However, the disadvantage is that applicants who require short-term

working only may acquire a 12 month licence with little or no intention of gaining the qualification.

- 7.3 On balance, officers would consider that the issuing of a shorter-term 12 month licence (as set out in section 7.2ii above) is the preferable way forward. In order to address the trade concerns set out in section 6 above (but still retain the reassurance provided by the acquisition of a professional qualification), members are asked to consider the proposed amendment to section 5.7 of the Licensing Policy set out below. It is suggested that the additional paragraph is added on at the foot of the existing text:

“Notwithstanding the above, the Council is prepared to consider applications from applicants who – at the time of their application – do not possess a relevant professional qualification but all in other regards meet the Council’s requirements. In such cases, the Council will be willing to grant a one-off licence for an initial [12 month] period only (as opposed to the usual licence term of 3 years). During the term of the [12 month] licence, the applicant will be expected to obtain a suitable and relevant qualification to the satisfaction of the Licensing Authority. **No refunds will be payable for any licence which lapses at the end of the [12 month] period due to failure of the applicant to obtain the required qualification.**”

Failure to obtain a suitable qualification within this period will result in the immediate lapsing of the [12 month] licence. However, where individuals have successfully enrolled and started courses which have then been delayed or cancelled by providers, the Licensing Manager will consider each case on its own individual merits; where the Licensing Manager considers it appropriate he/she may extend a [12 month] licence for a limited period in order to enable the qualification to be completed.

An applicant who is granted a [12 month] licence which then lapses due to failure to acquire a professional qualification will not be allowed to re-apply as a new driver for a period of 2 years from the date of lapse; this is to prevent drivers from seeking to use the [12 month] period of grace as a means of circumventing the qualification requirement.”

- 7.4 It is acknowledged that the 12 months’ period of grace specified in brackets in section 7.3 above exceeds the period of 3-6 months originally proposed by the Chair of the Taxi Trade Forum. Members may wish to consider this issue prior to making any determination on whether to submit the proposal to further consultation.
- 7.5 In addition, and to reflect the above proposed changes, it may be helpful to revisit the wording of the current Licensing Policy which relates to the duration of licences. In section 5.12 of the Licensing Policy it states:

“The Council normally issues drivers licences for three years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.”

- 7.6 Members may wish to consider adoption of the wording below as a new section 5.12 – this wording seeks to clarify the current section and incorporate the proposed changes relating to qualifications:

“In accordance with Section 10 of the Deregulation Act 2015, the Council normally issues driver licences for a 3 year period. However, a driver licence can be issued for a lesser period, as the Council deems appropriate in the circumstances. The Council will issue licences for less than a year, in the following circumstances:-

- a) where an applicant has been granted a [12 month] licence due to the lack of a professional qualification (as set out in section 5.7 of the Licensing Policy);
- b) where an applicant wishes to be considered for a 12 month licence for a specific (usually medical) reason and has submitted in writing the reasons for this application. Each such application will be considered on a case by case basis and on its individual merits; and
- c) where a driver or applicant is over the age of 65 years then a 12 month licence only will be issued.”

8. CONSULTATION METHODOLOGY

8.1 Should members agree to consult on the proposed amendment to the Licensing Policy in section 7.3 above, it is proposed that the following procedure should be followed:

- the licensed taxi trade to be given advance warning of this proposal at the Taxi Trade Forum scheduled to take place on 1 February 2018;
- a formal 28 day consultation period to be held starting on 1 February 2018; and
- the results of this consultation exercise to be brought back to the next meeting of this Committee after the end of the consultation period (ie 10 April 2018), with a view to referral to full Council for formal adoption being considered.

9. FUTURE POLICY CONSIDERATIONS

9.1 Members will appreciate that – throughout the course of 2017 – there have been a number of changes made to the Licensing Policy. Whilst this has been a necessary step in ensuring that the Licensing Policy is fully reflective of the Council’s approach to taxi licensing, it is not helpful to members, officers or the trade for the Licensing Policy to be constantly reassessed.

9.2 It is therefore suggested that in future an annual exercise should be undertaken to compile a list of proposed changes to the Licensing Policy and present these to members *en bloc*. These can then form the basis of a single consultation exercise and subsequent referral to full Council, making the process more streamlined and sustainable.

9.3 Members are asked to consider the above approach to future policy changes.

10. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

10.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

10.2 Comments of the Monitoring Officer

Section 10 of the Deregulation Act 2015 requires three year driver licences to be issued. However, a driver licence can be issued for a lesser period, as the Licensing Authority deems appropriate in the circumstances.

Other implications:	
▶ Risk	This report seeks to balance the important requirement for licensed drivers to hold a professional qualification against the trade concerns that this is onerous and impacts negatively on their business model.

▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

11. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Research into deferral of requirement for professional qualifications (as set out in Taxi Licensing Policies for other local authorities)

SMT Member's Name: Peter Haywood
 Job Title: Revenues and Benefits Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	8 January 2018

Research into deferral of requirement for professional qualifications (as set out in Taxi Licensing Policies for other local authorities)

Authority	Text of Licensing Policy
East Riding	<p>All new applicants must undertake a BTEC or NVQ Qualification Award in passenger transport (or similar) as approved by East Riding of Yorkshire Council Licensing Section within 12 months of being granted a new driver's licence. Should the licence holder concerned not fully complete or pass the award within the first year then no further driver's licence will be granted until the award has been successfully obtained.</p> <p>Where individuals have successfully enrolled and started courses, which have then been delayed by, or cancelled by providers rather than the individual then the Licensing Manager will consider each case on its own individual merits and where it is considered appropriate extend the licence for a short period to enable the award to be completed.</p>
Bromsgrove	<p>New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.</p>
East Hants DC	<p>Driver training is an essential part of ensuring that drivers of licensed vehicles meet the high standards that the public expect of them. It is therefore a requirement for all New Applicants to pass a Qualification approved by the Licensing Authority suitable for their role within 12 months of being granted a licence. This will help to ensure they develop the skills and knowledge they need in order to keep themselves, their passengers, the public and their vehicles safe.</p> <p>No Hackney Carriage or Private Hire driver licences (granted for 12 months) will be renewed where the applicant has not completed this course. This includes drivers who allow their licence to expire and then apply again as a new driver in order to circumvent the qualification requirement. For licences which are initially granted for longer than 12 months, the licence will be suspended after 12 months from the date of issue until the licence holder has completed the required qualification.</p>

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	23 JANUARY 2018

September 2017



TITLE	REPORT OF
ESTABLISHMENT OF WORKING GROUP	REVENUES MANAGER

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

The purpose of the report is to update members on the arrangements for a proposed working group and to invite them to make decisions on its governance / administration.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 formally agree a title for the working group (section 5.1);
- 2.2 agree a Chair of the working group from the membership previously nominated (section 5.2);
- 2.3 comment on the draft terms of reference for the working group (Appendix 1), including whether to co-opt trade representatives at the forthcoming meeting of the Taxi Trade Forum and/or a representative from a local disability group (section 5.5), with a view to their formal adoption;
- 2.4 adopt the draft agenda for the first meeting of the working group (Appendix 2); and
- 2.5 adopt the draft documentation attached as Appendix 3.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. BACKGROUND TO THE REPORT

- 4.1 Members will recall that, at the meeting of the General Licensing Committee in November 2017, they received a report updating them on Licensing activities. Part of that report outlined a discussion at the Taxi Trade Forum held on 26 October 2017, at which trade representatives expressed the view that it was undesirable to have a policy of differential age limits for saloon vehicles and wheelchair accessible vehicles, and enquired whether it would be possible for these to become more aligned. The Chair of the Forum (Cllr Nelson) had commented that it may be appropriate for a working group of committee members to be set up, with a view to considering the issue in detail and reporting back to the General Licensing Committee at a

future date. At the meeting of the General Licensing Committee in November, members agreed that a working group should be established to consider the topic in detail.

5. WORKING GROUP

5.1 The proposed title for the working group is:

“Working Group on Differential Age Limits for Licensed Vehicles”

However, members are asked to consider whether an alternative title would be preferable.

5.2 Members agreed that there should be the following representation on the working group:

Cllr Green
Cllr Hamilton
Cllr Hancock
Cllr Nathan
Cllr Wooldridge

5.3 The above members are requested to identify a Chair of the working group. Once the Chair has been appointed by the Committee, officers would anticipate holding an initial pre-meeting with him/her to discuss the work of the group; its methodology; and any meeting dates to be fixed.

5.4 A draft Terms of Reference for the working group, along with a draft agenda for the first meeting, have been produced and are attached as Appendices 1 and 2 respectively. Members are asked to consider the draft with a view to its formal adoption.

5.5 Members are asked to consider whether they would wish to seek trade representatives who would attend (but not vote at) any sessions of the working group. If so, an opportunity to seek trade volunteers will arise at the Taxi Trade Forum scheduled to take place on 1 February 2018. Similarly, members may wish to consider how best to seek input from local disability groups, eg the co-option of a disability representative on to the group or a formal written approach seeking separate comment. It is suggested that the most appropriate umbrella disability group to approach would be Disability Equality North West.

5.6 Officers have prepared draft documentation in anticipation of the Working Group’s meeting and to support its discussions; members are asked to note / comment on this documentation (attached as Appendix 3).

5.7 On completion of the working group’s activities, it is anticipated that a report will be brought to the General Licensing Committee for members’ consideration. The report will be in the following format:

Contents
Chair’s Foreword
Rationale for Review
Membership of working group
Aims and Objectives
Methodology
Findings
Recommendations

Any recommendations from the working group will be put before the General Licensing Committee for consideration.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

6.2 Comments of the Monitoring Officer

There are no legal implications in this report.

Other implications:	
▶ Risk	None
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

- Appendix 1 – draft Terms of Reference
- Appendix 2 – draft agenda
- Appendix 3 – supporting documentation

SMT Member's Name: Peter Haywood
Job Title: Revenues and Benefits Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	8 January 2018

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**DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES
MEMBER WORKING GROUP**

Terms of Reference

Purpose of the Working Group

The Working Group has been established to undertake an evidence-based review of the different age limits currently applied to saloon vehicles and wheelchair accessible vehicles. This review will include:

- the justification (if any) for retaining the current age differential;
- the various options adopted by other local authorities in terms of age limits for such vehicles; and
- whether moving forward it would be preferable for the age limits to become more aligned.

The Working Group will compile a brief report for initial consideration at General Licensing Committee, with a view to any final recommendations for changes to the Licensing Policy to be forwarded to full Council for final adoption.

Membership of the Group

The Group will be cross party and will consist of 5 members of the General Licensing Committee.

The Membership identified is felt to be politically proportionate to the makeup of the Council, consisting of 2 members from the Conservative Group; 1 member from the Labour Group; 1 member from the Liberal Democratic Group; and 1 member from the South Ribble Independents Group.

Members of the Working Group have been decided by the General Licensing Committee at its November meeting.

In addition, the following will be co-opted onto the working group:

- two representatives from the local licensed trade will be sought at the Taxi Trade Forum on 1 February 2018; and
- a representative from a local disability group.

The above representatives will be entitled to attend but will not participate in any votes if required.

**DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES
MEMBER WORKING GROUP**

Meetings

The Group will meet once during February 2018 to review evidence provided to them by officers and to develop its recommendations. Further meetings will be arranged if and when required.

Objectives of the Group

1. To review the evidence provided to the Group by officers on the current age differential of vehicles licensed by this authority and other local authorities.
2. To understand the rationale for, and advantages / disadvantages of, the current differentiated age policy (including the views of the nominated trade representatives on the issue from the trade's perspective)
3. To consider whether an alternative age policy would be more appropriate in reflecting the needs of a modern licensed fleet, and to determine what that alternative should be
4. To work with officers to develop recommendations to be made to the General Licensing Committee in April 2018 (for future recommendation to full Council in the event of any policy changes being required).

**DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES
MEMBER WORKING GROUP**

AGENDA

Date / time of meeting:	
Location of meeting:	
Members to attend:	Cllr Green Cllr Hamilton Cllr Hancock Cllr Nathan Cllr Wooldridge
Co-opted trade representatives to attend:	

	Item	Lead	Time
1	Welcome and introductions	Chair	5 mins
2	Note / go through Terms of Reference	Chair	5 mins
3	Set out current position re age policy - SRBC	AG	5 mins
4	Set out current position re age policy – other Lancashire authorities	AG	5 mins
5	Round-table discussion of following points:		
a	Traditional / historic reasons for SRBC's differential age policy	All	10 mins
b	Advantages / disadvantages of current SRBC approach	All	15 mins
c	How would we want to change the current SRBC stance: <ul style="list-style-type: none"> • Align saloons with WAV • Align WAV with saloons • Other age limits • No age limits 	All	20 mins
d	What benefits would the above bring? Identify Working Group's preferred option	All	15 mins
6	Next steps: <ul style="list-style-type: none"> • Further meetings needed? If not: • Officers to draft report • Submit to GLC (April) with view to determining recommendations to full Council • TTF to consider in May 2018 	AG	5 mins

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**DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES
MEMBER WORKING GROUP**

SUPPORTING DOCUMENTATION

Date / time of meeting:	
Location of meeting:	
Members to attend:	Cllr Green Cllr Hamilton Cllr Hancock Cllr Nathan Cllr Wooldridge
Co-opted trade representatives to attend:	

1) Current position age policy – SRBC:

Licensing Policy (as amended Nov 2017)

6.9 Hackney Carriage Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing
- b) In respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles are no older than 6 years, when first presented for licensing

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

7.8 Private Hire Vehicle Age Limits

The Council will where appropriate, issue Private Hire Licences to:

**DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES
MEMBER WORKING GROUP**

- a) Saloon/estate vehicles which are no older than 4 years, when first presented for licensing,
- b) Larger MPVs, minibuses and other wheelchair accessible vehicles which are no older than 6 years, when first presented for licensing.

Vehicles in (a) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 12 years old.

In summary:

	HC		PH	
	From	To	From	To
Saloon	4	8	4	8
WAV	6	12	6	12

2) Current position age policy – other Lancs authorities

Research undertaken by Pendle BC in 2015 shows range of approaches across the County:

Authority	Age Limit	Additional conditions applied
Blackburn	No age limit	None – tested every 6 months.
Burnley	Saloons and small MPVs – no lower age limit and licence to 8 years Large MPVs and minibuses – 5 to 10 years Wheelchair accessible, large MPVs and minibuses – 5 to 12 years Hackney carriage black cabs – 3 to 12 years	N/A
Chorley	No age limit	All vehicles required to meet same standards regardless of age – currently being reviewed.

**DIFFERENTIAL AGE LIMITS FOR LICENSED VEHICLES
MEMBER WORKING GROUP**

Fylde	Up to 12 years for all vehicles	One test a year.
Hyndburn	7 to 10 years	Three tests per year from 8 years old. Hackneys must have a swivel seat.
Lancaster	No age limit	Any vehicle over 10 years must be in outstanding condition and must be inspected and approved by licensing officers – then tested every 4 months.
Preston	No age limit	None – tested twice a year.
Ribble Valley	No age limit	Tested three times a year when over 7 years old.
Rossendale	7 to 10 years, minibuses and purpose built hackney carriages up to 12 years	Tested twice a year and minibuses/purpose built hackney carriages three times a year.
South Ribble	Saloons 4 to 8 years and purpose built/minibuses 6 to 12 years.	None - tested twice per year
West Lancs	Private hire 6 to 15 years and HC all wheelchair accessible 4 to 18 years.	None
Wyre	No age limit	All vehicles required to meet same standards regardless of age – tested once a year.

Burnley, Rossendale and West Lancs have a differentiated age policy similar to SRBC

3) Government guidance

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE (DfT March 2010)

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	23 JANUARY 2018

September 2017



TITLE	REPORT OF
UPDATE ON RECENT LICENSING ACTIVITY	REVENUES MANAGER

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report is to update the Committee on a range of Licensing activity which has taken place since the November meeting of the Committee, including:

- (i) the consultation process which has taken place over December 2017 / January 2018 in relation to the licensing of mobile home sites;
- (ii) arrangements for the next Taxi Trade Forum to be held on 1 February 2018;
- (iii) arrangements for the joint training with Chorley Borough Council (9 March 2018); and
- (iv) promotional Licensing work undertaken via social media.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the information provided in sections 4-7 below on recent Licensing activity;
- 2.2 note the proposed date of the next Taxi Trade Forum;
- 2.3 confirm their availability to attend the training session at Chorley on 9 March 2018 (if they have not already done so) and consider whether they would want communal transport to the venue to be arranged; and
- 2.4 support officers in their attempts to proactively engage with residents on Licensing matters via social media.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. CONSULTATION UPDATE

- 4.1 Members will recall that – at the November meeting of the General Licensing Committee – they agreed to submit two (connected) matters for further consultation. Both of these items related to the licensing of mobile home sites, specifically (i) the Model Standards 2008 and (ii) the draft fees policy which would allow the Council to charge for certain services.

4.2 The following action has subsequently taken place:

- the consultation period was agreed as 18 December 2017 to 5pm on Sunday 28 January 2018;
- the consultation pages have been drawn up and appear on the Council's website. They can be accessed via the following link:

<http://southribble.moderngov.co.uk/ieListDocuments.aspx?CId=136&MId=150>

- an advisory letter was sent to each of the 3 currently-licensed sites on 12 December 2017 informing them of the forthcoming exercise; and
- a similar letter was also hand-delivered by Licensing staff on 18 December 2017 to each individual mobile home located on the 3 licensed sites.

4.3 In addition, it was agreed at the November meeting of the Committee that all 3 holders of a site licence in the Borough would be approached in writing, with a view to establishing whether – should the Model Standards ultimately be adopted by full Council - they would be willing to voluntarily adopt the Model Standards 2008 on their respective sites. (Members will recall that the Council is not in a position to impose the Model Standards on a retrospective basis although – subject to the agreement of full Council - they will apply to new site licences issued in future). On 19 December 2017 a letter was sent to the current site owners seeking their views on this matter.

4.4 It is intended that a report outlining the outcomes of the consultation exercise (including correspondence with site owners as referred to in section 4.3 above) will be presented to members of the General Licensing Committee at their meeting in February 2018.

5. TAXI TRADE FORUM

5.1 Members are asked to note that the next meeting of the Taxi Trade Forum will take place at 5pm on 1 February 2018. The venue will be the Wheel Room.

5.2 It is proposed that a similar approach to that adopted at the last meeting of the Forum will be adopted, with an officer presentation and responses to pre-submitted questions from the trade.

6. JOINT TRAINING EVENT

6.1 Members will recall that, at their November meeting, they provisionally agreed to support the arrangement of a joint training course to be undertaken with Chorley Borough Council. The half-day training would be carried out by the prominent and leading Licensing expert Mr Jim Button. The main emphasis of the course will be on taxi licensing and hearings, but it will also cover key elements of the Licensing Act 2003.

6.2 It can now be confirmed that the training session will take place on 6 March 2018 at Chorley Town Hall. It is anticipated that the training will start around 10am with a break for lunch and will conclude at around 2.30pm.

6.3 A calendar invitation was sent round the Committee on 13 December 2017 and a total of 6 members have responded. The 5 members who have not yet confirmed their availability at the time of writing are asked to do so at the meeting of the Committee, so that information on member attendance can be forwarded to Chorley (along with proposed officer attendance).

6.4 Officers are aware of members' concerns regarding parking at the Chorley Town Hall venue and are exploring whether some dedicated parking can be identified. If not, members are asked to consider whether they would want communal transport (eg a minibus) to be arranged from the Civic Centre in Leyland so that parking issues may be avoided.

7. PROACTIVE PROMOTIONAL WORK OVER CHRISTMAS PERIOD

7.1 Clearly, the festive period is a busy time for Licensing both in terms of taxi licensing and the Licensing Act 2003. This year, the Licensing team has worked hard to produce a series of promotional messages which have been distributed via social media. The purpose of these is to engage with the public (as well as licence holders) and encourage the public to behave responsibly when accessing taxis / licensed premises.

7.2 The "tweet" reproduced in Appendix 1 encourages the public to access a licensed taxi over the Xmas period. It was first posted on 27 November 2017 and then retweeted on 1 December and 7 December. At the time of writing, this particular tweet has been seen 2,090 times by people on Twitter and a total of 16 people have interacted with the tweet (either liked or re-tweeted). The council's Twitter page has a potential audience of 11,400 followers.

7.3 A second tweet is being posted on 15 December 2017; this focuses on the responsible consumption of alcohol and is reproduced as Appendix 2. It will have the tagline "Don't drink and drive... travel the safe way this Festive Season #Taxi #LicensedTaxi".

7.4 It is understood that Licensing is one of the few Council sections to proactively engage with residents via social media in this way and credit should be given to Licensing officers for their efforts here.

8. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

8.2 Comments of the Monitoring Officer

There are no legal implications to comment upon in respect of this report.

Other implications:	
▶ Risk	None
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

9. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Xmas taxi tweet

Appendix 2 – Don't Drink and Drive tweet

SMT Member's Name: Peter Haywood

Job Title: Revenues and Benefits Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	8 January 2018

South Ribble Council Retweeted



South Ribble Council @southribblebc · Nov 27

Office Party coming up? Always book a licensed taxi for your Christmas plans

#Safe #Secure #Taxi 🚖👍



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Fancy a jar
this Christmas ?

Forget the car...



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