

MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Tuesday, 8 December 2020

MEMBERS PRESENT: Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Jane Bell, Derek Forrest, Cliff Hughes, Keith Martin, Jacqui Mort, Peter Mullineaux and Alan Ogilvie

OFFICERS: Tasneem Safdar (Shared Legal Services Team Leader), Chris Ward (Licensing Officer), Stephanie Fairbrother (Licensing Officer) and Ben Storey (Democratic Services Assistant)

OTHER MEMBERS:

PUBLIC: 0

52 Apologies for Absence

Apologies were received from Councillor Rainsbury.

53 Declarations of Interest

None.

54 Minutes of meeting Tuesday, 10 March 2020 of Licensing and Public Safety Committee

RESOLVED: (Unanimously)

That the minutes of the Licensing and Public Safety Committee held on Tuesday 10 March 2020, be agreed as a correct record for signing by the Chair.

55 Minutes of the Licensing Panel, Thursday 19 November 2020 of Licensing Panel

RESOLVED: (Unanimously)

That the minutes of the Licensing Panel held on Thursday 19 November 2020, be agreed as a correct record for signing by the Chair.

56 National Register of Hackney and Private Hire Vehicles

The committee were asked to consider the outcome of the consultation exercise undertaken. This was to assist in their decision whether to recommend the formal adoption of the proposed policy for National Register of Hackney and Private Hire Vehicle (PHV) Revocations and Refusals Register.

This item was brought before committee at the previous meeting held in March 2020 and whilst it was received positively members requested a consultation be undertaken. The council's Licensing Officer reminded members of how the register would work and the importance of the intelligence it would provide the Licensing Team and other Licensing Teams at other local authorities. The Licensing Officer advised the committee that the proposed policy was received positively as demonstrated by the consultation feedback included in the report and recommended the approval of the policy.

Members were supportive of the proposed changes put forward noting the reassurances having access to this information would provide the Licensing Team in processing applications.

In response to a member enquiry about any liability the Council may have around incorrect entries to the register the Council's legal representative added that as the information included are only basic details which would have been taken from the driver's application form the risk of this is minimised- however the Council may have some liability in this regard, and this would be dependent upon the circumstances.

Both the Licensing Officer and Legal Representative responded to member concerns over access to this information and potential retrospective additions to the register. Information is currently kept for six years as per the Council's retention policy. With regards to access this would be restricted to Licensing Officers- though it was confirmed that drivers could make a subject access request for any information held about themselves.

The Licensing Officer confirmed, following further member enquiries, that applicants that have been refused a license are notified with the reasons by the Licensing Team but where an addition to the register has been added to by a different Local Authority the driver would need to contact that Authority for further details on why their application was refused.

RESOLVED: (Unanimously)

1. The Committee approve the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

57 Modified Vehicles - Consultation Feedback

The Licensing Officer provided an overview of the consultation feedback within the report so members could consider whether to recommend the formal adoption of the proposed changes to the existing policy on modified vehicles.

The consultation had been re-done due to concerns over accessibility of certain technical questions and the internet format used. Questions were simplified and a paper format provided as an alternative option. The Licensing Officer advised that the response was overwhelmingly in support of the proposed changes. If approved vehicles would be tested when a license is first applied for and at the time of any

new modification- this would remove the requirement on additional 6-monthly tests for modified vehicles.

Members raised concerns over the consistency of the testing that would be carried out by either LCC or SRBC to which the Licensing Officer confirmed that there would be a testing criteria that inspections would have to adhere to. In addition the Licensing Officer noted that the test would be the same test already carried out by LCC before they approve any school contracts.

RESOLVED: (Unanimously)

1. The Committee approve the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

58 Update on consultation Re Tint Policy

Members were presented with feedback from a consultation exercise undertaken earlier this year with a choice of three options to consider regarding proposed changes to the existing policy on tinted windows in licensed vehicles.

The options were as followed;

Option 1- Continue to allow 70% transparency vehicles as normal; i.e. no changes to the policy.

Option 2- Reduce the transparency levels of tinted windows to 50% in licensed vehicles without the need for CCTV.

Option 3- To allow a vehicle with tinted windows to be licensed with proposed light transparency of 30% to 49%, on the understanding that an approved CCTV system is installed to the satisfaction of the Council. Any vehicles with less than 30% transparency would not be allowed to be licensed.

The Licensing Officer advised members that they recommended Option 2 be put forward as the preferred option. This provided drivers more flexibility in acquiring a suitable vehicle to meet the proposed policy and ensured the benefits of increased light transparency for passenger visibility and safety were not compromised. In addition it was noted that if members supported Option 3 there would be a significant number of issues to resolve around the implementation of CCTV with associated policy changes governing installation and data management required to ensure met ICO (Information Commissioner Standards) relating to GDPR and DPA.

Following the Licensing Officer's presentation, a minor correction was raised by the Council's Legal Representative. It was noted that on page 23 in the section with the amended policy wording the last sentence should read 'a minimum of 50% light transmission' and not maximum as it reads currently.

Members were in agreement that Option 2 was the preferred choice for the reasons highlighted by the Licensing Officer. There was also a consensus that the logistical difficulties in the implementation of CCTV systems made Option 3 less desirable at

this time. Several members suggested that whilst they supported Option 2 the addition of CCTV could be a useful tool in resolving potential issues or complaints for both drivers and passengers and could be something to consider in the future.

RESOLVED: (Unanimously)

1. The Committee approve option 2 of the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

59 Use of Standing Order 35

The Licensing Officer updated members on the two uses of Standing Order 35.

Firstly, it was deemed reasonable to allow taxi drivers to use medical practitioners that were not their regular GP for driver medicals given the restrictions and limited availability through the pandemic.

Members raised concerns over how Officers could ensure medical practitioners have access to full medical records and another question was asked over relevant data protection issues. The Licensing Officer stated that any medical practitioners would need to sign a declaration to confirm they had seen full records. On the point about data protection the Legal representative confirmed that the individual driver would need to give consent for information to be accessed.

Secondly, the issuing of pavement licenses, (normally administered by the Highway Authority), had also been allowed for District Councils to issue, by legislation on a temporary basis until September 2021.

Members questioned the low number of pavement licenses granted to which the Licensing Officer advised that many businesses already had such a license prior to the pandemic and many other businesses were unfortunately not in a position to open at all. The cost of the pavement license (£100), it was added, was set by central government with grants available to eligible businesses to cover such costs.

RESOLVED: (Unanimously)

That the report and actions taken be noted.

60 Exclusion of Press and Public

RESOLVED: (Unanimously)

Members agreed to exclude press and public for the following item as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

61 Use of Standing Order 35

The Licensing Officer provided the committee with an update of the use of Standing Order 35 in relation to the extension of a license. It was deemed a reasonable request to extend the licence for six months as at the time of the request (June 2020) government guidelines to tackle COVID-19 made replacing the vehicle extremely difficult, due to lockdown and non-essential businesses being closed. The vehicle in question was found to be in a good condition.

Following a member enquiry about any further extensions the Licensing Officer suggested that this was unlikely, but they would consider any requests and review individual circumstances as to why a suitable replacement vehicle could not be obtained.

RESOLVED: (Unanimously)

That the report and actions taken be noted.

Chair

Date