

REPORT TO	ON
GENERAL LICENSING COMMITTEE	28 NOVEMBER 2017

September 2017



TITLE	REPORT OF
UPDATES ON MISCELLANEOUS LICENSING ACTIVITY	DIRECTOR OF DEVELOPMENT, ENTERPRISE AND COMMUNITIES

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 October meeting of the Committee, including:

- (i) the Taxi Trade Forum held on 26 October 2017;
- (ii) the consultation process which has taken place in November 2017 as a result of members' deliberations at the General Licensing Committee in October 2017;
- (iii) a decision to defer referral of the modified vehicles' report to full Council until 17 January 2018; and
- (iv) the outcome of an inspection exercise carried out by Licensing staff to ensure that all vehicles licensed with tinted rear windows and licensed since July 2016 meet with the revised requirements of the Licensing Policy.

2. RECOMMENDATIONS

Members are requested to:

2.1 note the information provided below in sections 6-8 below on recent Licensing activity; and
2.2 with regard to the Taxi Trade Forum:

- consider the main issues highlighted during the Forum held on 26 October 2017 (as set out in section 5.3 below);
- note that the proposed date of the next Forum is 1 February 2018; and
- consider the proposals which emerged from discussion with the trade and which are set out at sections 5.3bi and ii below, with a view to determining any appropriate next steps.

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. UPDATE - TAXI TRADE FORUM

4.1 Members will recall that, at their meeting on 19 September 2017, they received a report on the Taxi Trade Forum which had taken place on 13 July 2017. This had been the inaugural meeting of the revised Forum, which had not been held for a period of 12 months or more.

4.2 Minutes of the September meeting of the General Licensing Committee record that:

“The Committee discussed lessons learnt from the Taxi Trade Forum that included better promotion of the event, a change of layout for future meetings and information as to the extensive measures taken by officers to ensure that they received as much trade and public feedback as possible on the consultation documentation.”

4.3 In response to the above, the following changes were made in advance of the Forum meeting held on 26 October 2017:

- a) Increased efforts were made to promote the Forum amongst the trade – these included:
 - sending a promotional email to all operators;
 - text messaging all owners and drivers not attached to an operator;
 - posters were produced and distributed to all depots / displayed in the Civic Centre reception / attached to badge and plate renewals; and
 - details of the Forum were distributed via the Council’s social media;
- b) agenda suggestions for the meeting were submitted by the trade on 22 September, a month in advance of the meeting. Licensing staff asked that the 12 suggestions submitted be narrowed down to a more manageable 4 (which then appeared on the agenda); and
- c) a pre-Forum meeting took place on 20 October 2017 with 2 drivers who had expressly requested it as they were unavailable to attend on the scheduled date. The session was held with the agreement of the Chair, but this is not necessarily seen as an ongoing option; when the Forum is established the Council would prefer to deal with all attendees at the same time so as to give a consistent message.

4.4 The following changes were implemented at the meeting on 26 October:

- a) officers gave a detailed written response to the questions submitted prior to the Forum – a copy of the written response presented to the trade is attached as Appendix 1; and
- b) wider policy concerns were introduced for discussion with the trade – on this occasion a presentation was given by the Acting Public Health Manager Andrew Howard, on the Council’s intention to become a Dementia Friendly authority.

5. REFLECTIONS ON THE FORUM

5.1 Attendance

As a result of the considerable efforts referred to in section 4.3a above, the number of trade persons present rose to 12, with 2 other drivers having attended the pre-meeting on 20 October. This was a considerable improvement on the 3 persons present at the July meeting.

5.2 Agenda

- a) With regard to the presentation by the Acting Public Health Manager, it was pleasing to see that a member of the taxi trade volunteered to work with the Council moving forward and contribute his views to the Dementia Action Alliance;
- b) Part of the rationale for holding the Forum after a scheduled General Licensing Committee was to allow officers to feedback on important policy changes which may affect drivers / operators moving forward. Given the significance of the 6 policy areas covered by the Committee at its October meeting (covering topics from the Equalities agenda to Safeguarding training), the Forum offered an important opportunity for the trade to be updated. The Interim Licensing Manager gave a presentation on the forthcoming changes, which prompted a lively discussion;
- c) The trade was also given advance warning about future consultation issues (such as the extension of the no smoking provisions in the Licensing Policy to “vaping” equipment); and
- d) The section of the agenda where officers responded to the 4 pre-submitted questions from the trade seemed to work well – it allowed for a useful and focused discussion to take place within the time constraints available.

5.3 Post-meeting

- a) Minutes of the meeting were taken and the final version will be displayed on the Council’s website. Along with the minutes of the previous meeting, these can be accessed via the following link:

<https://www.southribble.gov.uk/content/taxi-trade-forum-minutes>

- b) Members’ attention is drawn to key issues arising at the last Forum, including:
 - i) In light of the continuing trade concerns expressed at the need for drivers to acquire a Level 2 qualification, the Chair of the Forum agreed to explore a further amendment to the Licensing Policy. 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 6 months grace within which they would then be obliged to acquire the qualification; and
 - ii) Trade representatives expressed the view that it was illogical 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 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.
- c) A date for the next meeting of the Forum has been set – it is proposed to hold the Forum on 1 February 2018 from 1700-1830 in the Wheel Room at the Civic Centre. Members are requested to note this date in their calendars.

6. CONSULTATION UPDATE

- 6.1 Members will recall that – at the October meeting – they agreed to submit two matters for further consultation. These items were (i) the “no smoking” rule in the Licensing Policy to extend to vaping equipment and (ii) operators to oblige dispatch staff to undertake Safeguarding training.

6.2 The following action has subsequently taken place:

- the consultation period was agreed as 1.11.17 to 30.11.17;
- the consultation pages have been drawn up and appear on the Council's website. They can be accessed via the following link:

<https://www.southribble.gov.uk/content/taxi-licensing-consultation>

- an advisory email sent out to all licensed operators on 1 November 2017; and
- the consultation exercise was promoted at the Taxi Trade Forum on 26 October 2017 and subsequently via social media.

7. LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION

7.1 At their October meeting, members received a draft Policy which included details of the technical standards considered necessary to ensure the continuing roadworthiness of licensed / modified vehicles. The minutes of the meeting record the following:

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.

7.2 With regard to point 2 above, officers have made extensive efforts to arrange for a meeting to be held prior to the full Council meeting on 22 November. However, it has proved impossible to find a suitable date / time which would accommodate all parties. As a result, and with the agreement of the Chair, the decision was made to defer the submission of the report to the meeting of the full Council, scheduled for 17 January 2018.

7.3 At the time of writing, no date had yet been fixed for the round-table meeting with trade representatives and the County Council to take place. However, it is intended to update members on this issue at the November meeting of the General Licensing Committee.

8. INSPECTIONS – TINTED WINDOWS

8.1 Members will recall that, on 4 July 2016, the General Licensing Committee received a report proposing the adoption of a revised Licensing Policy. Members considered the report and agreed that the proposed Licensing Policy should be forwarded to full Council on 20 July 2016. Full Council agreed on 20 July that the proposed Licensing Policy should be formally adopted and it came into effect on 20 July 2016.

8.2 The revised Licensing Policy introduces specific requirements regarding the use of tinted windows – these are considered a potential risk as they obscure any physical activity taking place inside the vehicle. The revised wording is set out in section 6.6 of the Policy (hackney carriages) and section 7.5 (private hire):

“All factory fitted glass in the vehicle shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.

In respect of hackney carriage / private hire vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver’s pillar on application to the Licensing Unit.”

8.3 Officers were aware that this new standard may cause some difficulty for the trade, as they may be expected to make physical changes to their vehicles at their own expense. Consequently, owners of all vehicles licensed since July 2016 (and which have windows to the rear of the driver’s pillar which omit less than 70% light transparency) were written to and advised of the new requirement. Owners were informed that the vehicle would be suspended from 1 November 2017 if they were found not to meet the Licensing Policy requirement by that date.

8.4 Officers devoted some effort to chasing up the owners of the vehicles and worked with them to ensure that the new standards were met. In total, 17 private hire vehicles and 18 hackney carriages (35 vehicles in total) were proactively called in and checked by officers. Of these 35, 34 were confirmed to be in compliance by the deadline of 1 November – a compliance rate of 97%. The only vehicle not inspected by the deadline is currently suspended after being involved in an accident; it is understood that the windows have already been changed to bring the vehicle into compliance but this will be verified if and when confirmation is received that the vehicle will be operational once more and is not to be written off.

8.5 This is an excellent piece of proactive work and particular credit goes to Licensing Officers Stephanie Fairbrother and Christopher Ward who instigated and carried out the exercise.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

There are no financial implications arising as a result of the recommendations in this report.

8.2 Comments of the Monitoring Officer

There are no legal implications in this report.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>It is important that the Council’s Licensing process is seen as open and transparent. The purpose of (i) the Taxi Trade Forum and (ii) bringing consultation exercises to a successful conclusion is to ensure that this is acknowledged to be the case. With regard to tinted windows, it is imperative that there is compliance with the requirements of the Licensing Policy in order to preserve public safety.</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
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10. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – written response to submitted questions

SMT Member's Name: Denise Johnson

Job Title: Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	6 November 2017