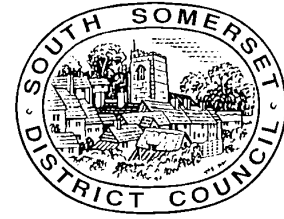


South Somerset District Council

Notice of Meeting



Licensing Committee

Making a difference where it counts

Tuesday 12th March 2019

10.00 am

**Council Chamber B
Council Offices
Brympton Way
Yeovil
BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462055 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 4 March 2019.

Alex Parmley, Chief Executive Officer



This information is also available on our website www.southsomerset.gov.uk and via the mod.gov app

Licensing Committee Membership

The following members are requested to attend the meeting:

Chairman: David Recardo
Vice-chairman: Crispin Raikes

Jason Baker
Neil Bloomfield
Dave Bulmer
Nigel Gage
Val Keitch

Tony Lock
David Norris
Wes Read
Angie Singleton
Alan Smith

Gerard Tucker
Linda Vijeh
Martin Wale

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district.

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

Members Questions on reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Information for the Public

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Meetings of the Licensing Committee are held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

Licensing Committee

Tuesday 12 March 2019

Agenda

Preliminary Items

1. **To approve as a correct record the Minutes of the Previous Meeting held on 28th November 2018**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

4. **Public Participation at Committees**

a) Questions/comments from members of the public

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

Items for Discussion

5. **Department for Transport Consultation on Hackney Carriage and Private Hire Vehicle Drivers** (Pages 5 - 7)
6. **Date of Next Meeting** (Page 8)

Agenda Item 5

Department for Transport Consultation on Hackney Carriage and Private Hire Vehicle Drivers

Director: Martin Woods, Service Delivery
Manager / Lead Specialist: Nigel Marston, Specialist Services Manager
Lead Officer: Anita Legg, Licensing Specialist
Contact Details: anita.legg@southsomerset.gov.uk or 01935 462137

Purpose of the Report

To inform Members that the Department of Transport (DfT) are seeking views on proposed statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how to use their licensing powers to protect children and vulnerable adults.

Public Interest

The reason for the consultation is to introduce statutory guidance¹ to ensure that Licensing Authorities help to safeguard members of the public (especially those under 18 years and vulnerable adults) when using taxi or private hire vehicles. There are a number of measures in the draft guidance, which will increase the level of safety for the public.

The DfT expects the recommendations made in the final version of the statutory guidance to be implemented by licensing authorities unless there is compelling local reason not to, the Licensing Committee therefore need to make sure that the content of the guidance is appropriate.

Recommendations

- (1) Members participate in answering the 30 questions contained within the consultation.
- (2) Members agree that where there are opposing answers to the questions that the response to be given to the DfT will be that of the majority.
- (3) Members agree that their response to the consultation is sent to the Department of Transport by the closing date of 11:45 on 22 April 2019.
- (4) Members agree that the South Somerset District Council Taxi and Private Hire Policy is updated to reflect the new statutory guidance once the provision is known and any other changes in legislation, which may affect it.

Background

The DfT had consulted with stakeholders on the regulation of the taxi and private hire trades and there is a consensus of opinion that common core minimum standards are required to regulate this sector especially as there is evidence to support it is a high risk environment and a crime survey revealed the under reporting of crime could be as high as 83%².

Report

The consultation questions have been summarised and relate to the following areas for hackney carriage and private hire drivers and vehicles:

¹ Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance

² P5 para 2 Draft Statutory Guidance Taxi and Private Hire Vehicle Licensing: Protecting Users DfT published February 2019.

- Content of training for those that determine licensing matters
- A council structure for dealing with licensing matters
- A review of all issued licences
- All drivers to be subject to an enhanced Disclosure and Barring Service (DBS) with barred list checks
- All licence holders should be required to subscribe to the DBS update service
- DBS checks are conducted every six months
- Notification period regarding arrest and release, charge or conviction for motoring, dishonesty, indecency or violence offences
- Referrals to the DBS if thought applicant presents a potential risk of harm to the public
- Certificate of Good Character required where individual has spent 3 continuous months outside the UK when over the age of 18
- Applicants to disclose if they have licensed elsewhere, had application refused; licence suspended or revoked
- National register for taxi and private hire driver licence refusals and revocation and improved information sharing
- Consideration during determination of application for or renewal of a licence, previous applications refused, revoked or suspended elsewhere
- Establishment of multi-agency safeguarding hubs
- Guidance for passengers on making complaints directly to licensing authority and the information displayed in licensed vehicles
- All drivers to undertake safeguarding training
- Consideration of whether applicant is able to communicate both orally and in writing in English with their customers
- Officers to be authorised by other licensing authorities so that they can take compliance and enforcement action outside their Council area.
- Private Hire operators to be subject to a basic DBS
- Private Hire Operators to keep a register of all staff that take bookings or dispatch vehicles and have sight of a basic disclosure for those staff.
- Private Hire Operators to provide their policy to the Council on employing ex-offenders that will take bookings or dispatch vehicles
- Private Hire Operators not to use a driver who only has a public service vehicle licence
- Private Hire Operators to keep specified information in records
- Licensing Authorities to carefully consider potential public safety benefits and privacy issues if making it a requirement that taxi's and private hire vehicles must have CCTV installed
- Licensing Authorities to consider licensing vehicles with an individual vehicle approval certificate even if passenger capacity is unclear, providing no more than 8 passengers
- DfT to issue guidance on assessment of previous convictions
- Whether Annex A to the draft guidance provides enough detail for the 'fit and proper' test and should any offences be added
- Are Licensing Authorities prepared to share data of alleged offences committed in licensed vehicles either against or by passengers
- Any other comments or data

Financial Implications

Officer time in preparing updated policy and advertising it.

Council Plan Implications

- Economy – work with businesses and use our assets
- Health & Community – Work with partners to keep our communities safe

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

The Government carried out an impact assessment on 04 February 2019 a link to which is included in the background papers.

Background Papers

- Draft Statutory Guidance Taxi and Private Hire Vehicle Licensing: Protecting Users DfT published February 2019 and consultation questions
www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users

- Government Impact Assessment

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775978/taxi-phv-licensing-protecting-users-ia.pdf

Agenda Item 6

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 11th June 2019 at the Council Offices, Brympton Way, Yeovil.
