

**Minutes of a meeting of Licensing Committee
held on Monday, 17th February, 2020
from 6.59 pm - 8.28 pm**

Present: J Knight (Chair)
Anthea Lea (Vice-Chair)

G Allen	I Gibson	S Smith
P Chapman	J Henwood	N Walker
R Cromie	C Laband	R Webb
J Dabell	G Marsh	N Webster

Absent: Councillors L Gibbs

Also Present: Councillors

1. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Gibbs.

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

3. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 1 JULY 2019.

The Minutes of the meeting of the Committee held on 1 July 2019 were confirmed as a correct record and signed by the Chairman.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

The Chairman informed the Committee that Paul Thornton, Senior Licensing Officer would be leaving the Council in April. The Chairman and several Members thanked him for his exemplary work, dedication and professionalism.

5. DISCUSSION PAPER ON THE POTENTIAL CHANGES TO THE TAXI LICENSING POLICY FOLLOWING THE PROPOSED STATUTORY GUIDANCE.

Jon Bryant, Licensing Officer introduced the report which seeks the Committee's views on the strategic direction for the proposed review of the Taxi and Private Hire Licensing Policy. He noted that there would be little change to the Draft Statutory Guidance that the Committee responded to in April 2019, and the guidance will be issued imminently.

Hackney Carriage and Private Hire Drivers:

The Licensing Officer highlighted that the Statutory Guidance will provide a definition for the “fit and proper” test and the Committee would ask “Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?” He noted that the proposed guidance also states that the applicant or licence holder should not be given the benefit of the doubt. Regarding the DBS update service, he confirmed that there is no compulsion for drivers to sign up to the service and the time frame for self-reporting for arrests, charges or convictions should be reduced from 7 days to 48 hours.

Members discussed the impact this may have on the workload of Licensing Sub Committee A. The Officer confirmed that each notification would be dealt with on a case by case basis and minor breaches could be dealt with using the penalty points system.

Following a Members question the Officer confirmed that applicants who had lived overseas for more than 3 months would have to obtain a letter of good conduct from their embassy or high commission. He noted that the police report would be certified and then translated by an authorised translator.

Members discussed the introduction of mandatory Safeguarding Awareness training. The Officer advised that the Council had previously run voluntary courses for existing drivers which had been well attended. The training had been free as it had been funded by WSCC. He confirmed that the view of Licensing Sub Committee A was for the training to be mandatory. He advised that trainers have been sourced to provide face to face training, WSCC and the Blue Lamp Trust at a potential cost of £25 per driver. The training would include safeguarding awareness, child sexual exploitation and modern slavery, vulnerable adults and disabilities including hidden disabilities to ensure drivers treat those with disabilities in a proper way. Members discussed adding a condition to a licence setting a date for the completion of mandatory training.

The Committee were advised that drivers are consulted on policy changes.

The Officer confirmed that the number of Hackney Carriages is capped at 154 and 20% are wheelchair assessable. He noted there would be a survey later this year for un met demand and proposals could be made to this Committee to raise or remove the cap.

CCTV in Licensed Vehicles:

The Officer confirmed that most vehicles currently do not have CCTV fitted. Where it has been fitted drivers must comply with the data regulations, the data is encrypted and stored securely. He noted that CCTV provided reassurance for passengers. It also provides reassurance and protection for drivers as he has had reports of people leaving without paying and robbery, CCTV may have helped to prevent this. He advised that the installation cost could be £500-600 dependent on the system, and most drivers hire the equipment from a company in Lewes. In response to a Members concern he advised that the hirer of the equipment would be the data controller and footage is only downloaded with the consent of a licensing officer. The Committee agreed that CCTV should not be mandatory due to the cost of installation.

Private Hire Vehicle Operators:

The Officer noted that the proposed guidance states that Private Hire Operators should demonstrate that all staff who have contact with the public do not pose a risk, they should keep a register of all staff and have a record of basic DBS checks. The

Committee were advised that most complaints are made to the operator and not the Licensing Team, and operators should advise the Team if driver is the subject of a complaint. He confirmed that these could be added as a condition to an operator's licence.

Members noted the sign posting of people to the Council to make complaints regarding Hackney Carriage and Private Hire Driver Licences. The Officer confirmed that complaints can only be investigated if information is received. The Officer highlighted that Drivers who hold a Public Carriage Vehicle Licence (PCV) do not have the same checks. If they have had their Private Hire licence revoked they can use a public service vehicle, a minibus, to take a PH booking. Members agreed that this should be stopped by adding a condition to a PHV operator's licence. They also agreed to include the licensing of stretch limousines in the revised policy.

Licensed Vehicle Emissions:

The Officer confirmed that the 10 year policy had removed the more polluting vehicles from the fleet as vehicles were more modern. The Committee were invited to look at other ways to improve air quality in the District. Members discussed the mandatory introduction of vehicles with stop/start technology, electric and hybrid vehicles and lowering the 10 year rule. However, some were concerned over the financial impact on people's livelihood as being a licenced driver may be their main source of income. A Member confirmed that the Environmental Health Team would be installing signs at locations to ask drivers to cut their engines whilst stationary. The Officer confirmed that a condition could be added to stop vehicles idling when waiting at the ranks.

Franca Currall, Solicitor to the Committee noted that there was currently little infrastructure, especially charging points for electric vehicles and technology is constantly changing. She noted the short range of current electric vehicles. The Committee were advised that she is part of a ECV project, and the government are providing funds to install ECV in council car parks. A report will be brought to the Committee on this matter at a later date.

The Chairman confirmed that more research is required before the Committee can make a decision.

Other Changes:

The Committee agreed to recommend that officers progress work to incorporate the following measures within the Council's Taxi and Private Hire Policy:

- a) the renewal of licences for one year for drivers 65+ on application from the drivers,
- b) include an "intended use policy" for hackney vehicles to maintain the number of taxis available for Mid Sussex residents use,
- c) extend the requirement for Private Hire Vehicles to display door signs to help the public identify vehicles,
- d) prevent the licensing of a vehicle which have been written off,
- e) wheelchair accessible vehicles must always carry the appropriate equipment to take wheelchairs,
- f) no minimum payments or additional charges for people paying by credit card,
- g) amend the no smoking condition to include vaping.

RESOLVED

The Committee agreed to recommend that officers progress work to incorporate the agreed measures within the Council's Taxi and Private Hire Policy.

6. LICENSING TEAM RESPONSIBILITIES.

Paul Thornton, Senior Licensing Officer introduced the report which gave an update on the past years work of the Licensing Team. He noted that their remit covered areas concerning Animal Welfare to Camp Sites. The Committee were advised that Mid Sussex is one of the two councils in the county that have implemented the Animal Welfare Policy and other local authorities are using our policy to draft their own.

The Officer confirmed that since the implementation of the Animal Welfare Policy the Council has put information on the website to inform the public, and to sign post any unregistered people to the Council. He noted that the Licensing Team follow up any leads received. He confirmed that, in conjunction with other local authorities, a press release will be made in April announcing Lucy's Law, the law banning puppy farming.

Members discussed the licensing of riding establishments and livery yards. The Officer noted that responsibility for the operators of hire vehicles is a matter for DEFRA. He also confirmed that DEFRA have a report on livery yards but these are not yet licensed, and they are reviewing the home boarding/ day care of dogs as this is now more popular than kennels.

Members discussed street trading and how to control unlicensed street vendors to protect the public. Yvonne Leddy, Business Unit Leader for Environmental Health and Building Control commented that the Council will provide advice if contacted by event organisers and noted that they have more control over events when they are held on council owned land. The Senior Licensing Officer advised that event organisers should also liaise with the Police who can provide support if previous events have been blighted by street traders. The Police will then pass information onto the Licensing Team to progress onto prosecution if appropriate. He confirmed that the Team regularly provide advice on street trading. A Member highlighted the importance of Town and Parish Councils working closely with the Council environmental health and licensing department.

The Chairman commented that he has asked the Licensing Team to provide an update report with figures. He noted no more Members wished to speak so moved the Committee to the recommendation to note the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 8.28 pm

Chairman