



Minutes of the meeting of the **General Licensing Committee** held in Committee Room 2, East Pallant House on Wednesday 22 March 2017 at 9.30 am

Members Present: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr J Connor, Mr L Macey, Mrs C Purnell, Mr N Thomas, Mr D Wakeham and Mrs S Westacott

Members not present: Mr G Barrett, Mr P Budge, Mr J W Elliott, Mr N Galloway, Mrs D Knightley and Mr G McAra

In attendance by invitation:

Officers present: Mr A Barson (Licensing Technician), Mr L Foord (Licensing Manager), Ms G Di Lauro (Litigation and Licensing Lawyer) and Miss L Higenbottam (Democratic Services)

31 Chairman's Announcements

Apologies for absence had been received from Mr Barrett, Mr Budge, Mr Galloway, Mrs Knightley and Mr McAra.

32 Minutes

RESOLVED

That the minutes of the meetings held on 19 October 2016 be approved and signed by the Chairman as a correct record.

33 Urgent Items

The Chairman advised that there were no urgent items to be considered at this meeting.

34 Declarations of Interests

There were no declarations of interest.

35 Public Question Time

There were no public questions.

Change in policy re: taxi/private hire driving assessment and wheelchair assessment to reflect current practice

Mr Barson explained that in September 2016 all local authorities were notified that from 1 January 2017 the Driving and Vehicle Standards Agency (DVSA) would be withdrawing provision of taxi/private hire driving assessments and wheelchair assessments. The council's licensing team have since identified two alternative assessors offering a similar service to the DVSA; Blue Lamp Trust and First Castle School of Motoring. Mr Barson explained that due to a lack of suitably trained assessors it has been difficult to find a wheelchair assessment provider.

Mr Barson outlined the council's proposed policy amendments notably section 14 of the Driver and Vehicle General Policy, section one of the Private Hire Driver Policy and section one of Hackney Carriage Policy. Additional conditions require private hire (PH) drivers with seven or more points on their driving licence to retake their driver assessment and PH drivers driving or intending to drive a wheelchair accessible vehicle to complete a wheelchair assessment.

Ms Di Lauro explained that under the Equality Act 2010 sections 165/166 a driver has a duty to carry passengers who are wheelchair users unless the licensing authority has issued the driver with an exemption under section 167. Drivers are not required to provide a modified vehicle, therefore the above sections apply only to designated vehicles. Drivers can be prosecuted for breach of section 165 which is a criminal offence if they do not comply with the duty and do not have a certificate of exemption.

(Mr Wakeham arrived and Mrs Purnell left whilst officers were answering questions).

Mr Ridd asked whether the new assessment providers will be assessed. Mr Foord explained that the DVSA will approve assessors but will not provide accreditation. Mr Barson added that the council must give due consideration to assessment by alternative providers subject to appropriate requirements being met. If a driver is assessed by an unknown provider officers carry out checks through the DVSA online register and follow up where appropriate.

Members discussed the availability of wheelchair accessible vehicles and drivers turning down fares for wheelchair users. Mr Barson confirmed that the districts Hackney Carriage fleet of around 50 vehicles is entirely wheelchair accessible. The 200 PH vehicles are however predominately saloon cars. Mr Foord explained that, to the best knowledge of the council, there are infrequent refusals to carry wheelchair passengers as most drivers abide by their duty (excluding those who hold an appropriate exemption). All complaints are investigated and where appropriate referred to a General Licensing Sub-Committee. In some cases the driver will be required to retake a wheelchair assessment to ensure they are confident in loading and unloading a wheelchair. Mr Foord explained that officers suggest to customers to pre-book where possible to guarantee the type of vehicle provided is appropriate.

Mr Thomas asked whether drivers charge a premium to transport a wheelchair user. Ms Di Lauro confirmed that operating a different charging structure would be discrimination and a breach of the Equalities Act 2010.

Following the discussion members were in agreement with the proposals.

RESOLVED

That the proposed conditions and changes to the existing policy in relation to the taxi/private hire driving assessment and the wheelchair assessment be approved.

37 Update regarding policy review - Implementation of Private Hire Knowledge Test

At the last General Licensing Committee meeting approval was granted to create a working group to review the council's current Taxi and Private Hire Licensing Policy and conditions. As a result officers propose to introduce a PH knowledge test which is likely to cost drivers around £41 (the cost of a Hackney Carriage Knowledge Test). Ms Di Lauro confirmed that the requirement is for new drivers and drivers with lapsed licences only. The proposed knowledge test will assess understanding in the following areas:

- Taxi/PH law
- The council's own policy and requirements
- The Highway Code and road signs
- Basic literacy and numeracy
- Local knowledge of the district

Mr Barson explained that officers of the council's Licensing Team have been in touch with a company called 'Diamond' who supply computerised knowledge tests to other local authorities such as Arun, Southampton and Winchester. A consultation has also been carried out with existing PH drivers. Members received a copy of the responses (which are available as a supplement to the agenda for this meeting). Drivers raised concerns about cost, time required to complete the test and whether either will deter suitable applicants.

Members discussed the practical difficulties faced by drivers who are unable to demonstrate an understanding of the English language. Mr Barson assured members that officers will carefully consider the level of literacy testing required. He acknowledged that some local authorities require an oral assessment and agreed that this will be considered in the future.

Mr Connor asked for clarification regarding the number of questions on the test. Mr Barson explained that the council is able to determine its own number and nature of questions. Council's either specify a pass mark for each area tested or an overall pass mark. Officers have concerns that using an overall pass mark could lead to drivers passing the test with a low level of understanding in some areas.

Mrs Westacott asked how officers will deter cheating if tests are carried out online. Mr Barson assured members that online testing will be invigilated within the council

building and discussions were on-going with the relevant colleagues with the organisation.

Mrs Westacott requested clarification regarding the support on offer for dyslexic applicants. Mr Foord explained that any applicant who discloses dyslexia during the application process will be appropriately supported in line with the Equality Act 2010. Mr Barson agreed to contact other local authorities to discuss designing a varied set of questions to suit all applicants. Ms Di Lauro explained that the council would not be in breach of the Equality Act 2010 if an applicant fails to disclose their dyslexia or other disability.

Mr Potter asked whether officers had considered restricted licences to suit drivers who want to do specific types of work only. Mr Barson explained that this will be considered in the overall policy review but in principle would be possible with the right administrative system.

The Chairman thanked those who had participated in the review.

RESOLVED

That a knowledge test for new applicants applying for a Private Hire Driver Licence be implemented.

38 Consideration of any late items as follows:

The Chairman advised that there were no late items to be considered at this meeting.

The meeting ended at 10.35 am

CHAIRMAN

Date: