



Minutes of the meeting of the **General Licensing Committee** held virtually on Wednesday 10 February 2021 at 9.30 am

**Members Present:** Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Mrs T Bangert, Mr G Evans, Mr C Page, Mr H Potter, Mr A Sutton and Mrs S Taylor

**Members not present:** Mr J Elliott and Mr K Hughes

**In attendance by invitation:**

**Officers present:** Mr S Bingham (Licensing Technician), Ms G Di Lauro (Litigation and Licensing Lawyer), Mr L Foord (Divisional Manager for Communications, Licensing & Events), Miss S Hurr (Democratic Services Officer), Mr D Knowles-Ley (Licensing Manager) and Mr J Munday (Licensing Assistant)

#### 34 **Chairman's Announcements**

The Chairman welcomed everyone to the virtual meeting.

Apologies had been received from Mr Hughes and Mr Elliot.

#### 35 **Minutes**

That the minutes of the meeting held on 12 February 2021 with the following amendment:

In the Council's proposed revised House to House Collection Policy item, in penultimate paragraph, the word 'if' was changed to 'or' to read

'That the Committee approves the revised policy (which was generally revised every five years 'or' earlier if required).'

were approved and signed by the Chairman as a correct record.

#### 36 **Urgent Items**

There were no urgent items.

#### 37 **Declarations of Interests**

There were no declarations of interests.

**38 Public Question Time**

There were no public questions.

**39 Review of the Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy and Conditions**

Mr Knowles-Ley introduced the report and summarised the key points.

Mr Knowles-Ley began by introducing two colleagues from the Licensing Team, Steve Bingham, Licensing Technician and Jon Munday, Licensing Support Assistant.

Mr Knowles-Ley explained that prior to 2012 the council did not have a formal overall documented comprehensive policy in relation to Taxi and Private Hire licensing matters and operated with byelaws and conditions attached to the various licences. A decision was taken to create a number of draft policies relating to particular areas of taxi and private hire licensing specifically the licensing of drivers, vehicles and operators, with a separate convictions policy. Conditions that would be applied to each licence type were also developed. The various policies and conditions were subsequently approved by Committee in 2012 following extensive consultation with various stakeholders.

Mr Knowles-Ley further explained it had become evident that with the passage of time along with new and emerging challenges which had arisen since 2012, it was necessary to review current policies and conditions, to ensure they remained fit for purpose.

In July 2020, the Department for Transport (DfT) issued the 'Statutory Taxi & Private Hire Vehicle Standards'. The standards focused on the protection of children and vulnerable individuals who are over 18, from harm when using the services of a taxi or private hire operator. The guidance also afforded greater protection to all passengers. The DfT expected all recommendations within the standards to be implemented unless there was a compelling local reason not to do so.

Mr Knowles-Ley described how the review was conducted by initially assessing the contents of the existing six policy documents, and collating them into a single document. This was followed by a review of the new DfT standards and incorporating any necessary changes into the revised policy, including a specific annex titled 'Assessment of Previous Convictions' which indicated in order to be fully compliant with the standards the existing Conviction Policy required updating. Finally, a general update and revision was completed, to ensure longevity of the policy.

Mr Knowles-Ley made reference to the council's recently adopted Climate Emergency Detailed Action Plan, and the necessity to reduce the emissions and the subsequent impact that licensed vehicles had on the environment. The current requirement was that all new vehicles licensed for the first time, must be compliant with the Euro 4 emissions standards, however since the introduction of that

standard, Euro 5 and Euro 6 standards had been introduced which included more stringent emissions standards.

Mr Knowles-Ley drew Members' attention to the section of the revised policy which related to vehicle specification, age, appearance and environmental impact, and explained the proposal to require any new vehicle to be compliant with the current Euro standard or that immediately preceding it, and in addition, to introducing an overall age policy of ten years for such vehicles. With regards to existing licensed vehicles, the proposal was for there to be a five year transition period for existing vehicle licence holders to replace their vehicle. Mr Knowles-Ley added that full electric or hybrid vehicles were specifically welcomed. All policy changes aimed at reducing emissions had been included following consultation with the Environmental Protection Team, who were broadly supportive and were undertaking further work on modelling potential reduction of emissions, if the proposed policy came into effect. The Environmental Protection Team would be formally consulted on the draft policy if approved.

Mr Knowles-Ley confirmed that the intention was to consult widely with a variety of interested parties including existing licence holders, colleagues at Chichester Contract Services, the Driver and Vehicle Standards Agency, DfT, as well as other licensing authorities. All consultation responses would be reviewed, considered and a summary of responses prepared. The intention was that the summary of responses along with a revised proposed final policy, would be presented to Committee later this year for consideration and approval along with a set of revised conditions for the various licence types.

Mr Munday added that Euro Standards may change in the future following Brexit.

Mr Foord explained that he had very recently attended the online Local Government Association Annual Licensing Conference and the expectations of adoption of the DfT Standards had been clearly stated at the meeting. A robust reason would be required not to do so. Mr Foord further explained that the focus of the DfT was to monitor enforcement and compliance with the use of the conditions within the Standards. There was a significant need to provide consistency amongst individual authorities and Mr Foord advised that a representative of the council already attended the East and West Sussex Taxi Licensing Sub-Group at which the Standards had already been discussed.

Ms Di Lauro advised that the majority of taxi and private hire licensing legislation was very old domestic legislation which included the Local Government (Miscellaneous Provisions) Act 1976, and Town Police Clauses Act 1847. Newer legislation included the Equality Act 2010 and the Immigration Act 2016. Within the policy there were references to European Standards. In this respect, the European Union Withdrawal Act 2018 provided the legal framework for the continuity of retained European law in UK law. What was applicable previous to Brexit was still in place unless specifically excluded by the 2018 Act or Regulations and, as the policy referred to whatever legislation was in force at the time, it would therefore remain current.

Officers responded to Members' comments and questions:

With regards to whether at a future date there would be a requirement for all vehicles to be hybrid or electric, Mr Knowles-Ley responded that use of hybrid and electric vehicles was not prohibited but were expensive to purchase, with one known new electric Hackney Carriage costing £55,000. Mr Knowles-Ley added that there were not currently, electric vehicles of this type within the district and stressed that at this time there were only limited charging points. Mr Knowles-Ley advised that central Government policy was for petrol/diesel vehicles to be phased out by 2030.

On the matter of the installation of safety screens inside vehicles to provide Covid-19 protection, Mr Knowles-Ley confirmed that historically the council did not have a policy in relation to this matter. A number of enquiries had been received as a result of the pandemic and officers had undertaken research to establish if there was any current best practice in existence. A guidance document issued by Transport for London regarding the installation of safety screens in licensed vehicles had subsequently been identified and adopted, and was included within the revised policy. It was not mandatory to install a safety screen and Chichester Contract Services were continuing to offer free inspections for vehicles in which they had been installed.

On the matter of Disclosure and Barring Service (DBS) checks and other checks undertaken in relation to applicants and existing licence holders, Mr Knowles-Ley explained that it was possible for an applicant to make an application for a licence to many different local authorities. Therefore if one refused, an applicant may simply choose to apply to another neighbouring authority. In response to this issue, a central 'NR3 Register' had been established which was used by councils to record any application which was refused or licence which had been revoked. It was confirmed that officers had access to the NR3 register and could check the history of an applicant or existing licence holder. With respect to future DBS checks, Mr Knowles-Ley confirmed that the proposal was that all holders of a Driver's Licence would have to subscribe to the 'DBS Update Service'. The cost of this was a £13.00 annual fee paid directly to the DBS which would then enable as many checks as required to be conducted.

Mr Knowles-Ley also confirmed that passenger seats which tilted or required tilting to access other seats, were not permitted and there was no proposal to alter this requirement.

With regards to a conviction for the use of a hand-held mobile phone or hand-held device whilst driving, Mr Knowles-Ley confirmed that within the DfT standards and the proposed Convictions Policy, this was not regarded as a minor offence.

On the matter discussed at a recent webinar concerning an applicant taking up to ten attempts to pass the relevant Knowledge and Equality tests with considerable assistance provided, Mr Foord agreed that this was disappointing information and would not be permitted by the Council. The purpose of the licensing regime was to ensure that any applicant was 'fit and proper' to hold a licence. Mr Foord also confirmed that Southbourne would be added to the 'Places of Interest' stated at Annex 1 of the Council's Knowledge Test guidance.

With regards to safeguarding, Mr Knowles-Ley confirmed that the authority had a good relationship with existing licensed drivers, and that all new applicants had to sit and pass the Council's Knowledge Test which included elements of safeguarding. Mr Knowles-Ley confirmed that officers were confident that existing licence holders would report any safeguarding concerns to the Council and that these would be processed as appropriate. Mr Knowles-Ley added that the council was a member of the Multi-Agency Safeguarding Hub (MASH), and that he sat on the Joint Action Group (JAG) and Mr Foord as cited earlier during the meeting, on the East and West Sussex Licensing Liaison Group which included the taxi sub-group.

On the matter of capping the number of licenses issued, Mr Knowles-Ley confirmed that within the district there were currently 497 drivers, 338 vehicles and 51 operators. Mr Knowles-Ley added that the significant increase in recent years was following Uber Britannia Limited being granted an Operator's Licence in December 2016. Many holders of a Driver's Licence used them in relation to their secondary employment as they could fit driving work around other commitments. Mr Knowles-Ley advised that he did not consider that it was a necessity to cap the number of licences. With regards to Hackney Carriages, there were only 33 within the district and these could be hailed in the street and train station. There had been a significant increase in the provision of private hire licensing which was as a result of a number of licensed operators offering an 'App' based service to book a vehicle. It was confirmed that the use of space-saver spare wheels were included in the previous policy adopted in 2012 and this section had been transferred to the proposed revised policy. Space-saver spare wheels provided a greater capacity for luggage although it was expected that a new full-sized wheel was obtained and fitted as soon as possible. Mr Munday drew Members' attention to the relevant item in the report appendices relating to the use of space-saver wheels.

With regards to the use of hand held radios, Mr Bingham confirmed there was no legislation in relation to the Heavy Goods Vehicles using such, but in cars, they were only permitted to be used by Police Officers responding to an emergency situation.

With regards to the operation of a Hackney Carriage, Mr Knowles-Ley confirmed Hackney Carriages were licensed in the district in which they ordinarily ply for hire. However, it is permissible to carry a passenger to a location out of the district in which they were licensed, but they could not ply for hire outside of the district in which they were licensed. Those licensed drivers working for Uber could collect a passenger from any location, but the booking must be accepted and processed by way of the licensed operating base of Uber Britannia Limited located within the Chichester district.

On the matter of vehicle licence holders being exempt from displaying the ordinary identification plate and door signs on a licensed vehicle, Mr Knowles-Ley explained that the holder of a Private Hire Vehicle could make an application under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. This application requested that they were granted an 'exemption' from displaying the usual plate and door signs on the licensed vehicle which in turn permitted them not to wear the normal badge evidencing that they were a licensed Private Hire Driver. Exemptions were only granted where it was expected and/or evidenced that a vehicle would be used solely and exclusively for chauffeured, 'high-end' executive,

or VIP work. Applications for exemptions were robustly challenged and currently there were only 36 exempt vehicles. Mr Knowles-Ley added that wedding and funeral cars did not fall under the licensing legislation.

With regards to MOTs, it was confirmed that these could be carried out at any garage, and the proposal was to require an MOT test to be conducted six monthly from when the vehicle reached three years (previously five years in age). The vehicle Fitness Tests were only carried out by Chichester Contract Services and there was no intention at this time to alter this. On the matter of dual drivers (those holding both a Hackney Carriage and Private Hire Driver's licence) Mr Knowles-Ley explained that this enabled an individual to drive either a licensed Hackney Carriage or Private Hire Vehicle. Mr Knowles-Ley also confirmed that all drivers were expected and required by law to accept passengers who were wheelchair users, and or had assistance dogs, and to assist with luggage unless an exemption had been granted. Mr Knowles-Ley confirmed that no such current exemptions had been granted

Ms Di Lauro advised that the Policy should state that it was to be reviewed every three years or five years, or as required, which ensured review of the policy whenever necessary. Ms Di Lauro also confirmed that in order for a driver to be exempt from carrying people using wheelchairs, and or assistance dogs or assisting with luggage, the licensing authority would require robust medical evidence. Such exemption was permitted under the Equality Act 2010.

Mr Knowles-Ley confirmed the DfT advised a review of policies at least once every five years or annually.

With regards to the age profile of vehicles currently licensed, Mr Knowles-Ley advised that 44 were under three years old, 68 between three and five years old, 161 between five and ten years old, 65 were over ten years old and the oldest vehicle was manufactured in 2005.

Mr Bingham confirmed that the authority worked closed with the Police and that an emergency procedure in respect of potentially revoking or suspending licences was in existence and had previously been used.

Ms Di Lauro drew Members' attention to the Agenda Update Sheet which amended the paragraph relating to the use of CCTV inside a vehicle and confirmed that drivers must ensure that any information captured is processed and stored in accordance with the General Data Protection Regulation and Data Protection Act 2018 and that sound recording should not be in operation unless an incident ensued, to protect the privacy of the passengers. Ms Di Lauro also advised that signage should be displayed within the vehicle informing passengers that CCTV was installed, and suggested that the actual wording of the signage was delegated to officers, which was agreed by the Committee.

**Resolved**

That the Committee approves and adopts for immediate use the proposed revised Convictions Policy, and approves the consultation for the proposed revised Policy and Conditions.

The Chairman closed the meeting, and commented that the revision of the policy had been a significant piece of work. The Chairman thanked the officers for their work and Members for their attendance, and providing practical comments and suggestions.

40 **Consideration of any late items as follows:**

There were no late items.

41 **Exclusion of the press and public**

There was no requirement to exclude the press and public at this meeting.

The meeting ended at 10.33 am

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CHAIRMAN

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Date: