

# Public Document Pack



Minutes of the meeting of the **General Licensing Committee** held in Old Court Room, The Council House (Chichester City Council), North Street, Chichester on Wednesday 14 June 2017 at 9.30 am

**Members Present:** Mr H Potter (Vice-Chairman), Mr G Barrett, Mr P Budge, Mr A Collins, Mr J Connor, Mr J W Elliott, Mr L Macey, Mr G McAra, Mr C Page, Mrs C Purnell and Mr D Wakeham

**Members not present:** Mr J Ridd, Mrs P Plant, Mr N Thomas and Mrs S Westacott

**In attendance by invitation:**

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

## 1 **Chairman's Announcements**

In the absence of the Chairman, Mr Ridd, the meeting was chaired by Mr Potter (Vice-Chairman).

Mr Potter welcomed Mr Collins and Mr Page to the Committee.

Apologies for absence had been received from Mrs Plant, Mr Ridd (Chairman) and Mr Thomas.

## 2 **Minutes**

Ms Di Lauro requested an amendment to minute 36 (the top paragraph of page three of the agenda pack) to read 'Equality Act 2010' rather than 'Equalities Act 2010'.

### **RESOLVED**

That the minutes of the meeting held on 22 March 2017 be approved and signed by the Vice-Chairman as a correct record subject to the above amendment.

## 3 **Urgent Items**

There were no urgent items.

#### 4 **Declarations of Interests**

There were no declarations of interest.

#### 5 **Public Question Time**

There were no public questions.

#### 6 **Equality Act 2010 - Designation of 'Wheelchair Accessible Vehicles' and clarification regarding the carrying of assistance dogs**

Mr Barson explained that sections 165 and 167 of the Equality Act 2010 came into force on the 6 April 2017. Section 165 of the Act requires drivers of wheelchair accessible vehicles (WAV) to carry passengers in wheelchairs, provide appropriate assistance and prohibits additional charging. Section 167 of the Act gives councils the power to create a list of wheelchair accessible vehicles. Contravention of the Act could result in a fine of up to £1,000. Mr Barson explained that officers intend to issue drivers with a list of WAV and publish a list on the Chichester District Council (CDC) website.

Mr Barson outlined section 166 of the Equality Act 2010. He explained that for a driver to be granted an exemption from carrying passengers in wheelchairs they must provide written medical evidence from a doctor or other professional detailing the reason the exemption is required, the date the relevant condition started, the type of modification/s (if any) required and the timescale for any modification/s. The licensing team reserves the right to refer the driver to the council's own medical practitioner or occupational therapist. If there are any doubts then the matter would be referred to Licensing Sub-Committee. If the licence is refused then the driver has the right of appeal to the Magistrates Court. For an exemption notice to be valid it must be displayed correctly in the driver's vehicle.

Mr Barson also advised of the proposed addition to the policy in terms of clarifying the requirements for licensed drivers to carry assistance dogs and the process for drivers to claim an exemption on medical grounds.

In response to members' questions about vehicle capacity Mr Barson explained that the driver application form provides officers with information relating to whether a vehicle is wheelchair accessible. He confirmed that all WAV in the CDC fleet have the capacity to securely transport a standard sized wheelchair also known as a 'reference' wheelchair (exact dimensions are detailed on the website). For anything larger (electric wheelchairs) the driver of a WAV will need to undertake a dynamic risk assessment to determine whether it is safe to transport the wheelchair user/s. The council's expectation is that in the vast majority of cases it will be safe to do so. Any new applicant who intends to drive a WAV is required to undertake a wheelchair assessment to ensure they know how to safely load, secure and unload. Regarding the number of complaints from passengers travelling in wheelchairs, Mr Barson explained that most relate to loading and unloading although these were very rare. He confirmed that under these circumstances the licensing team has requested that the driver retake the assessment.

In response to a request to clarify some key definitions Mr Barson outlined a document created by Transport for London which illustrates the various types of assistance dogs and what their different coats represent. Mr Foord agreed to arrange for the link to be sent to all drivers and put on the CDC website. It was also confirmed that drivers must carry assistance dogs unless they have been issued with an exemption certificate and notice by the council for a genuine medical reason following an application being made to the licensing team and including supporting information from the GP and Consultant. Mr Barson explained that the CDC definition of a standard wheelchair is detailed in appendix two to the report and all vehicles on the CDC designated list would be able to carry a standard wheelchair. It was also clarified that taxis cannot transport mobility scooters.

In response to members concerns regarding complaints, Mr Barson confirmed that no complaints had been received about drivers starting the meter whilst loading passengers in wheelchairs. Mr Foord explained that when the licensing team is contacted for advice by a member of the public on booking a taxi they encourage them to contact a licenced operator and discuss any specific requirements prior to their journey.

Ms Di Lauro requested an amendment to appendix two on page 10 of the agenda pack to read 'hire' instead of 'higher'.

## **RESOLVED**

That the proposed changes to the existing policy regarding duties to carry wheelchair users, establishing a list of designated 'Wheelchair Accessible Vehicles' and the carrying of assistance dogs be approved subject to the above amendment.

### **7 Update regarding Knowledge Test for new private hire (PH) and hackney carriage (HC) drivers**

Mr Barson explained that, following the last meeting, officers began designing a computerised Knowledge Test in partnership with Diamond. Mr Barson listed the five sections which cover the road signs, Highway Code, HC/PH law and policy, places of interest and prevention of Child Sexual Exploitation (CSE) and disability awareness. All applicants would have to complete these sections regardless of whether they are applying for a HC or PH driver licence. However, HC licence applicants would be required to answer additional geographical questions and a number of questions would be specific to either HC or new PH applicants. To pass the test new applicants must achieve 70% or above in all sections, however there is opportunity for two retakes. The applicant will only be re-tested on the sections failed. If an applicant is unable to pass all sections of the test after three attempts they must wait six months. Each applicant is charged £41 per test and an additional £20 per retake. Mr Barson outlined plans for officers to trial the test on four purpose built laptops provided by IT. He explained that data would be transferred and stored on a master laptop. Mr Barson confirmed that a factsheet detailing the test process could be found on the CDC website.

In response to members concerns regarding officer time, Mr Foord confirmed that although there had been a significant recent increase in the number of new PH

driver applications new ways of working allows officers to use their corporate laptops to work whilst invigilating. Regarding the level and content of the test, Mr Foord explained that the test includes questions about the whole district and not just Chichester city centre. Mr Foord explained that it requires an applicant to have some knowledge of the area and the licensing team had adopted a common sense approach in formulating the questions. He assured the Committee that if the majority of applicants consistently achieve 100% mark in answering the questions, therefore indicating that the questions may be too easy then the questions would be reviewed. Conversely, if some of the questions proved to be too difficult to answer for the majority of the applicants these would be reviewed. Regarding the testing of English, Mr Foord explained that by reading and answering the test questions a new applicant would have demonstrated a suitable level of understanding of the English language. He outlined how some other local authorities require all applicants to sit an English test but confirmed that at present there are no plans to implement this approach at CDC. Regarding applicants who are unable to read, Mr Barson confirmed that an officer would offer appropriate support.

In response to a request to clarify whether a driver would be suspended for failing a test Mr Foord confirmed that as only new applicants would be required to take a Knowledge Test they would be unlicensed at that stage. Mr Foord asked members to consider whether the Committee should set a limit on the number of retakes allowed for a licence renewal test (at present there is no limit) i.e. would it be appropriate for a driver to be granted a licence if they had had to re-sit the Knowledge Test half a dozen times over a six or 12 month period. This is something that could be considered further after the system has been running for a period of time.

In response to members suggestions, Mr Foord agreed that applicants could be encouraged to take the Knowledge Test before paying for their criminal record and medical checks. He confirmed that it would not be possible to require all taxis to install a satellite navigation device but assured members that most CDC taxis have either a standalone device or a built in device.

Mr Connor proposed that applicants should be given the option to complete their Knowledge Test as the first stage of the application process. Mr Barrett seconded the proposal. The Committee were in agreement and requested officers implement the approach. The Committee also requested officers carry out an annual review of the Knowledge Test questions and provide the Committee with a full review of the process in two years' time.

Following discussion on whether sections A and B (road signs and Highway Code) should be included in the test (as they relate to the Highway Code which is tested by the DVLA) Mr Page proposed that sections A and B be withdrawn. This proposal was not seconded.

## **8 Consideration of any late items as follows:**

There were no late items for consideration.

The meeting ended at 10.37 am

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CHAIRMAN

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Date: