

REGULATORY PANEL

WEDNESDAY 24 FEBRUARY AT 2.00PM

PRESENT: Councillor Ms Franklin (Vice Chairman), Bowman S, Collier (as substitute for Councillor Layden), Cape, Morton, Mrs Parsons, Shepherd, Miss Sherriff, Stothard, Mrs Warwick and Wilson.

OFFICERS: Assistant Solicitor
Licensing Manager
Licensing Officer

RP.01/16 APOLOGIES FOR ABSENCE

Apologies for were submitted on behalf of Councillors Bell and Layden.

RP.02/16 DECLARATION OF INTEREST

Councillor Miss Sherriff declared an interest in accordance with the Council's Code of Conduct in respect of Agenda Item B.1 Application for a Private Hire Drivers Licence. The interest related to the fact that she knew the applicant. Councillor Miss Sherriff would leave the room for consideration of the item.

RP.03/16 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.04/16 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meetings held on 14 October and 18 November 2015 be agreed as a correct record of the meetings and signed by the Chairman.

2) That the minutes of the meeting held on 16 December 2015 be noted.

RP.05/16 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER – DURATION OF LICENCE AND FEES

The Licensing Manager submitted report GD.04/16 regarding changes to the duration of drivers' licences for hackney and private hire drivers.

The Licensing Manager reported that the Deregulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

- Introduction of a 3 year licence for Private and Hackney Carriage driver licences
- Introduction of a 5 year licence for Private Hire Operators.

The City Council issued one year licences to new and existing drivers and fees were calculated on that basis. There were 250 hackney carriage drivers and 90 private hire drivers although this figure fluctuated. The report detailed the tests and checks that new drivers and existing drivers had to undertake at application or renewal time.

The Department of Transport Guidance, supported by the Legislative Intention note of the Deregulation Act, stated that it was not good practice to require a licence to be renewed annually. Although the legislation stated that a driver's licence should be granted for 3 years, there may be circumstances in which it may be appropriate to grant a licence for a shorter period.

In order to streamline administration both for the driver and the licensing office it was proposed that licence renewal dates were brought into line with the DBS renewal date, as well as align with driver's medical and DVLA licence checks. There would be a requirement for 'lesser period' licences to be issued to align the dates before 3 year licences would be issued/offered.

The Licensing Manager explained that delegated authority would be sought to enable her to grant a licence for a lesser period, in circumstances deemed appropriate, and to charge the proportionate fee. The methodology used to calculate fees had been set out in section 3.7 of the report and was based on the costs incurred in the issue and administration of a licence, as well as the current fee setting structure.

It was proposed that the City Council no longer accepted Cumbria County Council's DBS disclosures from 1 April 2016 and no longer use an external agency to check DVLA driving licence information. Section 3.10 of the report set out the proposed fees from 1 April 2016 along with details of the annual administration check which would be carried out for 3 year licences.

Consultation for the proposals would end on 10 March and would be reported back to the Panel at its meeting on 30 March.

RESOLVED – That report GD.04/16 be noted.

RP.06/16 PRIVATE HIRE OPERATOR – DURATION OF LICENCE AND FEES

The Licensing Manager submitted report GD.05/16 regarding changes to the duration of drivers' licences for hackney and private hire drivers.

The Licensing Manager reported that the Deregulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

- Introduction of a 3 year licence for Private and hackney Carriage driver licences
- Introduction of a 5 year licence for Private Hire Operators.

Carlisle City Council issued one year Operator Licences and had 24 Operators. Charges were dependent on the amount of vehicles an Operator controlled. The Licensing section carried out administration and compliance checks of Operator records along with receiving and investigating complaints.

The legislation stated that an operator's licence should be granted for 5 years; however, there were circumstances in which it may be appropriate to grant a licence for a shorter period. It was suggested that the Licensing Office commenced with disclosure check for directors and telephone operators of companies from 1 April 2016/their next renewal date and updated on renewal of the Operator Licence every 5 years.

The proposed fees had been set out in the report along with the methodology used to calculate them. Since the preparation of the report it had become apparent that the proposed fees for a 5 year licence did not adequately reflect the monitoring which would

be required during the five year period. The re-calculated fees had been circulated to Members, re-advertised and all interested parties had been notified. As a result of the re-calculated figures the consultation period had been extended to 23 March 2016 before being brought back to the Panel on 30 March 2016.

In response to a Member's question the Licensing Manager reported that monitoring of the 5 year licences would include:

- a minimum of one annual visit to check records were being kept in accordance with Operator conditions
- driver and vehicles records were being kept up to date
- complaint procedures where being followed
- conduct of all drivers were monitored
- observation of the standard of service was acceptable

She added that the team would like to increase the frequency of visits to the Operators to enable officers to better understand the systems and keep abreast of technological changes.

RESOLVED – That report GD.05/16 be noted.

RP.07/16 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.08/16 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE (Public and Press excluded by virtue of Paragraph 1)

Having declared an interest Councillor Miss Sherriff left the room and did not take part in the consideration of the matter.

The Licensing Officer submitted report GD.13/16 regarding an application for a private hire driving licence.

The applicant, SG, and the applicant's son were in attendance at the meeting.

The Assistant Solicitor outlined the procedure the Panel would follow. The Applicant confirmed that he had received, read and understood the Licensing Officer's report. The Assistant Solicitor advised the Applicant that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer informed the Panel that an application had been received from SG for a private hire driving licence. SG had passed his DSA driving test, completed the required medical examination, passed the local knowledge test and attended the required Disability Awareness session. SG had three convictions, detailed within the report, which had occurred within the last 5 years and as a result the application had been referred to the Panel for consideration.

The applicant, SG, addressed the Panel. He explained the circumstances of his convictions, one of which his son corroborated. He asked the Panel if they would consider

a reference from his previous employer which the Panel agreed to. He had left his previous employment after 20 years as he wanted to work closer to home and spend less time travelling.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – That the application for a Private Hire Drivers Licence from SG be granted.

(The meeting ended at 2.34pm)