

MINUTES
OF A MEETING OF THE
LICENSING COMMITTEE

held on 10 October 2017

Present:

Cllr D Harlow (Chairman)

Cllr M A Bridgeman	Cllr R Mohammed
Cllr I Eastwood	Cllr M Pengelly
Cllr K Howard	Cllr C Rana
Cllr J Kingsbury	

Absent: Councillors Mrs H J Addison and M Ali

1. MINUTES

RESOLVED

That the minutes of the Committee meetings held on 7 June 2016 and 22 May 2017 be approved and signed as true and correct records.

2. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor R Mohammed declared a pecuniary interest in minute items 3 – Urgent Business, 5 – Hackney Carriage and Private Hire Drivers Handbook and 6 – Surrey-wide Convictions Policy arising from his position as a taxi operator. The interest was such that Councillor Mohammed left the Chamber during consideration of these items.

3. URGENT BUSINESS

(In accordance with the Members' Code of Conduct, Councillor Mohammed left the Chamber for consideration of the item.)

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman ruled that the following item be dealt with as Urgent Business due to representations received from Woking Taxi Association.

Joanne McIntosh, Legal Service Manager, reported that representations had been received from Woking Taxi Association regarding the proposed relocation of the taxi rank on the south side of Woking station. A meeting had been scheduled to take place between the Association and Council officers at the end of October 2017 to discuss the concerns and objections raised. It was noted that a consultation on the relocation of the taxi rank had been undertaken by the Council previously.

The Committee noted the update.

4. REVIEW OF SCHEME OF DELEGATIONS

Joanne McIntosh introduced the report which proposed that the Scheme of Delegations be updated to delegate powers to the Legal Services Manager to ensure that the Licensing team could carry out their daily duties.

Authority was sought for named officers of the Licensing team to be “authorised persons” for the purposes of the Licensing Act 2003, which would enable them to carry out a variety of routine functions including the right to request Premises Licences, Club Premises Certificates and Temporary Event Notices. The officers would also be able to enter premises with a view to seeing whether licensable activities were taking place.

Further authority was sought for named officers of the Licensing team to be “authorised persons of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976. Officers would have the right to request the proprietor of any Hackney Carriage or Private Hire taxi driver licenced by the Council to produce their vehicle licence, drivers licence and insurance documents. The officers would also have the right to inspect and test any vehicle to ascertain its fitness and if deemed necessary suspend the licence forthwith.

Cllr Eastwood agreed that the delegated powers should be adopted as the drivers would have the right of appeal to a licence revocation. Joanne McIntosh reported that the Legal Services Manager post currently held delegated authority to revoke and suspend licences, due to there being insufficient time for a Sub-Committee to be arranged to determine the urgent matters. Since Licensing had moved to become under the remit of Democratic and Legal Services in November 2015, there had been 24 revocations and suspensions for reasons including Home Office information on immigration; drivers being medically unfit to drive; driving standards such as the use of mobiles and not wearing seatbelts whilst driving; and notifications from Surrey Police regarding criminal investigations.

Cllr Pengelly stated that it was important for the Committee to be aware of decisions taken under delegated authority to ensure that Members were aware in the event that they were contacted by taxi drivers or local residents, and that the level of usage of delegated authority should be considered at a future meeting of the Committee. Joanne McIntosh reported that it was proposed for the Licensing Committee to receive an annual report containing anonymised data on delegated activity over the past year. Cllr Kingsbury agreed that either all Members of the Committee or the Chairman should be kept informed of delegated decisions. The Committee was advised that all revocation and suspension decisions were currently undertaken in consultation with the Chairman, or in their absence the Vice-Chairman, of the Committee. The notification would depend on the level of urgency and would usually involve a telephone call followed by an email containing a detailed report. The Chairman added that no notification was received of licence refusals which could be an area to consider for the future.

Cllr Howard stated that he agreed with the report and that officers should have the further powers, subject to consultation with the Chairman.

Cllr Eastwood asked as to the level of information which could be released by email to the Committee on the background of revocations and suspensions. Joanne McIntosh stated that it would depend on the situation as information relating to Police

investigations could not be released, and undertook to investigate the matter in consultation with the Chairman and advise the Committee outside of the meeting.

The Chairman asked the Legal Services Manager to outline the process followed by a taxi driver on suspension or revocation of a licence. Joanne McIntosh advised that there was a strict legal process to provide the taxi driver with 21 days to appeal to the Magistrates' Court. For matters which were not deemed to be serious enough for immediate revocation or suspension officers could consider whether to call a Sub-Committee to determine the matter. Following a question by Cllr Kingsbury, it was noted that there had been three recent appeals to the Magistrates' Court, which had all resulted in the Council's position being upheld and significant costs awarded.

The Chairman put the resolution set out in the report to the Committee and it was,

RECOMMENDED TO COUNCIL

LIC17.

That authority be delegated to the Legal Services Manager to:

- (i) authorise named officers of the Licensing Team to be "authorised persons" for the purposes of the Licensing Act 2003; and**
- (ii) authorise named officers of the Licensing Team to be "authorised officers of the Council" for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.**

5. HACKNEY CARRIAGE AND PRIVATE HIRE TAXI DRIVERS HANDBOOK

(In accordance with the Members' Code of Conduct, Councillor Mohammed left the Chamber for consideration of the item.)

Joanne McIntosh introduced the report which included the Hackney Carriage and Private Hire Drivers Handbook, setting out current Council policy and practice, and sought agreement for both adopting the Handbook and updating it as a 'living document' to include future policies such as Child Sexual Exploitation. The Handbook would be available for view on the Council's website and had been developed primarily as a reference document for taxi drivers and members of the Licensing team.

Cllr Pengelly stated that as Portfolio Holder for Marketing Communications, he agreed that the document should be made more user-friendly for the Council's website. Cllr Howard expressed concern that it was too long to navigate on the website and stated that paper copies should be considered.

Cllr Kingsbury advised that complaints had been received from local residents that the new taxi vehicles, which could accommodate people who used wheelchairs, were too difficult for some members of the elderly to safely climb inside and suggested that there should be a balance to enable smaller vehicles to also be compliant as new vehicles on the taxi rank. It was asked when it was intended for the Committee to review the minimum requirement for new taxi vehicles, noting that the Council was due to adopt Emission 6 environmental standards from 2022. Joanne McIntosh stated that the Licensing team would be asked to circulate the minimum specification for new taxi vehicles to Members of the Committee, and it was suggested that the Committee receive a paper on the specification at its meeting in January 2018. Cllr Eastwood noted that some requirements would be set at a national

level and others would be local and discretionary. From a legal perspective, the Council was required to ensure that the fleet was accessible to disabled people and that the current policy had inadvertently led to drivers purchasing the most cost effective vehicle which had met the specification.

Cllr Howard asked a question relating to the work of the Taxi Licensing Sub-Committee, as to whether the Sub-Committee could set a period for which a licence was to be revoked or suspended for, and it was agreed that it was not reasonable to set an indefinite period of time. In some cases, the revocation or suspension would be set until the conclusion of a Court case.

Cllr Howard added that there had been issues caused by drivers being refused a licence by one authority, successfully being granted a licence at a neighbouring authority, and then seeking to work in the original area where the original application had been declined. It was noted that the matter would be assisted by the Surrey-wide adoption of a Convictions Policy to ensure consistency across the County. Officers also attempted to monitor whether a Working licenced taxi driver was working outside of the Borough.

The Committee agreed that the Handbook should be adopted and updated as necessary with further policies agreed by the Council. LIC17-

RESOLVED

- That (i) the Hackney Carriage and Private Hire Taxi Drivers Handbook, attached as appendix 1 to the report, be introduced as detailed in the report; and
- (ii) the Hackney Carriage and Private Hire Taxi Drivers Handbook shall be updated (when appropriate) to reflect the adoption, revocation or amendment of policy and practice by the Council in respect of the Council's Licensing functions.

6. SURREY-WIDE CONVICTIONS POLICY

(In accordance with the Members' Code of Conduct, Councillor Mohammed left the Chamber for consideration of the item.)

Joanne McIntosh introduced the report which proposed changes to the Taxi and Private Hire Licensing Criminal Convictions Policy to help prevent the sexual exploitation of children by introducing consistent standards across Surrey. The Committee was asked to approve the changes for the purpose of a six week consultation and approve mandatory Child Sexual Exploitation (CSE) training for all taxi drivers in Surrey. Following a query by Cllr Kingsbury, it was confirmed that the mandatory training would not need to wait until the consultation for the Policy had taken place.

Cllr Pengelly welcomed the Surrey-wide Convictions Policy and the CSE component of it, for which mandatory internet-based training for taxi drivers would be set up including a test at the end. The training would also enable the drivers to have a level of protection by providing them with knowledge of what to look for in CSE cases. LIC17-

RESOLVED

- That (i) the draft changes to the Taxi and Private Hire Vehicle Licensing

Criminal Convictions Policy be approved for public consultation over a six week period; and

- (ii) the implementation of mandatory CSE training for all taxi and private hire drivers in Surrey be approved.

The meeting commenced at 6.30 pm
and ended at 7.30 pm

Chairman: _____

Date: _____