

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 19 MARCH 2019,
AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors P Ballam, Mrs R Cheswright,
K Crofton, B Deering, J Jones, M Stevenson
and N Symonds

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

458 APOLOGIES

Apologies for absence were submitted on behalf of Councillors G Cutting, R Brunton, M McMullen and T Page.

459 MINUTES - 6 FEBRUARY 2019

Councillor J Jones proposed and Councillor B Deering seconded, a motion that the Minutes of the meeting held on 6 February 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 6 February 2019, be confirmed as a correct record and signed by the Chairman.

460 CONSIDERATION OF DRAFT SUITABILITY POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Head of Housing and Health submitted a report advising that in August 2016, East Herts Council had implemented a convictions policy to be applied to applicants and existing licence holders in the Hackney Carriage and private hire trade. This policy had now been reviewed and amended in light of lessons learned, case law, best practice and updated guidance.

Members were being asked to endorse the wording of the new 'Suitability Policy' for an 8 week public consultation. The Service Manager (Licensing and Enforcement) referred to the institute of licensing guidance on suitability policies. Members were advised that the policy closely mirrored or was stronger than the Department for Transport (DfT) draft guidance which was currently out for consultation.

The Service Manager referred to the register of refused licenses that was run by the anti-fraud network. Every driver whose licence had been refused or revoked in the last 7 years would appear on the system.

Councillor P Ballam commented on the complicated nature of the process in respect of data security. The Service Manager confirmed that the system would flag to Officers if a driver had had an application refused or

revoked and only a limited number of Officers could search or input data into the system.

Councillor M Stevenson asked a number of questions which the Chairman requested that the Service Manager address outside of the meeting.

The Service Manager confirmed to Councillor N Symonds that taxi drivers could continue to work during the 21 day right of appeal period and could also continue to work if they appealed a decision to revoke or refuse their licence. Members were advised that the law would need to be changed to ensure every revocation would apply with immediate effect.

Councillor Mrs R Cheswright commented on the wording in the policy in respect of whether, regardless of their condition, people would allow a person about whom they cared to travel alone in a vehicle at any time of day or night. The Service Manager confirmed that 'fit and proper' was not defined in the policy and if Members had even the slightest of doubts then a licence should not be approved.

The Service Manager explained that vehicle licence holders would be subjected to Criminal Records checks if the policy was ultimately approved. The holders of proprietor's licences were not currently checked however and this matter needed to be looked at.

Councillor J Jones commented on driving offences and the circumstances whereby an existing licence would be revoked. The Service Manager advised that no applicants would be accepted with 7 or more DVLA

record points. Drivers who had accumulated 9 DVLA points had a set time period to pass a driving course or they would have to surrender their badges.

Members were advised that public safety takes precedence over a driver's livelihood. The Service Manager emphasised that a driver with 9 DVLA record points should not be considered fit to driver a taxi in East Herts. The Service Manager confirmed to Councillor M Stevenson the approach that was being taken in respect of Taxi Drivers who had taken controlled drugs.

The Committee had a general discussion in respect of CCTV in taxis. In response to comments from Councillor Mrs R Cheswright and the Service Manager in respect of the process whereby taxi drivers continued to drive until appeals were heard, the Chairman commented on work that had to take place with the Ministry of Justice to help judges understand how local authority licensing worked.

The Services Manager responded to a number of other queries from Members in respect of public safety and Officer delegated decisions and the issue of Taxi Drivers refusing to take passengers with assistance dogs.

Members received the report and endorsed the recommendation now detailed.

RESOLVED – that the draft 'Suitability Policy' be endorsed for an 8 week public consultation.

The meeting closed at 7.46 pm

Chairman
Date