

**LICENSING COMMITTEE
25TH OCTOBER 2016**

PRESENT: The Chair (Councillor Pacey)
The Vice-chairs (Councillors Lowe and Williams)
Councillors Bentley, Brookes, Capleton, Murphy, Radford,
Savage, Smith, Sutherland, Taylor and Tillotson

Head of Regulatory Services
Licensing Manager
Democratic Services Manager
Democratic Services Officer (HT)

APOLOGIES: Councillors Parton and Shergill

6. MINUTES

The minutes of the meeting of the Committee held on 26th July 2016 were confirmed as a correct record and signed.

7. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

8. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

9. PROPOSED NEW HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

A report of the Head of Regulatory Services, setting out a proposed new Hackney Carriage and Private Hire Licensing Policy, was submitted (item 5 on the agenda filed with these minutes).

The Head of Regulatory Services referred to the right to work requirements in the Immigration Act 2016, and stated that following notification by the Home Office Immigration Enforcement Service on 19th October 2016, of the requirement to implement the policy by December 2016, the Committee was asked to consider an additional recommendation to grant the Head of Regulatory Services delegated authority to implement the right to work requirements in the Immigration Act 2016, in line with the Home Office guidance and in consultation with the Chair of the Licensing Committee.

The Licensing Manager stated that since the agenda had been published, two revisions to the Hackney Carriage and Private Hire Licensing Policy were considered to be appropriate.

Following discussions with the Driver and Vehicle Licensing Agency (DVLA), to ensure that valid checks could be undertaken on licences, drivers would be required to change a European Economic Area (EEA) licence to a UK licence within 12 months of application/renewal.

Following a recent complaint from a passenger of being overcharged and instances of ambiguity as to how a tariff had been set, it was suggested that, given the use of mobile apps and other electronic devices, if any device was used to set a tariff for a journey, then the means of setting that tariff should be visibly displayed in the vehicle.

Councillor Brookes arrived at 5.35pm.

Members of the Committee were concerned that there was ambiguity in relation to the use of e-cigarettes and vaping in licensed vehicles and to ensure that there was clear guidance it would be appropriate to prohibit any form of smoking in those vehicles.

RESOLVED

1. that the new draft Hackney Carriage and Private Hire Licensing Policy, set out in Appendix A to the report of the Head of Regulatory Services, be approved prior to consultation with the public and trade, subject to the following amendments agreed at the meeting:
 - (a) Section 3: Drivers – Age and Experience and Schedule 5: Guidance. Drivers will be required to change an EEA licence to a UK licence within 12 months of application/renewal;
 - (b) Schedule 1: Private Hire Vehicles without Meters and Schedule 3: Fares for Vehicles without Meters. Clarification that if any device is used to set a tariff for a journey then the means of setting that tariff should be visibly displayed in the vehicle;
 - (c) Section 3: Driver Conduct. State that vaping and the use of e-cigarettes is prohibited as well as smoking;
2. that the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the draft policy and procedures during the consultation period;
3. that the Head of Regulatory Services be given delegated authority to implement the right to work requirements in the Immigration Act 2016, in line with the Home Office guidance and in consultation with the Chair of the Licensing Committee.

Reasons

1. To ensure that the Council has a policy that sets out the requirements and standards that must be met and guides the Council in the way that it carries out its functions, including amendments which:
 - (a) allow appropriate checks to be made;
 - (b) allow a means of calculating the fee for a journey to ensure that customers are aware of the tariff;
 - (c) avoids ambiguity to ensure that any form of smoking is prohibited.
2. To ensure that minor amendments to the policy, can be made in a timely manner by the Head of Regulatory Services, prior to the final draft being reported back to the Licensing Committee.
3. To ensure that the new requirements of the Immigration Act are in place in time for the implementation date of early December 2016, which is prior to the proposed date for the introduction of the Hackney Carriage and Private Hire Licensing Policy in April 2017.

10. LICENSING PERFORMANCE UPDATE

A report of the Head of Regulatory Services, providing a performance update for the Licensing Team for the period from 1st April 2016 to 1st October 2016, was submitted (item 6 on the agenda filed with these minutes).

RESOLVED that the report be noted.

Reason

The Committee was satisfied with the information provided.

NOTES

1. No reference may be made to these minutes at the Council meeting on 23rd January 2017 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of the minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Committee.