

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 21 MARCH 2013

SUBMITTED TO THE COUNCIL MEETING – 23 APRIL 2013

(To be read in conjunction with the Agenda for the Meeting)

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| * Cllr Elizabeth Cable (Chairman) | Cllr Lynn Graffham |
| * Cllr Simon Inchbald (Vice-Chairman) | Cllr Peter Isherwood |
| * Cllr Gillian Beel | * Cllr Carole King |
| * Cllr Maurice Byham | * Cllr Bryn Morgan |
| * Cllr Patricia Ellis | * Cllr Brett Vorley |
| * Cllr Jenny Else | * Cllr Andrew Wilson |

*Present

41. MINUTES (Agenda Item 1)

The minutes of the meeting held on 31 January 2013 were confirmed and signed.

42. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies were received from Cllrs Lynn Graffham and Peter Isherwood.

43. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

PART I – RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PARTS II - MATTERS OF REPORT

Background Papers

The background papers relating to the following items in Parts II and III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

44. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – REVIEW OF
CONDITIONS (Appendix A)

- 44.1 The Committee received a report that attached a draft Taxi and Private Hire Licensing Policy. The Committee were invited to consider the draft policy with a view to revising a number of conditions that Officers felt required updating, in addition to the addition of a new mandatory condition relating to checking the validity of DVLA driving licences. The draft policy would then be subject to public consultation before returning to the Committee for approval.

44.2 DVLA DATA Subject Enquiry Report

The Committee were advised that until May 2012 there were no arrangements in place to check the validity and status of a licensee's DVLA driving licence except by visual inspection. Since signing a service level agreement with Intelligent Data Systems (UK), officers could apply for a report for each individual Hackney or Private Hire driver that would show any driving convictions/fixed penalties on their driving licences. Individual licensees needed to have agreed and signed a mandate authorising the access of the information and this had been previously done on a voluntary basis. However, two drivers had refused. Officers felt that it was appropriate to make it a mandatory condition for all new applications and/or renewal of existing Hackney Carriage and/or Private Hire Drivers' licences.

44.3 Following discussion the Committee agreed that in the interest of public safety the recommendations at paragraph 8 of the report be included in the draft policy with the following amendment:

2. The mandate should be refreshed every three years.

44.4 Run Flat Tyres, Space Savers & Inflation Kits

The Committee noted that licensed drivers had commented on the difficulty of buying new vehicles that adhered to the Council's current policy as many new vehicles were supplied with a space-saver tyre or inflation kit, or manufactured with run flat tyres. The Committee were concerned for the safety of the public, particularly when inflation kits were utilised. They were of the view that there should be a clear minimum level of safety and did not consider that inflation kits fulfilled that requirement.

44.5 The Committee therefore agreed that the policy should not be amended as proposed in the report and that the existing requirement remain with the following amendment:

'Licensed vehicles must be fitted with a spare wheel. This may be the manufacturer's emergency 'get you home' spare wheel, but if this is used **drivers should comply with the manufacturer's recommendations on speed and distance** and the proprietor shall not undertake any further hirings until the main/full tyre is repaired and replaced on the vehicle. In all other cases, the full spare wheel shall be provided. Appropriate wheel changing tools shall be provided in the vehicle.'

44.6 Engine Efficiency

The Committee noted that the efficiency of the modern car engine had improved and by lowering/removing the minimum engine size requirement this would help to promote the Council's environmental credentials and give an increased choice of vehicles to proprietors.

44.7 The Committee agreed with the proposed policy amendment on this item.

44.8 Disclosure and Barring Service (DBS)

The Committee noted that the Criminal Records Bureau (CRB) and Independent Safeguarding Agency (ISA) had merged to become the Disclosure and Barring Service (DBS). The Committee agreed to the amendment of any references to the CRB or ISA in the current Policy to reflect the new name of DBS.

44.9 Policy for the Consideration of Convictions/Cautions

The Committee noted Waverley's current Policy on convictions and discussed in particular the guidelines on spent convictions, sexual offences and officer delegated decisions.

44.10 The Committee was advised that it was the decision of the Sub-Committee to decide the relevance of spent convictions on an applicant's suitability to hold a hackney carriage driver/private hire drivers licence when they were brought before them and to ensure the safety of the public.

44.11 Following comprehensive discussion the Committee agreed the proposed guidelines regarding Sexual Offences.

44.12 Members were confident in the delegated decisions taken by officers and were advised that should there be any cause for concern the issue would be deferred to the Sub-Committee.

44.13 The Committee had the following amendments to make to the proposed wording for convictions/cautions: The draft policy, which contained reference to racially aggravated criminal damage and public order offences, should be amended to remove reference to racial aggravation and to treat such offences in the same manner as non-racially aggravated offences.

44.14 Consultation

The Committee agreed that the draft policy should state that all licence holders should be advised of proposed changes to taxi and private hire licensing policies by email and, if necessary, by letter notifying them of the consultation process.

44.15 Complaints, Discussions and Interviews and List of Offences

The Committee did not have any amendments to make to the proposed wording.

44.16 Proposed Review of Hackney Carriage & Private Hire Policy 2013 – Timetable

RESOLVED the

1. following timetable for consulting on the proposed amendments to the policy be agreed:-
 - Write/email to HC/PH licensees – 28 March 2013
 - Place notice at all taxi ranks – 2/3 April 2013
 - Place consultation information on web – 2 April 2013

- Inspection copies at Council Offices – 28 March 2013
 - Include on the agenda for the Taxi Liaison meeting on 28 March 2013
 - Consultation period ends 10 May 2013
 - Licensing and Regulatory Committee – 30 May 2013
2. the draft Waverley Hackney Carriage and Private Hire Licensing Policy be amended as above; and
 3. the amended draft policy be used as a basis for consultation.

PART III – Brief summaries of other matters dealt with

45. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Appendix B and C)

RESOLVED that the Minutes of the Meetings of the Licensing (General Purposes) Sub-Committee held on 31 January and 28 February 2013 be noted.

46. MINUTES OF THE MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda Item 7: Appendix D, E and F)

RESOLVED that the minutes of the Licensing Act 2003 Sub-Committee A held on 7 January 2013 be noted.

The meeting commenced at 10.00 a.m. and concluded at 11.50 a.m.

Chairman