



LICENSING COMMITTEE AGENDA

Date: Thursday, 5 March 2020

Time: 6.30 pm

Venue: The Board Room, Pavilion Gardens, Buxton

You can view the agenda online by using a smart phone camera and scanning the code below:



26 February 2020

PART 1

1. Apologies for absence
2. To receive Disclosures of Interest on any matters before the Committee
 - i) Disclosable Pecuniary Interests
 - ii) Other Interests
3. To approve the Minutes of the previous meeting (**Pages 3 - 4**)
4. Review of Taxi and Private Hire Licensing Policy (**Pages 5 - 10**)
5. Licensing Enforcement Activity (**Pages 11 - 14**)

SIMON BAKER CHIEF EXECUTIVE

Membership of Licensing Committee

Councillor M Stone (Chair)
Councillor R Baker
Councillor C Farrell
Councillor I Huddleston
Councillor E Lawson
Councillor K Sizeland

Councillor J Perkins (Vice-Chair)
Councillor L Dowson
Councillor P Hardy
Councillor D Kerr
Councillor R McKeown
Councillor S Young

This page is intentionally left blank

LICENSING COMMITTEE

Meeting: Thursday, 7 November 2019 at 6.30 pm in The Board Room, Pavilion Gardens, Buxton

Present: Councillor J Perkins (Chair)

Councillors L Dowson, P Hardy, I Huddleston, E Lawson, K Sizeland and S Young

Councillor A Barrow was also in attendance

Apologies for absence were received from Councillors R Baker, C Farrell, D Kerr and R McKeown

20/3 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING
(Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 11 July 2019 be approved as a correct record.

20/4 THE AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES DATABASE) (ENGLAND AND WALES) REGULATIONS 2019
(Agenda Item 4)

Members were advised of a new statutory requirement being placed on all Local Authorities to submit information to the Department for Environment, Food and Rural Affairs (DEFRA) for the purposes of maintaining a database in relation to all Hackney Carriage and Private Hire Vehicles licensed by them. Climate change, air quality and the planned review at the next meeting of the taxi licensing policy were discussed. Links to Driver Vehicle Standards Agency (DVSA) information, co2 emissions, Climate Change Working Group were also considered.

RESOLVED:

1. That the new statutory provisions of the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated statutory guidance be noted.
2. That delegated authority be granted to the Head of Environmental Health to sign the memorandum of understanding and submit the required data.

20/5 APPROVED MOT STATIONS UPDATE
(Agenda Item 5)

There was an update on the review and feedback from the approved MOT stations since the 2018 implementation. It was reported that annual reviews were planned.



RESOLVED: That staff be thanked for their hard work, the contents of the report noted and the approved list of garages supported.

20/6 LICENSING ENFORCEMENT ACTIVITY
(Agenda Item 6)

Consideration was given to enforcement actions by the Licensing Service in the period July to November 2019. Discussion took place on visits to premises and the rolling programme of safeguarding courses. Event notices, organisers publicising, required consultation and notification were also discussed.

RESOLVED:

1. That for information Parish Councils be notified of temporary event notices and road closure orders.
2. That the content of the report be noted.

The meeting concluded at 6.52 pm

CHAIRMAN

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

5 March 2020

TITLE:	Review of Taxi and Private Hire Licensing Policy – Minor Amendment NVQ requirement
EXECUTIVE COUNCILLOR:	Councillor Sloman - Executive Councillor for Housing and Licensing
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	(All Wards)

Appendices Attached – Hackney Carriage and Private Hire Policy (Appendix E)

1. Reason for the Report

- 1.1 To make a minor amendment to the Hackney Carriage and Private Hire Policy 2016, as a response to funding opportunities within Derbyshire.

2. Recommendation

- 2.1 That the Committee supports the amendment to remove the pre-application requirement as detailed within Appendix E of the Council's Policy.
- 2.2 That new drivers will be issued with a driver badge for 12 months, if they fail to complete the required course within 12 months then their badge will not be renewed.

3. Executive Summary

- 3.1 The Hackney Carriage and Private Hire Policy became effective in 2016, with no minor amendments being made since its implementation.
- 3.2 The Authority has been made aware of an issue from one of the free training providers and has been advised that a number of prospective High Peak applicants have approached them about completing the NVQ Qualification because the provider currently has funding to offer the course for free. If funding cannot be secured the prospective applicant has to pay up to £400.00.

- 3.3 The Local Operators have expressed concern about recruiting new drivers due to the cost of this requirement, and they are frustrated that they cannot access the free training due to the conditions contained in Appendix E of the Council's Policy.
- 3.4 The conditions in Appendix E make the qualification a pre-application requirement from 1st November 2019, however, new drivers cannot access the free funding unless they have a valid licence from the authority, due to the course structure and the practical elements that need to be assessed whilst the driver is operational.
- 3.5 It is proposed, therefore, that the Council's Policy be revised to allow new drivers to receive a licence for 12 months, during which time they must complete the required course to satisfy the existing condition of the Policy.

4. How this report links to Corporate Priorities

- 4.1 Aim 3 of the Council's Corporate Plan, to protect and create jobs by supporting economic growth, development and regeneration.
- 4.2 The Council is required by law to license the operation of taxis and private hire vehicles. The foremost consideration in this respect is the safety and convenience of those travelling in licensed vehicles. Any policy considerations or changes should therefore reflect this need.

5. Alternative Options

- 5.1 That the conditions remain in place and new drivers will have to meet the cost of the training (Not recommended).

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The appropriate enforcement of licensing Legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.

6.2 Workforce

None arise directly from this report.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's

Diversity and Equality Policies.

6.4 Financial Considerations

New Driver financial implications are considered within the report.

6.5 Legal

Section 48, 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to place conditions on licensed private hire vehicles, drivers and operators. Conditions should be aimed at improving service and protecting the user of licensed vehicles.

6.6 Sustainability

None arising from this report.

6.7 Consultation

Due to the minor nature of this amendment a full consultation is not considered necessary.

6.8 Risk Assessment

None arising from this report.

Mark Trillo

Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

https://www.highpeak.gov.uk/media/1241/Taxi-Licensing-Policy-November-2016/pdf/Taxi_Licensing_Policy_Final_Version_HPBC.pdf

Contact details

Alicia Patterson
Head of Environmental Health
alicia.patterson@staffs Moorlands.gov.uk

This page is intentionally left blank

NOVEMBER 2016

APPENDIX E

DRIVERS LICENCE APPLICATION PROCEDURES AND SPECIFICATION

1. These procedures are in place so that the applicant can demonstrate they have the necessary skills and knowledge to show they are a safe and suitable person to operate as a licensed hackney carriage and private hire driver.

2. Applications for a combined hackney carriage and private hire drivers' licence can be made at any time of the year. However, a licence will not be granted to a person who is under 21 years of age and who has not held a full relevant DVLA or EU/EEA driving licence for a minimum of 1 year.

3. Applications are to be made on the prescribed form available on request or on the High Peak Borough Council website.

4. In support of a completed application form, the applicant must comply with the following:-

- All Drivers whose applications were made after **1st November 2016** must complete and successfully achieve a pass in either the BTEC Level 2 certificate in the introduction to the role of the Professional Taxi or Private Hire Driver or the NVQ level 2 certificate in Road Passenger Vehicle Driving (Taxi and Private Hire Driver) or obtain an equivalent qualification within 1 year of the initial grant of licence, and must be enrolled on a course within 3 months of the licence being issued. Licences will only be issued for one year to applicants who have yet to complete the training and then on successful completion of the above requirement and upon presenting evidence of so doing to the Authority will be extended to the full term upon renewal.
- From **1st November 2019** All Licensed Drivers must complete and successfully achieve a pass in either the BTEC Level 2 certificate in the introduction to the role of the Professional Taxi or Private Hire Driver or the NVQ level 2 certificates in Road Passenger Vehicle Driving (Taxi and Private Hire Driver) or obtain an equivalent qualification and present evidence of having done so before renewal of their licence. **From 1st November 2019 this will be a pre-application/renewal requirement, and an application/renewal from any applicant who has not met this requirement will not be accepted.**
- All New drivers must attend a safeguarding course approved by the Authority; No licence will be issued until proof of attendance has been submitted to the Authority and verified. Existing Drivers must meet this requirement before

renewal of their licence. From **1st November 2016** this will be a pre-application requirement, and an application from any applicant who has not met this requirement will not be accepted.

All drivers must present an original current full UK or EU/EEA driving licence and complete the section on the application form allowing the Authority to use their unique DVLA driver licence checking code.

All drivers will be required to sign up to the DBS's continuous checking service. (On-line update service) and provide the authority with the certificate number to enable checks to be made.

All drivers must provide a completed Disclosure of Convictions form.

All drivers must provide an Enhanced Disclosure and Barring Service Certificate dated within 3 months of application and allow the authority to use the certificate number for future checks.

All drivers must pay the required fee;

All drivers must provide an independent medical certificate equivalent to (Group 2)

All drivers must provide a recent Passport size photograph.

All drivers must successfully complete the Authority's knowledge test (Appendix F)

5. For applicants who do not possess a UK passport, documentary evidence confirming their right to live and work in the UK is required. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK. Checks may be made with the UK Border Agency or other relevant organisations.

Renewals

6. Applications for renewal must be submitted **at least 60 days** prior to the expiry of the previous licence. It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

5 March 2020

TITLE:	Licensing Enforcement Activity
EXECUTIVE COUNCILLOR:	Councillor Sloman - Executive Councillor for Housing and Licensing
CONTACT OFFICER:	Alicia Patterson – Head of Environmental Health
WARDS INVOLVED:	(All Wards)

1 Recommendations

1.1 That the Committee notes the content of the report.

2 Executive Summary

2.1 In the period October 2019 to February 2020 the Licensing service has engaged in a number of enforcement actions. These activities have involved reactive responses to complaints and intelligence received from the public and partner agencies as well as proactive compliance checks.

2.2 Officers seek to encourage licence holders to conduct their activity in a safe manner, maintain good standards and to comply with the law. Officers have to exercise considerable discretion when approaching individual licence holders. Licensees are often anxious to comply with the law and for such cases the officer's role will be to provide guidance and advice. However, in carrying out their functions officers are authorised with a wide range of powers and may, for example, require entry at all reasonable times or require the production of certain documents.

2.3 If on enquiry officers find evidence that the law is being broken and enforcement is required, they can respond in various ways. They may instruct or warn by letter; revoke or suspend a licence; and, where the circumstances warrant it, they may formally caution or prosecute without prior warnings and without recourse to alternative sanctions. Officers will have due regard to the relevant Enforcement Policies when determining the most appropriate course of action.

2.4 Below is a summary of enforcement activity carried out during this period:

Frequency	Enforcement Activity
0	Letters/Emails to Taxi Drivers regarding the Safeguarding Courses and the BTEC course requirements.
89	Standard Temporary Event Notices Issued with Alcohol.
24	Late Temporary Event Notices issued with Alcohol.
2	Temporary Event Notices issued without Alcohol.
0	Street Trading Permits.
10	(LICENSING OFFICER & POLICE JOINT VISITS).
16	House to House Collection Permits Issued.
16	Street Collection Permits Issued.

2.5 The primary focus of enforcement work to date has been on ensuring that the law in relation to all relevant licensing legislation and guidance is properly observed. In considering the focus of this activity the Licensing service has had reference to:

- Those premises/vehicles against which complaints have been received.
- Those premises which do not hold a licence but where intelligence suggests licensable activity is taking place.

2.6 A variety of breaches were identified in the course of these activities, but were addressed by a voluntary change of behaviour on the part of the licence holder or via specific action by the Licensing Service and partners. In none of the cases was further legal action or the application of criminal sanction necessary.

2.7 During this period no complaints have been received relating to smoking on licensed premises, specifically:

- As part of the Health Act 2006 and associated Regulations, premises have to comply with signage requirements. All premises visited are now compliant with displaying the required signage.
- No fixed penalty tickets in relation to offences of witnessed or reported smoking in premises have been issued.

3 Options

There are no options to consider.

4 Implications

4.1 Community Safety - (Crime and Disorder Act 1998)

The appropriate enforcement of licensing Legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.

4.2 Workforce

None arise directly from this report.

4.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

4.4 Financial Considerations

The discharge of inspection and enforcement functions have been included within previous budget calculations for the services.

4.5 Legal

The requirements of the various licensing legislation places a duty on licence holders under the criminal law. In enforcing the conditions relating to this legislation the Licensing service has powers to undertake prosecutions relevant to the offences identified.

4.6 Sustainability

None arise directly from this report.

4.7 Internal and External Consultation

As detailed in the report.

4.8 Risk Assessment

As detailed in the report.

Mark Trillo
Executive Director (People) and Monitoring Officer

Background Papers**Location****Contact**

N/A

Licensing Office, High Peak
Borough Council, Town Hall,
BuxtonAlicia Patterson – Head of
Environmental Health