



To be submitted to the Council at its meeting on 17th December 2020

LICENSING AND COMMUNITY PROTECTION COMMITTEE

9th September 2020
5.00 p.m.

Present:

Councillor Hasthorpe (Chair)
Councillors Barfield, Cairns, Harness, K. Swinburn, Watson (substitute for James) and Woodward.

Officers in attendance:

- Eve Richardson-Smith (Deputy Monitoring Officer)
- Adrian Moody (Licensing Manager and Environmental Protection Manager)
- Rob Close (Scrutiny and Committee Support Officer)
- Tracey Cook (Senior Licensing Officer)

Also in attendance:

- Ian Millership (CTS Transport)

L.1 APOLOGIES FOR ABSENCE

Apologies for absence were received for this meeting from Councillors Callison, Green, James and Rodwell.

L.2 DECLARATIONS OF INTEREST

There were no declarations of interest received in respect of any item on the agenda for this meeting.

L.3 MINUTES

The minutes of the Licensing and Community Protection Committee meeting held on 19th February 2020 were agreed as a correct record.

In accordance with legislative requirement, for the following items the Committee was sitting as the 'Community Protection Committee'

L.4 HACKNEY CARRIAGE UNMET DEMAND SURVEY

The committee considered the findings of a survey carried out to ascertain whether there was any unmet demand for Hackney Carriages in North East Lincolnshire.

Mr Moody explained that this was a follow up report after the Licensing and Community Protection Committee resolved to commission a survey on 19th February 2020. The decision was supported by North East Lincolnshire's Hackney Carriage Association.

The committee queried if information regarding unused taxi ranks was shared between teams within the local authority. Mr Moody explained any necessary information would be shared with highways officers.

The committee thanked Mr Millership for such a detailed and comprehensive piece of work. They appreciated his comments regarding the impact of Covid-19 and its recovery.

RESOLVED –

1. That the current limit of Hackney Carriages be retained at the current level.
2. That this decision be reviewed after three years.

L.5 DEPARTMENT FOR TRANSPORT GUIDANCE

The committee considered guidance issued by the Department for Transport to all licensing authorities.

Mr Moody explained that this report related to the new Department for Transport guidance which had been recently updated since 2010. Licensing authorities were expected to implement the recommendations unless there was a strong and compelling reason not to. Any changes made would have to be reflected in the Local Authority's Taxi Licensing policy and Elected Members' Guidance.

He read out each recommendation of the Department for Transport guidance and answered any questions arising.

1. *'Licence holders to notify within 48 hours of arrest, release, charge of conviction for sexual offence, violence, dishonesty, or any motoring offence'*

The current policy was that licensing officers be informed within seven days. He recommended that this Department for Transport recommendation replaced the current policy.

2. *'Drivers to register with the DBS update service and be routinely checked every six months'*

Currently, a DBS was carried out every three years. He recommended an annual check rather than every six months as recommended in the Department for Transport guidance. This would be more manageable and would coincide with other annual checks Licensed Drivers would have to undertake. In addition, any changes would slowly be introduced as each driver had to renew their DBS anyway.

3. *'Have Safeguarding Training'*

All new drivers were already required to undertake a BTEC qualification which covered elements of safeguarding. In addition, all of drivers undertook specific safeguarding training in 2015. He recommended investigating the feasibility of introducing refresher training for all current drivers. He added that currently North East Lincolnshire Council were likely to be more compliant than other local authorities but he would like to see an improvement if possible.

4. *'Local Authorities to test both oral and written English'*

All new drivers were already required to undertake a BTEC qualification which required a potential driver to have a minimum standard of English. Although issues had arisen of drivers being unable to communicate clearly, he recommended investigating the feasibility and implementation of oral tests. With current Covid-19 restrictions in place, it wouldn't be practicable to introduce such tests immediately.

The committee worried that people's ability to articulate themselves wouldn't necessarily reflect their understanding of communications. In addition, they were concerned about discriminating against people who either lived with a learning disability or whose English wasn't their first language. Mr Moody agreed with the comments made, however, he stressed that the Department for Transport were recommending that both oral and written English tests be introduced. He suggested initially piloting a model to determine its effectiveness.

5. *'A basic DBS carried out for vehicle proprietors (when not a licensed driver)'*

Mr Moody recommended this be implemented as recommended by the Department for Transport, adding that it should be reviewed annually.

The committee queried if there was an expiry date on the current DBS for vehicle proprietors. Mr Moody explained that there was currently a policy requiring an advanced DBS for drivers but not for proprietors.

6. *'Private Hire Operators have a basic DBS carried out annually'*

There were a few Private Hire Operators that were not also Licensed Drivers and Mr Moody explained this recommendation would close that gap. Currently Private Hire Operators have a DBS every three years; this would be changed to annually.

7. *'All Private Hire Operator staff taking bookings to have a basic DBS and the Private Hire Operator to have a policy in place for employing ex-offenders'*

This would be a new condition introduced but existing Private Hire Operators were made aware of it as it was discussed as part of 2019's annual Private Hire Operator Inspections. No current operators carried these out for their staff. Mr Moody was supportive of this recommendation, adding that the information that licensed drivers were aware of, could be used for less than reputable purposes.

The committee noted that anyone with a criminal conviction came before the Hackney Carriage Sub-Committee anyway to decide if they're a fit and proper person, they asked why then was it necessary for the individual companies to have a policy for dealing with ex-offenders when the Hackney Carriage Sub-Committee had already taken that decision. Mr Moody explained that it would be prudent of companies to carry out, what was in essence, their own fit and proper person test with regard to staff members, such as receptionists who take bookings, which was not the remit of this committee. Ms Cook referred to one operator who currently had 19 staff taking bookings, none of whom had been subject to a DBS.

The committee suggested that anyone employed by an operator such as cleaners and office staff, could be aware of the same information as drivers and operators. They asked why a DBS was not required for these other staff. Ms Cook didn't feel that staff who were not taking bookings would necessarily have access to the same level of knowledge. Mr Moody added that the operator would have to finance any DBS personally, this would make it difficult to justify a decision to subject all staff to a DBS.

The committee asked if the Rehabilitation of Offenders Act 1974 would protect some ex-offenders and how this recommendation would deal with spent convictions. Mr Moody noted that if only a basic DBS was carried out, the information wouldn't be as extensive as an advanced DBS. Ms Cook reminded the committee that spent convictions were not included in a basic DBS. Ms Richardson-Smith reiterated Ms Cook's points, and suggested that was why the recommendation was merely for a basic DBS. In addition, a return on a DBS didn't necessarily prevent potential employment; a policy would be required to determine the appropriate and reasonable levels, steps and precautions.

8. *'Private Hire Operator Booking records to include which member of staff responded to the booking and dispatched the vehicle.'*

This was not part of the current Private Hire Operator booking record conditions but Mr Moody suggested that it could be beneficial.

The committee referred to the automatic telephone service and smartphone apps that could be used to order a taxi. They asked how this would be recorded in a way to adhere to this recommendation. Mr Moody explained that regardless, a record would always have to be created. Ms Cook noted that that automated services did still record all information provided.

RESOLVED –

1. That the recommendations be agreed as laid out within the report now submitted.
2. That the Elected Members' Guidance be updated to reflect these changes as laid out within the report now submitted.

There being no further business, the Chair declared the meeting closed at 5.58 p.m.