

# AGENDA

## GENERAL LICENSING COMMITTEE MEETING

Date: Thursday, 21 January 2016

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Tina Booth, Lloyd Bowen, Roger Clark, Paul Fleming, June Garrad, Lesley Ingham (Chairman), Prescott (Vice-Chairman), Ben Stokes, Anita Walker and Ghlin Whelan

Quorum = 3

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	Pages
1. Emergency Evacuation Procedure	
<p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p> <p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and</p> <p>(b) the lifts must not be used in the event of an evacuation.</p> <p>Any officers present at the meeting will aid with the evacuation.</p> <p>It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.</p>	
2. Apologies for Absence and Confirmation of Substitutes	
3. Minutes	
<p>To approve the Minutes of the Meeting held on 8 July 2015 (Minute Nos. 94 - 98) as a correct record.</p>	
4. Declarations of Interest	

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### 5. Public Session

The Council operates a scheme of public speaking at meetings of the General Licensing Committee. Requests to speak at the meeting must be registered with Democratic Services by 4.30pm on Friday 15 January 2016 and must be related to an item on the agenda. Each speaker has a maximum of three minutes to speak.

#### **Part B Report for the General Licensing Committee to decide**

6. Proposed amendments to the Hackney Carriage and private hire control systems 1 - 6

To consider proposed amendments to the hackney carriage and private hire control systems.

**Issued on Monday, 11 January 2016**

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Corporate Services Director, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

<b>General Licensing Committee</b>		<b>Agenda Item: 6</b>
<b>Meeting Date</b>	21 January 2016	
<b>Report Title</b>	Proposed amendments to the Hackney Carriage and Private Hire control systems.	
<b>Cabinet Member</b>	Cllr Kenneth Pugh, Cabinet Member for Community Safety & Health	
<b>SMT Lead</b>	Dave Thomas	
<b>Head of Service</b>	Dave Thomas	
<b>Lead Officer</b>	Ian MacKenzie	
<b>Key Decision</b>	No	
<b>Classification</b>	Open	
<b>Forward Plan</b>	Reference number: N/A	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Amend paragraph 9 of the Local Conditions July 2015 as detailed in paragraph 2.1 of this Report.</li> <li>2. Delete paragraph 13 of the Local Conditions July 2015 as detailed in paragraph 2.2 of this Report.</li> <li>3. Remove the five pounds (£5) levy, to check the driving history for new drivers as detailed in paragraph 2.3 of this Report.</li> <li>4. Remove the requirement for the supplementary DVLA Driving test as detailed in paragraph 2.4 of this Report.</li> <li>5. Introduce an optional English Test for new drivers as and when required as detailed in paragraph 2.5 of this Report.</li> <li>6. Revise the Knowledge Test as detailed in paragraphs 2.6 and 2.7 of this Report.</li> </ol>	

## 1 Purpose of Report and Executive Summary

- 1.1 As part of the ongoing review and management of the Hackney Carriage and Private Hire service, revisions to the control and management systems deployed in the issuing of licences and local regulations are recommended.
- 1.2 The proposed changes to the Local Condition dated July 2015 are aimed at bringing them into line with current best practice and ensure they are fit for purpose.
- 1.3 The purpose of the revisions to the licensing and testing of new drivers is to ensure the system is up to date, fit for purpose and strikes a balance between the

Council fulfilling its duty to ensure drivers are “fit and proper persons”, while supporting Operators in ensuring they can attract and retain sufficient drivers to be able to maintain levels of service to the public.

## **2 Background**

- 2.1 There are two sections within the Local Conditions July 2015 that need to be updated. The first is paragraph 9, which need the following sentence included “Signs are not mandatory on Private Hire vehicles but can be fitted if desired.” This is in response to local requests from the industry and will allow companies to promote themselves, should they wish to do so. The size and style will be subject to the approval of the Hackney Carriage Inspector.
- 2.2 The second section of the Local Conditions July 2015 to be amended is paragraph 13, which is to be deleted. This currently reads “All estate cars used as Hackney Carriage/Private Hire, must have fixed cargo guards fitted at all times.” This clause is no longer required as all new cars used by the trade have factory fitted guards in place.
- 2.3 This report proposes making amendments to four areas of the licencing process for drivers. The first point is to remove the five pounds (£5) levy attached to the issuing of a licence which was introduced to cover the cost of carrying out checks on an applicant’s driving history when the DVLA removed the need for penalty points to be identified on the green paper part of a driving licence. It has been found that Officers can check a driver’s history on-line for free, without having to pay an extra fee as originally anticipated. This will reduce the fee from £55 to £50.
- 2.4 The second proposal is to remove the need for a supplementary DVLA Drivers Test as part of the licensing process. This is something the operators have requested and it is believed that demanding such a test does not enhance the quality of new drivers, as they will develop their skills as a Driver once they have been appointed. The test is therefore not deemed to be necessary. The test currently costs between £78 and £110 depending on when it is taken.
- 2.5 The third proposal is to introduce an optional English Test for potential drivers, whose native language is not English. The test will not be mandatory for all applicants. The introduction and administration of the test will follow industry best practice guidelines and will be thoroughly researched before it is implemented. The test is proposed as there are more people applying for licenses whose first language is not English, which can cause problems for the public, customers and the Operators as well.
- 2.6 The fourth proposal is to revise the Knowledge Test. The test has been in its current format for in excess of ten years. Some Operators and Drivers have asked for its removal entirely. However, it is strongly believed that the test is an important part of the process for the Council to ensure that only “fit and proper” people are employed as licensed Drivers. While it is acknowledged that

technology such as satellite navigation systems is a considerable aid to drivers, these should not be relied on entirely. Also, questions in the test relating to the safe operation of vehicles and providing customer service are important in maintaining standards.

- 2.7 As noted in paragraph 2.6 above, requests for the removal of the Knowledge Test have been received. This is mainly linked to current issues with attracting new drivers and the length of time it can take for them to complete the full application process, which can be up to 3 – 4 months. However, the Council has a duty to ensure that drivers reach a minimum standard before being given their Licence, so it is proposed to review the Knowledge Test to ensure it is appropriate and relevant.
- 2.8 In summary. If approved the four proposals to amend the testing procedures will help to speed up the process for new drivers; will reduce the cost of obtaining a license but will still make sure that the Council is fulfilling its legal duties and obligations. The two proposals to amend the Local Conditions July 2015 will make sure those conditions are relevant and fit for purpose without putting unnecessary burdens on drivers and operators.

### **3 Proposals**

3.1 The proposals are;

- Amend paragraph 9 of the Local Conditions July 2015 as detailed in paragraph 2.1 of this Report.
- Delete paragraph 13 of the Local Conditions July 2015 as detailed in paragraph 2.2 of this Report.
- Remove the five pounds (£5) levy , to check the driving history for new drivers as detailed in paragraph 2.3 of this Report.
- Remove the requirement for the supplementary DVLA Driving test as detailed in paragraph 2.4 of this Report.
- Introduce an optional English Test for new drivers as and when required as detailed in paragraph 2.5 of this Report.
- Revise the Knowledge Test as detailed in paragraphs 2.6 and 2.7 of this Report.

### **4 Alternative Options**

- 4.1 The alternative option would be to keep the Local Conditions as they are, which would mean they are not fit for purpose and would place unnecessary restrictions on Drivers and Operators. This option is therefore not recommended.
- 4.2 The alternative option for the second tranche of proposals related to the licensing of drivers would be to leave things as they are, which is not recommended as doing so would leave the Councils systems out of date; would leave an

unnecessary financial burden on new drivers; would not reduce the time it takes to license a new driver; and leave the Council's Knowledge Test out of date and not responding to new ways of working.

- 4.3 There is an alternative option available in relation to the Knowledge Test, which would be to remove it entirely. This is not recommended as it is believed it is an important part of the Council's procedures for ensuring new drivers are reaching a minimum standard of suitability. However, it is acknowledged the Test should be revised and updated.

## 5 Consultation Undertaken or Proposed

- 5.1 Representatives of local drivers and operators were advised at the Liaison Meeting on 17<sup>th</sup> December 2015, those revisions to the processes and regulations are being proposed. They did not raise any objections to the proposed changes to the Regulations. Those present initially asked for the Knowledge Test to be removed. However, after discussion they agreed to support the proposal to revise the Knowledge Test. They did not raise objections to the other proposed changes.

## 6 Implications

Issue	Implications
Corporate Plan	Supports A Borough To Be proud Of and A Community To Be Proud Of.
Financial, Resource and Property	There is a minimal financial impact to the Council for removing the £5 levy, for new licences. However, as the Council is not having to pay for extra checks, it should not be making that charge.
Legal and Statutory	Enforcement of the licensing conditions is undertaken under the Council By-laws, Local Government (Miscellaneous provision) Act 1976, Town Police Clauses Act 1847 and other statutory requirements which support the list of contraventions listed in the report.
Crime and Disorder	No specific implications. However the Hackney Carriages and Private Hire service supports the night time economy and maintaining standards is an important aspect of the Borough

	Council's function.
Sustainability	Hackney carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport for the Borough. By improving the process for licensing new drivers the Council will be supporting the local economy and Operators in the Borough.
Health and Wellbeing	None identified at this time.
Risk Management and Health and Safety	By retaining the Knowledge Test, the Council is still fulfilling its obligation to ensure only appropriate people are offered licenses to operate and Drive in the Borough.
Equality and Diversity	None identified at this time.

## **Appendix 1 – Schedule of proposed changes**

### Changes to Conditions

1. .9
2. 13

### Changes to Licensing and Testing procedures

1. Drivers Badge – Remove the supplementary £5 fee introduced in April 2015
2. Supplementary DVLA Driving Test – Remove the requirement for new drivers to undertake a Supplementary DVLA Driving Test
3. Discretionary English Test – Introduce a Discretionary English Test where English is not a prospective drivers first language and there is the likelihood they will have difficulty communicating with their customers.
4. Knowledge Test – Revise the Knowledge Test which was introduced in its current form in 1998.

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