

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION COMMITTEE,
HELD ON WEDNESDAY 18 JANUARY 2017 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

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| Present: | Councillors Cossens (Chairman), Amos, B Brown, M Brown, Bucke, V E Guglielmi, J Henderson, Raby, Skeels Jnr, Watson, White, Whitmore and Winfield |
| Also Present: | Councillor Davis |
| In Attendance: | Mark Westall (Head of Customer and Commercial Services), Linda Trembath (Senior Solicitor) (Litigation and Governance), Simon Harvey (Licensing Manager) and Katie Sullivan (Committee Services Officer) |

14. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Callender (with no substitute).

15. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on Wednesday 5 October 2016 were approved as a correct record and signed by the Chairman, subject to the requested amendment by Councillor Winfield to include his apology for non-attendance in minute 10.

16. DECLARATIONS OF INTEREST

There were none.

17. MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 19 DECEMBER 2016

The Committee received and noted, for information only, the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 19 December 2016.

18. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - REPORT RECOMMENDING AMENDMENT TO COUNCIL'S HACKNEY CARRIAGE (TAXI) & PRIVATE HIRE DRIVER KNOWLEDGE TEST

The Committee had before it a report (A.1) which sought its agreement for an amendment to the Council's Hackney Carriage and Private Hire Driver Knowledge Test procedures in order to delegate its authority to the Licensing Manager to allow applicants to re-sit a fourth knowledge test on appeal to the Licensing Manager, rather than having to lodge an appeal to the Licensing (General Purposes) Sub-Committee.

It was reported that:

- The former Licensing Committee had reviewed the procedures and process of the Council's Hackney Carriage and Private Hire driver knowledge test at its meeting on 16 December 2014.
- As part of that review, the Committee had decided to retain the appeal processes to the Licensing (General Purposes) Sub-Committee whereby new

applicants for Hackney Carriage and Private Hire Drivers Licences could appeal to be allowed to take a fourth knowledge test after having failed three tests.

- There had been 10 appeals to the Licensing (General Purposes) Sub-Committee in the last two calendar years 2015 to 2016 to allow new applicants for a Hackney Carriage and Private Hire Drivers Licences to re-sit a fourth driver knowledge test.
- The appeal process therefore had become quite onerous and expensive for the Licensing (General Purposes) Sub-Committee to undertake and it was suggested that it be delegated to the Licensing Manager as a result.

The Licensing Manager informed the Committee that in order to process the appeals for consideration by the Sub-Committee, covering reports had to be written, agendas had to be printed and published and the Council Chamber had to be booked. Officers including a Legal Officer and a Committee Services Officer had needed to be present to assist Members at the appeal and a Licensing Officer had to be in attendance to present the report.

The Licensing Manager informed the Committee that the appeal process was costly and time consuming for the Council to offer and may also be costly and time consuming for the applicants if, for example, they had needed to take time off work to attend the appeal hearing.

It was therefore recommended to the Committee that it agreed to delegate the appeal process and the appeal decision to the Council's Licensing Manager or in their absence, to an appropriate Licensing Officer.

The Committee were informed that such a change would reduce time and costs to the Licensing service all round and therefore provide a more efficient and cost effective service for Hackney Carriage and Private Hire Driver Licence holders as a result. It would also enable the Sub-Committee to focus their time on those appeal matters that were perhaps not so straight forward as considering or allowing a re-sit of a fourth driver knowledge test.

Following discussion, it was moved by Councillor White seconded by Councillor V E Guglielmi and unanimously **RESOLVED** that the Committee agrees to delegate the decision to allow applicants to appeal to re-sit a fourth Hackney Carriage and Private Hire driver knowledge test (subject to the applicant paying the necessary fee), to the Council's Licensing Manager, or their appropriate delegated substitute.

19. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - REPORT RECOMMENDING CHANGE TO FORMAT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER BADGES GRANTED BY TENDRING DISTRICT COUNCIL

The Committee had before it a report (A.2) which sought its agreement to an amendment of the format of the Council's Hackney Carriage and Private Hire driver badges so that the name of the driver was displayed prominently on the front of the badge to accompany the photo of the driver concerned.

It was reported that:

- Hackney Carriage and Private Hire driver's badges had shown the serial number of the licence, a photograph of the driver, the expiry date of the licence/badge and the Tendring District Council crest.
- It was proposed to amend the format of the driver's badge to include the driver's name prominently on the front of the badge to accompany the photograph in order to aid the Licensing Officers in communicating with drivers and also in identifying them when carrying out roadside or taxi rank compliance checks of drivers and vehicles.

The Licensing Manager informed the Committee that it was unknown as to why historically the Council's Hackney Carriage and Private Hire driver badges had not included the name of the driver on them, but this had been the case for a number of years.

The Licensing Manager informed the Committee that not having the name of the driver on the badge could, and did, make communication with the driver and recognition of the driver difficult for Licensing Officers carrying out roadside or taxi rank compliance checks of the driver and/or the vehicle they were driving.

It was therefore recommended to the Committee to agree to amend the format of the Council's Hackney Carriage and Private Hire driver badges to include the title, initial(s) and surname of the driver in question.

The Committee were informed that such a change would aid the Council's Licensing Officers to communicate more easily and readily with drivers when carrying out roadside and taxi rank compliance checks and also assist with identifying drivers for other agencies such as the Police or VOSA.

Following discussion, it was moved by Councillor Watson seconded by Councillor Raby and unanimously **RESOLVED** that the Committee agrees to include the title, initial(s) and surname of the licence holder prominently on the front of the Council's Hackney Carriage and Private Hire drivers badges with immediate effect.

20. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - REPORT TO ADVISE THE LICENSING AND REGISTRATION COMMITTEE ON THE EFFECTS OF IMMIGRATION ACT 2016 ON TAXI AND PRIVATE HIRE LICENSING AND RECOMMENDING CHANGES TO THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER, VEHICLE AND OPERATOR APPLICATION FORMS AS A RESULT OF THE NEW IMMIGRATION ACT.**

The Committee had before it a report (A.3) which sought its agreement to an amendment to the format of the Council's Hackney Carriage and Private Hire driver, operator and vehicle application forms in order that the driver and operator application forms were compliant with the requirements of the Immigration Act 2016. Agreement was also sought from the Committee so that all of the Hackney Carriage and Private Hire application forms could be updated to include all necessary contact details to improve the effectiveness and efficiency of the customer service provided by the Licensing Team and also to be able to provide necessary and robust information as required by the National Fraud Initiative.

It was reported that:

- The Immigration Act 2016 which had come into effect on 1 December 2016 required Councils to make positive checks that all applicants for both new and renewed Hackney Carriage and Private Hire driver and operator licences had the right to work in the United Kingdom.
- As a result of the new requirements the Licensing team had reviewed its Hackney Carriage and Private Hire driver, vehicle and operator application forms and had amended the driver and operator forms specifically in line with the new Immigration Act 2016. The Licensing team had also taken the opportunity to improve all of the Council's Hackney Carriage and Private Hire forms both in terms of their customer service and customer contact profile and also in regards to the National Fraud Initiative.

The Licensing Manager informed the Committee that the proposed new Hackney Carriage and Private Hire driver, operator and vehicle application forms were attached to the report as APPENDIX 1, APPENDIX 2 and APPENDIX 3.

It was recommended to the Committee that it adopt the new forms for use with immediate effect in regards to new and renewal applications for Hackney Carriage and Private Hire driver and operator licences and also vehicle licence applications.

Following discussion, it was moved by Councillor Whitmore seconded by Councillor Winfield and unanimously **RESOLVED** that the Committee note the requirements that the Immigration Act 2016 placed on the Taxi and Private Hire trades and the Council and that they also approve the content and format of the proposed new Hackney Carriage and Private Hire driver, operator and vehicle application forms attached to the report as Appendices 1, 2 and 3, as amended.

21. EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED** that, under Schedule 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda item 9 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

22. EXEMPT MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 19 DECEMBER 2016

The Committee received and noted, for information only, the exempt minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 19 December 2016.

The Meeting was declared closed at 8.29 pm

Chairman

