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Licensing and Registration Committee

16 October 2023

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON MONDAY, 16TH OCTOBER, 2023 AT 6.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors J Henderson (Chairman), Casey, A Cossens, Davidson, Kotz, Smith and Thompson
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Michael Cook (Licensing Manager), Bethany Jones (Committee Services Officer) and Keith Durran (Committee Services Officer)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were given from Councillors Codling and Wiggins with no substitutes.

14. MINUTES OF THE LAST MEETING

It was moved by Councillor A Cossens, seconded by Councillor Smith and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Monday, 24 July 2023 be approved as a correct record and signed by the Chairman.

15. DECLARATIONS OF INTEREST

Councillor Smith declared for the public record that he was a London Taxi driver with 33 years' experience but that he had no ties in that capacity to the District of Tendring.

16. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

17. MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Smith, seconded by Councillor A Cossens and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meetings of the Miscellaneous Licensing Sub-Committee held on Monday, 10 July 2023 and Wednesday, 16 August 2023.

18. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

It was moved by Councillor Davidson, seconded by Councillor Kotz and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meeting of the Premises/Personal Licences Sub-Committee held on Tuesday, 8 August 2023.

19. **REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY**

The Committee was given a presentation by the Head of Democratic Services & Elections (KS) regarding the Taxi/Private Hire Policy, which covered the following:-

- (a) Overall Role;
- (b) Vehicles, Drivers & Operators;
- (c) Vehicles;
- (d) Drivers; and
- (e) Private Hire Operators.

Members were then given an oral presentation by the Council's Licensing Manager (MC), which reminded the Committee that, at the meeting on 24 July 2023, Members had authorised Officers to circulate the draft Statement of Taxi / Private Hire Policy to stakeholders and interested parties in respect of that area of licensing for consultation purposes and that the outcome of that consultation be considered at a future meeting of the Committee prior to formal adoption of the finalised Taxi / Private Hire Policy by Cabinet.

The Committee was told that, prior to the 24 July 2023 meeting, the initial element of the work in regard to the development of the policy had been to consider the Department for Transport's best practice guide to Councils in respect of that area of licensing, the 2022 consultation draft on an updated best practice guide and any amendments the Committee had suggested at its 8 March 2022 meeting. The Committee on 8 March itself considered comments received to an initial consultation exercise undertaken between December 2022 to February 2023. Further consultation on the policy had taken place between July and September 2023 and the survey results were attached to the Officer report.

It was reported to the Committee that a key impetus towards the development of a cohesive licensing policy in that area had been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by Government, and also to the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

Officers informed Members that, in referenced licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire vehicle standards, it read:

"The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.

When formulating a taxi and private hire vehicle policy, the primary and overriding objections must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 in safeguarding failings."

Members finally heard that, if satisfied, the Committee was invited to recommend the proposed Statement of Taxi / Private Hire Policy for adoption by Cabinet as its meeting due to be held on 10 November 2023.

It was moved by Councillor Davidson, seconded by Councillor Casey and unanimously:-

RESOLVED that the Committee:

- a) notes the outcome of the consultation undertaken on a Statement of Taxi / Private Hire Policy, as set out in the report;
- b) recommends to Cabinet that the draft Statement of Taxi / Private Hire Policy, as set out at Appendix A to the report, be adopted for the period 2023 – 2028 (including those changes identified in the report and the separate sheet as part of Appendix A headed “Proposed amendments of Taxi Policy following the July 2023 meeting of the Committee”);
- c) requests authority from Cabinet for Officers to develop and implement a programme to bring the policy positions in the approved Statement (in (b) above) into operation over the coming months;
- d) endorses the approach to Disclosure and Barring Service Disclosures for Hackney Carriage and Private Hire Drivers through the Council’s existing contractor for staffing disclosures while more long term arrangements are investigated;
- e) requests Officers to examine the fee arrangements for Hackney Carriage and Private Hire Drivers and report thereon to a future meeting of the Committee with a view to assessing the impact on new applicants of the combined cost to them of the licence fee and training/tests for driving standards, child sexual exploitation prevention, topographical knowledge, medical and general suitability;
- f) notes that a review of the content of the topographical etc. test of new applicants for Hackney Carriage and Private Hire Driver Licences has commenced and would be the subject of a report to a future meeting of the Committee; and
- g) will hold another informal meeting in February/March 2024 with Taxi Licensees.

20. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Wednesday, 31 January 2024, commencing at 6.30 p.m..

21. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Thompson, seconded by Councillor A Cossens and:-

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Item 10 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 - MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Thompson, seconded by Councillor A Cossens and:-

RESOLVED that the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Wednesday, 16 August be formally received and noted.

The meeting was declared closed at 6.54 pm

Chairman