

**BROMSGROVE DISTRICT COUNCIL**  
**VIRTUAL MEETING OF THE LICENSING COMMITTEE**  
**MONDAY, 15TH MARCH 2021, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, A. B. L. English, M. Glass, A. D. Kriss, P. M. McDonald, H. D. N. Rone-Clarke, M. Thompson (substitute for Councillor M. A. Sherrey) and S. A. Webb (substitute for Councillor C. J. Spencer)

Officers: Mrs. V. Brown, Ms. K. Lahel, Mr. D. Etheridge and Mrs. P. Ross

The Chairman took the opportunity to welcome Ms. K. Lahel, Licensing and Support Services Manager, Worcestershire Regulatory Services to her first meeting of the Committee.

7/20

**TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor S. A. Robinson, Councillor M. A. Sherrey with Councillor M. Thompson present as substitute and Councillor C. J. Spencer with Councillor S. A. Webb present as substitute.

8/20

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

9/20

**MINUTES**

The minutes of the Licensing Committee held on 21<sup>st</sup> September 2020 were submitted.

**RESOLVED** that the minutes of the Licensing Committee held 21<sup>st</sup> September 2020, be approved as a correct record.

10/20

**DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPROVAL TO COMMENCE CONSULTATION**

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented a report on the Draft Hackney Carriage and Private Hire Licensing Policy – Approval to commence consultation.

Members were reminded that at the meeting held on 21<sup>st</sup> September 2020, the Committee received a report regarding the Statutory Standards and were asked to note that officers would now begin a review of all of the Council's hackney carriage and private hire licensing policies.

Members were informed that a review of all of the Council's hackney carriage and private hire licensing policies had now been undertaken in response to the publication by the Department for Transport of guidance under section 177 of the Policing and Crime Act 2017 entitled "Statutory Taxi & Private Hire Standards." This work had culminated in the production of a new draft hackney carriage and private hire licensing policy, which officers believe should now be consulted upon.

This review had now been undertaken and had led to the production of a new draft Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix 2 to the report.

Section 177 of the Policing and Crime Act 2017 enabled the Secretary of State to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised so as to protect children and vulnerable individuals who were 18 and over from harm.

The legislation was to a large extent prompted by the Jay and Casey reports on child sexual abuse and exploitation (CSAE) in Rotherham. Both of these reports highlighted examples of taxi / private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused or sexually exploited.

A public consultation on the draft statutory guidance ran between 12 February 2019 and 22 April 2019. Following lengthy consideration of the Consultation responses, the Department for Transport published guidance entitled Statutory Taxi & Private Hire Standards (hereafter referred to as "the Standards") on 21 July 2020, as detailed at Appendix 1 to the report.

The Standards contained a number of recommendations regarding matters connected to taxi and private hire licensing functions which included:-

- Criminality checks for licence holders
- Working with the Police
- Sharing information with other licensing authorities
- Dealing with complaints about drivers and operators
- Training for Members
- Criminal convictions and rehabilitation of offenders
- Safeguarding awareness advice, guidance and training for drivers
- Language proficiency

- CCTV in licensed vehicles
- Regulation of booking and dispatch staff
- Record keeping

The Statutory Standards stated that:-

*“Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.*

***The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to.”***

It was clear that there was a desire by the Government to see consistent standards applied by taxi and private hire licensing authorities across the country.

Members were further informed that draft Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix 2 to the report, was based on a template that had been created with a view to each of the six district Councils in Worcestershire adopting new policy statements that were substantially similar to one another, particularly in relation to the licensing of hackney carriage and private hire drivers and private hire operators.

Whilst a large number of the recommendations set out in the statutory standards were already being met within the Council’s existing policies, the draft policy was drafted so as to incorporate any of the recommendations that were not already being followed.

The Department for Transport recommended guidelines on the assessment of previous convictions had been inserted into the draft policy with a view to them being adopted without variation.

The draft policy explicitly stated that the Council would not licence any individual who appeared on either the children or adult barred lists maintained by the Disclosure and Barring Service (DBS).

The draft policy also stated that the Council would make referrals to the DBS where a decision was taken to refuse or revoke a licence as the individual was thought to present a risk of harm to a child or vulnerable adult.

The draft policy also committed the Council to using the National Register of Taxi License Revocations and Refusals register (NR3), delivered by the National Anti Fraud Network (NAFN) to support due diligence. As well as checking details of new applicants against NR3, the draft policy stated that the Council would submit information to NR3 of any decisions taken to refuse or revoke a driver licence.

The statutory standards included recommendations regarding requiring applicants for licences to undertake safeguarding training and to demonstrate that they had suitable proficiency in both oral and written English.

Further to these recommendations, the draft policy contained a requirement for new applicants to obtain the “Worcestershire Taxi and Private Hire Competency Certificate.” To obtain this certificate an applicant for a licence would need to demonstrate that they possessed a suitable level of skills, knowledge and understanding in a number of areas including safeguarding and English language proficiency.

To support this, officers were currently working to find and approve a suitably qualified and experienced training provider to deliver the Worcestershire Taxi and Private Hire Competency Certificate. It was hoped that requiring applicants to obtain this qualification was something that would be adopted by all six district Councils in Worcestershire as they revised their policies in response to the Statutory Standards.

In line with recommendations in the Statutory Standards, the draft policy also contained more robust licence conditions applicable to those the Council authorised to operate private hire vehicles. These included conditions relating to record keeping and requirements to undertake criminality checks on their booking and despatch staff.

The draft policy also introduced a requirement for those applying for a licence to use a vehicle as either a hackney carriage or private hire vehicle to provide a basic criminal record certificate, unless they were already licensed by the Council to drive hackney carriage and/or private hire vehicles.

The Statutory Standards say that licensing authorities should “consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers.”

Should Members approve officers consulting on the draft Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix 2 to the report; the consultation would ask respondents if they could provide any evidence of a compelling local reason why the Council should not implement those proposed changes to the Council’s policy that followed recommendations contained in the Statutory Standards.

Respondents would also be invited to make comment on anything else contained in the draft Hackney Carriage and Private Hire Licensing Policy, including the standard conditions that the Council would attach to licences.

The results of this consultation would be reported back to a future meeting of the Committee for consideration by Members, before any decisions were taken about adopting a new Hackney Carriage and Private Hire Licensing Policy.

In response to questions from Members, the Senior Practitioner (Licensing), WRS, explained that the National Register of Refusals and Revocations (NR3), which had been developed and was hosted by the National Anti-Fraud Network (NAFN) having been commissioned by the Local Government Association (LGA), was not particularly well used at present.

The National Register of Taxi License Revocations and Refusals register (NR3) database would enable officers to access and check the database and request any relevant information. If the Council refused or revoked a driver licence, officers would be able to log this on the NR3 database. It was seen as an additional tool for officers to use, in order to help Licensing Sub-Committee Members make an informed decision on an applicant. However, the NR3 would only be as useful as the number of authorities that signed up to it and put information into the database. By including it in the Statutory Standards the Department for Transport was hoping that all authorities would sign up to it, and officers were hoping that all 6 Worcestershire authorities would sign up.

The Senior Practitioner (Licensing), WRS, responded to further questions from Members with regards to the Worcestershire Taxi and Private Hire Competency Certificate and explained that officers were currently working to find and approve a suitably qualified and experienced training provider to deliver the Worcestershire Taxi and Private Hire Competency Certificate. The Competency Certificate would cover the skills required, as detailed on page 61 of the report.

Worcestershire County Council already delivered similar training.

It might be an option for officers from WRS to deliver the training, but that would depend on WRS having the resources in place to deliver such training. Officers would consider the best option to deliver the training as it was detailed specific training. Officers would also see what training providers were able to deliver such training.

Officers had looked to bring together existing training and the training required in the Statutory Standards, whilst safeguarding awareness was currently offered it was not mandatory.

The intention was that everyone who applied for a hackney carriage, private hire or dual licence would have to undertake the Competency Certificate, with an additional module added, for those applying for a hackney carriage licence in order to demonstrate their local knowledge of the district.

Officers were not looking to make the Competency Certificate mandatory to those who were already licenced, as the Council had already deemed them to be 'Fit and Proper' to hold such a licence; and they would have already undertaken training, NVQ Level 2 in Road Passenger Transport or an equivalent qualification and Disability Awareness training. It was not considered proportionate and fair to expect existing licensed drivers to undertake additional training.

In response to questions from Members with regard to safety advice to licensed drivers during the Covid-19 pandemic, the Senior Practitioner (Licensing), WRS, reassured the Committee that officers had maintained regular contact with license holders. Officers had placed information on the WRS website, emailed and provided advice and information to drivers and operators on keeping themselves and their customers safe during the pandemic. Officers had regularly communicated with licensed drivers on a number of times in order to provide up to date information as new Government guidelines were received.

Licensed drivers by the nature of their role were in an occupation that was at risk, as it was difficult to maintain social distancing in a number of licensed vehicles, so licensed drivers were at a higher risk and officers were keen to provide as much advice and information as possible and would continue to do so.

**RESOLVED** that the content of the report be noted, and that Officers undertake consultation with the relevant stakeholders on the draft Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix 2 to the report.

11/20

**LICENSING COMMITTEE WORK PROGRAMME 2020/2021**

The Committee considered the Work Programme for 2020/21.

**RESOLVED** that the Licensing Committee Work Programme for 2020/2021, be noted.

The meeting closed at 6.41 p.m.

Chairman