

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 10th September 2015**

**Present: Councillor Crawforth (in the Chair)  
Councillors Cheetham, Farrington, Haworth, Lythgoe, Morris,  
Shiple, Smallridge and M. Smith**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager  
Clare Birtwistle, Legal Services Manager  
Abigail Wrench, Trainee Solicitor  
Jenni Cook, Committee Officer**

**Also Present: Cllr A. Barnes  
12 member of the public  
0 member of the press**

---

---

**BUSINESS MATTERS**

**1. APOLOGIES FOR ABSENCE**

Apologies had been received on behalf of Councillor De Souza, Councillor Neal, and Councillor Eaton (Councillor Morris substituting).

**2. MINUTES OF COMMITTEES**

**Resolved:**

That the minutes of the meeting of the Licensing Committee held on the 10<sup>th</sup> March 2015 be approved and signed by the Chair as a correct record.

**3. MINUTES OF SUB-COMMITTEES**

**Resolved:**

That the minutes of the following Driver Sub-Committees be approved and signed by the Chair as a correct record, subject to the changes noted with regard to j) Minutes of 12<sup>th</sup> August 2015, being that Mr Wilson was a licensing consultant, not a solicitor:-

- a) 12<sup>th</sup> March 2015
- b) 15<sup>th</sup> April 2015
- c) 21<sup>st</sup> April 2015
- d) 22<sup>nd</sup> April 2015
- e) 4<sup>th</sup> June 2015
- f) 17<sup>th</sup> June 2015
- g) 6<sup>th</sup> July 2015
- h) 23<sup>rd</sup> July 2015
- i) 29<sup>th</sup> July 2015
- j) 12<sup>th</sup> August 2015

The Legal Services Manager provided clarification on the procedure for approving Sub-Committee minutes and the frequency of Licensing Committees.

#### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **5. URGENT ITEM OF BUSINESS**

There were no urgent items of business.

#### **6. SAFEGUARDING IN TAXI AND PRIVATE HIRE LICENSING**

- 6.1 The Licensing and Enforcement Manager introduced the report which outlined work undertaken by the Licensing Unit following the Independent Inquiry into Child Sexual Exploitation in Rotherham.
- 6.2 A review had been undertaken of the current safeguarding procedures in place at the Council and had determined that there were robust safeguarding procedures in place, however further improvements would help strengthen those procedures.
- 6.3 The Licensing and Enforcement Manager outlined the current systems in place with regards to checks from the Disclosure and Barring Service (DBS), overseas checks, the role of members and intelligence. The current DBS check was outlined, whereby a driver's enhanced disclosure is checked every three years. Recommended changes to the safeguarding procedures were outlined as follows and would be decided on by the Licensing Committee at a later date:-
- A status check to be carried out annually, whereby any changes to criminality or barring information would be highlighted and dealt with by way of a new DBS certificate being applied for.
  - The overseas criminal history checks procedure was clarified.
  - Legislation – a common Taxi and Private Hire application across East Lancashire was being considered. The Licensing and Enforcement Manager also noted that representations to the Government regarding regulation of the taxi trade continued to be made regarding the Deregulation Bill.
  - Role of Members – it would be recommended that the current practice of accepting references from Councillors, MPs and Senior Officers from other authorities would be considered.
  - Intelligence – work was being undertaken to improve intelligence sharing between the Police, the Licensing Unit and other licensing authorities, such as a Data Sharing Protocol.
  - Training – Safeguarding Awareness training for taxi and private hire operators was being researched across East Lancashire authorities.
- 6.4 Mr David Wilson and Mr David Lawrie spoke on this item on behalf of the Taxi Trade. Members asked questions for clarification.
- 6.5 Discussion took place on the item, summarised below:
- The difference between safeguarding and child sexual exploitation (CSE) training.
  - The importance of reassuring the public that training was being carried out whilst ensuring the reputation and public perception of the taxi trade.
  - The procedure regarding DBS status checks and the need to re-apply for a new certificate, should new information be identified was clarified.

- The importance of working with authorities in Greater Manchester was noted.
- It was noted that an apology had been received from the Police Crime Commissioner and Rochdale Council regarding criticism levelled at the Council with regards to hackney carriage licensing.
- The procedure for processing Certificates of Good Conduct from overseas applicants was clarified.
- It was noted that the use of “could” on page 4 of the committee report had been used instead of “would” as this decision would be dependent on the final decision made by the Licensing Committee at a later date.
- It was clarified that random checks were made with regards to applicants’ documents.

**Resolved:**

1. The Licensing Committee endorsed the direction being taken regarding improvements for safeguarding in taxi and private hire licensing.

**7. DELEGATIONS – HACKNEY CARRIAGE DRIVERS AND VEHICLES PRIVATE HIRE OPERATORS DRIVERS AND VEHICLES**

7.1 The Licensing and Enforcement Manager outlined the report which sought Members approval to regularise current and recommend new amendments to the licensing and enforcement delegations to the Governance Working Group, to be included within the Council’s Constitution.

7.2 The Licensing and Enforcement Manager outlined the current delegations and highlighted the amendments/new delegations proposed:-

- It was noted that where the delegations referred to “extend” (extending a licence) this was an error and would be changed to “renew”.
- Where the Licensing and Enforcement Manager received information following a driver’s arrest for an offence so serious that the licence may be revoked (e.g. drugs, violence, sexual nature, serious motoring offences etc). It would be proposed that in these circumstances, delegated authority to revoke the licence be given to the Licensing and Enforcement Manager and unless this is out of hours this shall be in consultation with the Chair or Vice Chair of the Licensing Committee.
- In cases where an applicant would only just fall within the timescales of the Guidelines to Convictions and where it could be reasonably said that the Sub-Committee or the Magistrates on appeal may grant the licence after consideration of all the facts the Licensing and Enforcement Manager, in consultation with the Chair/Vice Chair of the Licensing Committee has delegated authority and the discretion to grant such licences.

7.3 Mr David Wilson and Mr David Lawrie spoke on this item on behalf of the taxi trade. Members asked questions for clarification.

7.4 Discussion took place on the item, summarised below:-

- Eye tests and medical issues with regards to drivers.
- It was noted that the Intended Use Policy was not yet written.
- The Licensing and Enforcement Manager clarified instances where she may be notified when a private hire/hackney carriage driver was arrested.

- It was noted that the proposed delegations would be sent to Governance Working Group and ultimately be approved by Full Council.

**Resolved:**

1. That the licensing and enforcement delegations outlined in Appendix A of the report be recommended to the Governance Working Group for inclusion within the Council's Constitution.
2. That where wording within the delegations referred to "extend" (a licence) this would be changed to "renew".
3. That the delegation relating to the Intended Use Policy would be removed from Appendix A of the current report as the policy was not currently in place. The delegation would be included for consideration in a future report determining if and when the Intended Use Policy is to be implemented.

**8. CONSULTATION UPDATE REGARDING THE REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

- 8.1 The Licensing and Enforcement Manager provided Members with a verbal update on the consultation carried out to date regarding the review of the Hackney Carriage and Private Hire Policy.
- 8.2 The Consultation process had taken place from 3<sup>rd</sup> June 2015 to 31<sup>st</sup> July 2015 and that 75 responses had been received. The responses included large representations from other authorities, Councillors, MPs, employers, insurance companies, and the taxi trade. The Licensing and Enforcement Manager was going through the responses and would be seeking legal advice and consulting with the taxi trade prior to a final Policy and report being brought to the Licensing Committee.
- 8.3 Mr David Wilson and Mr David Lawrie spoke on the item on behalf of the taxi trade. Members asked questions for clarification.
- 8.4 Discussion took place on the item, summarised below:-
  - Language difficulties were discussed and it was noted that the Basic Skills Assessment, if approved, would address these concerns.
  - The importance of Safeguarding Training and was noted.
  - It was noted that other local authorities had responded to the consultation, which provided transparency to the process.

**Resolved:**

1. That the update is noted.

**The meeting commenced at 6.30pm and closed at 7.55pm**

CHAIR: \_\_\_\_\_