

South Hams Licensing Committee



Title:	Agenda										
Date:	Thursday, 8th December, 2022										
Time:	11.30 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brown</p> <p style="text-align: center;">Vice Chairman Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Hodgson</td> <td style="width: 33%;">Cllr Reeve</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Pannell</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Pringle</td> <td>Cllr Sweett</td> </tr> </table>	Cllr Hodgson	Cllr Reeve	Cllr Holway	Cllr Smerdon	Cllr Kemp	Cllr Thomas	Cllr Pannell	Cllr O'Callaghan	Cllr Pringle	Cllr Sweett
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Cllr Pringle	Cllr Sweett										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Democratic.Services@swdevon.gov.uk										

1. Apologies for absence

2. Minutes of last meeting

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3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. Declarations of interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

5. Exclusion of Public and Press

to consider the following resolution to exclude the public and press:-

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

6. Determination of whether to grant a Hackney Carriage and Private Hire driver licence

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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 17 NOVEMBER 2022

MEMBERS

- * Cllr D Brown - Chairman
- * Cllr R Rowe - Vice-Chairman

- | | |
|----------------------|--------------------|
| * Cllr J M Hodgson | * Cllr K Pringle |
| ∅ Cllr T R Holway | * Cllr H Reeve |
| ∅ Cllr K Kemp | * Cllr P C Smerdon |
| * Cllr D O'Callaghan | * Cllr J Sweett |
| * Cllr G Pannell | ∅ Cllr D Thomas |

- * Denotes attendance
- ∅ Denotes apology for absence

Officers in attendance and participating:
Senior Specialist – Environmental Health; Lawyer (via MS Teams); Licensing Contractor; Licensing Officer (via Teams); and Democratic Services Manager

L.07/22 **MINUTES**

The minutes of the meetings of the Licensing Committee held on 8 June 2022 and 21 June 2022 were both confirmed as a true and correct record.

L.08/22 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. There were no declarations made.

L.09/22 **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – THE STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

Members considered a report that provided details of the range of measures set out in the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards published in 2020 that the DfT expected to be implemented by all Licensing Authorities unless there is a compelling local reason not to.

In discussion, the following points were raised:

- a) Officers confirmed that the draft policy required licence holders to report any offence or police caution regardless of it being for specific driving offences;

- b) When questioned, officers advised that the ability for passengers to be accompanied by their pets was a decision within the discretion of a licence holder;
- c) With regard to the views of licence holders, officers informed that these changes had been widely publicised within the profession and were therefore anticipated by drivers.

It was then:

RESOLVED:

1. That the content of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (the DFT Standards) be noted;
2. That the following proposed changes to the Hackney Carriage and Private Hire Policy be made:-
 - a) That Appendix A of the draft Policy (as presented to the Committee) be amended to align the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy with the 'Institute of Licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades';
 - b) That applications be reviewed against the National Register of Revocations and Refusals (Part 1, Para 10.9 of the published agenda report refers);
 - c) That referral to the barred list where the individual is thought to present a risk of harm to a child or vulnerable adult (Part 1, Para 10.11 of the published agenda report refers);
 - d) That a requirement be introduced for a tax conditionality check as part of the application process (HMRC requirement from 4 April 2022);
 - e) That the notification period for Licence Holders / Applicants to notify the Licensing Authority of arrest / conviction / caution etc be amended from 5 days to 48 hours;
 - f) That a requirement for vehicle proprietors to provide a basic DBS certificate as part of the application process be introduced (Part 2, Para 26.1 of the published agenda report refers);
 - g) That a mandatory requirement to display a "How to complain" sticker within Licenced vehicles be introduced (Part 2, Para 28.4 of the published agenda report refers);
 - h) That, with effect from 1 April 2023, a requirement be introduced for private hire operators to obtain a basic DBS disclosure certificate for all controllers (call handling and dispatching staff) and a written policy on employing ex-offenders be adopted (Part 2, Paras 41.6 - 41.7 of the published agenda report refers);

- i) That additional record keeping requirements for private hire operators be introduced from 1 April 2023 (Part 2, Para 48.1 of the published agenda report refers); and

3. That Council be **RECOMMENDED** that the draft Hackney Carriage and Private Hire Policy, as amended, be adopted.

L.10/22 **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – PROPOSAL TO DELAY IMPLEMENTATION OF THE EURO NCAP SAFETY RATING STANDARD**

Consideration was given to a report that, as a result of the Covid Pandemic and Cost of Living Crisis, sought to delay the implementation of the Euro NCAP Safety Rating Standard.

In the ensuing discussion, an amendment to Recommendation 1 was **PROPOSED** and **SECONDED** as follows:

1. *that the following proposed change to the Hackney Carriage and Private Hire Policy has been considered:-*

Section 17 of the Policy is amended to delay the implementation of the requirement for currently licensed vehicles to hold a Euro NCAP Safety rating of 4 or 5 stars (out of 5), from 1st January 2023 until 1st January 2024, with the Committee being given the opportunity to further review the Policy at a meeting to be held in November 2023 before the final decision is made.

In debate on the amendment, Members felt that it would be sensible to review the position again in twelve months' time and, when put to the vote, the amendment was declared **CARRIED**.

It was then:

RESOLVED

1. That the following proposed change to the Hackney Carriage and Private Hire Policy has been considered:-

That Section 17 of the Policy be amended to delay the implementation of the requirement for currently licensed vehicles to hold a Euro NCAP Safety rating of 4 or 5 stars (out of 5), from 1 January 2023 until 1 January 2024, with the Committee being given the opportunity to further review the Policy at a meeting to be held in November 2023 before the final decision is made; and

2. That Council be **RECOMMENDED** that the draft Hackney Carriage and Private Hire Policy, as amended, be adopted.

(Meeting commenced at 2.00 am and concluded at 2.40 pm).

Chairman

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