

SPEAKERS PANEL (LICENSING)

Tuesday, 24 January 2017

Commenced: 10.00 am

Terminated: 12.00 pm

Present: Councillors Bray (Chair), Reid (Deputy Chair), Beeley, Buglass, Fowler, D Lane, Newton, Sharif, Sidebottom, F Travis and Wild

In Attendance:

Ella Whitehead	Solicitor
Sharon Smith	Head of Environmental Services (Public Protection)
John Gregory	Licensing Manager - Environmental Services (Public Protection)

Apologies for Absence: None

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. MINUTES

The Minutes of the Speakers Panel (Licensing) meeting held on 20 September 2016 were approved and signed as a correct record.

16. EXEMPT ITEMS

RESOLVED:

That under Section 100A of the Local Government Act 1972 (as amended) the public were excluded for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because disclosure of the personal information contained in the report would not be fair to the applicant and would therefore be in breach of Data Protection principles.

17. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - 3/2016

The Assistant Executive Director of Environmental Enforcement submitted a report requesting that the Panel considered whether the applicant was a fit and proper person in accordance with the provisions of Sections 51 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted that the applicant had applied for a Private Hire Driver's Licence on 6 December 2016. On their application they had declared a number of driving offences totalling 9 penalty points. Checks completed by the Licensing Department revealed that there were 15 penalty points on the applicant's DVLA Driving Licence. There had been two further offences which were not initially detailed on the application form.

The Panel were aware that under Section 2 of the Private Hire Driver's Conditions, drivers must disclose to the Council details of any convictions, cautions or any other orders imposed on them during the period of their licence within 7 days. Also that a court, at its discretion, can disqualify individuals for driving for a period of up to 6 months if they receive 12 or more penalty points within a three year period.

Having heard the Licensing Manager's case the Panel and the applicant were provided with the opportunity to ask questions.

The applicant then addressed the Panel and explained that they had used the paper counter part of their driving licence to complete their application form, which only detailed three offences. Due to the digitisation of the DVLA and a lack of internet access the applicant was unable to check the dates of the additional offences so did not include them on the form.

The applicant told the Panel that they had been driving taxis for 26 years and prior to the offences had held a clean driving licence. They had a good reputation with their customers and were well known and respected. With regards to the two additional offences, they explained that they had been living out of the area and had been commuting to Tameside to work as a taxi driver and had received the points whilst making this journey.

Following the applicant's case, Panel Members and the Licensing Manager were provided with the opportunity to ask questions.

At this juncture the applicant and the Licensing Manager left the meeting whilst the Panel deliberated on the review. The Solicitor to the Panel and the Senior Democratic Services Officer remained in the meeting to give legal and procedural advice and took no part in the decision making process.

The Panel considered all the information presented at the hearing and resolved that the application for the renewal of a Private Hire Driver's Licence be granted but be suspended until 1 February 2017, by which point the applicant would have 12 penalty points on their licence.

The Panel considered it was a matter of some concern that there were so many points on the licence in addition to the failure to inform the Council of the new points within the required 7 days. The applicant was reminded that should they receive any more points they must tell the Council within 7 days.

RESOLVED:

That the application for Private Hire and Hackney Carriage Driver's Licence 3/2016 be granted but with a suspension until 1 February 2017.

18. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES AND CONDITIONS

The Assistant Executive Director of Environmental Enforcement submitted a report outlining the consultation process recently undertaken in relation to proposed changes to policies and conditions relating to licensed private hire and hackney carriage vehicles and drivers, a copy of which was appended to the report. The report also included a summary of all the proposed changes together with the perceived benefits and risks associated with them.

It was reported that a 12 week public consultation, in respect of the proposed amendments, commenced in September 2016 via the Council's "Big Conversation" during which anyone could respond to give their views. A copy of the consultation document and all responses which had been received was appended to the report. Tameside Owners and Drivers Association, representatives of which were in attendance at the meeting, had submitted a comprehensive report in response to the consultation, which was considered by the Panel.

The Panel received a presentation, which provided a statistical analysis of the responses to the questions contained within the public consultation.

With regards to lowering the age limit for wheelchair accessible vehicles from the current five years to eight years, it was explained that the current policy was in place for public safety reasons and to improve air quality. Taxis were subject to hard use and high mileage therefore allowing older vehicles to be licensed increased the risk of a vehicle being deemed not roadworthy. Older vehicles also had higher levels of emissions which could add to the air quality problems in Greater Manchester. Representatives of Tameside Owners and Drivers Association explained that it was difficult to source suitable vehicles five years and under and they were very expensive to purchase. Allowing drivers to purchase slightly older vehicles gave a greater choice of affordable vehicles which, due to the purpose built nature of wheelchair accessible vehicles, were still in very good condition and could safely transport passengers. It would also encourage more drivers to purchase wheelchair accessible vehicles, which would benefit customers.

Currently there were no conditions which prevented the Authority from issuing licences to vehicles which had been repaired following a “write off” after an accident. It was proposed to introduce a policy to address this issue subject to certain exemptions. Tameside Owners and Drivers Association had requested that existing conditions be amended to allow drivers to replace their vehicles with one of a similar or younger age (as long as the vehicle was below 10 years old) following a “write off” or if the vehicle had been stolen.

It was proposed to increase the number of vehicles which the Council would license as a hackney carriage. This would include a range of rear loading vehicles, which had reduced passenger capacity; however, this would provide drivers with better value for money options and provide the public with improved choice to meet their individual needs. Photographs of examples of the types of vehicles which could be included were shown to the Panel.

The Council had adopted an “Acceptable Condition Policy” in 2011, which required vehicles ten years and older to be maintained to a higher standard in order to protect members of the public and ensure the vehicle was sufficiently maintained. It was proposed to extend this policy to include all vehicles irrespective of their age. A revised policy relating to the application of the “Fit and Proper Test” for licensed drivers and operators, in particular the addition of a section relating to “non-conviction related” matters, was also proposed. This would further assist Members of Speakers Panel (Licensing) in their decision making process and had been adopted by the majority of Greater Manchester authorities. A standard policy and set of guidelines would improve fairness and consistency across the region whilst raising standards and improving public safety.

New applicants were required to pass an English Language and local knowledge test, which was administered by officers in the Licensing Department. It was proposed to outsource this to an appropriate college or training facility to ensure fairness and high standards. It was further proposed to introduce a policy encouraging the use of CCTV in licensed vehicles, which would offer additional protection to members of the public and licensed drivers, could help to prevent crime against drivers and provide useful evidence in the event of a complaint.

Members of the Panel carefully considered all of the written submissions and the information which had been presented to them. They commended the thorough consultation process and supported the proposals. With regards to the age of wheelchair accessible vehicles, the Panel commented that the lower age limit (currently 5 years) could be extended to 7 years, as long as the conditions for hackney carriages and private hire conditions were amended to include an emissions standard for all vehicles and a requirement that all vehicles comply with the standards currently contained in the “acceptable condition standard”. The Panel accepted that there would be benefits in extending the current fleet of hackney carriage taxis to include several smaller types of rear-loading vehicles and the use of an appropriate college or training provider to administer the English Language and local knowledge test.

RECOMMENDED:

- (i) That the report and presentation be noted;
- (ii) That the Panel supports the proposals relating to the review of Hackney Carriage and Private Hire Policies and Conditions subject to the following caveats:-
 - (a) That consideration be given to amending the age limit of wheelchair accessible vehicles to 7 years; and
 - (b) That emission testing of all vehicles be introduced.

19. URGENT ITEMS

There were no urgent items.

CHAIR