

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY, 15TH DECEMBER, 2016

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 15TH DECEMBER, 2016, at 10.00 am.

PRESENT:

Vice-Chair - Councillor Linda Curran

Councillors Iris Beech, Bev Chapman, Neil Gethin, James Hart, Rachel Hodson and Sue McGuinness

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Kenneth Keegan, and Councillors Elsie Butler, Steve Cox, Charlie Hogarth, Majid Khan and Clive Stone.

7 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations made at the meeting.

8 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 28TH JUNE, 2016.

RESOLVED that the Minutes of the Meeting of the Licensing Committee held on 28th June, 2016, be approved as a true record and were signed by the Chair.

9 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPENDIX 6: C PRIVATE HIRE VEHICLE - VEHICLE SPECIFICATIONS (10. TINTS TO WINDOWS).

The Business Safety and Licensing Manager presented the report which detailed the proposed amendment to the Hackney Carriage and Private Hire Licensing Policy – Appendix 6: C Private Hire Vehicle Specifications (10. Tints to Windows). The Committee noted that the policy that they were being asked to review, contained details of vehicle specifications, licence conditions and the pre-requisite requirements that must be met before a licence was granted.

Members noted that within the current policy, it stated that tinted rear windows inhibited the ability to see passengers from the outside of the vehicle, and therefore these were not currently permitted on private hire vehicles. However, the report presented to members now sought a change due to the increasing difficulty in applying the policy as a result of the large number of vehicles now manufactured with darkened glass in the rear passenger windows. In the past, windows had to let in 70% light through all windows, with some discretion allowed, but over the period of the last 12-18 months, it has become apparent that the Policy needed amending as a result of the vast amount of cars now issued with tinted windows as standard. The Business

Safety and Licensing Manager informed the Committee that research had been undertaken across other Local Authorities, and within South Yorkshire, 2 neighbouring authorities already permitted tinted windows. In addition, it was noted that in the London Borough, where 40% of the Country's licensed Private Hire Vehicles were located, there was already the provision for licenses to be issued to vehicles with tinted glass in the rear windows.

Following the presentation of the report, a few concerns were raised which the Licensing and Business Safety Manager endeavoured to answer.

RESOLVED that the

- 1) The Council's Private Hire Vehicle Specifications be revised to permit all vehicles, manufactured with dark tinted rear windows to be licensed to operate as private hire vehicles with immediate effect;
- 2) To facilitate this revision, it is recommended that Section 10 (Tints to Windows) of Appendix 6: C Private Hire Vehicle – Vehicle Specifications of the HC & PH Policy be replaced with:

Tinted Windows

All tinted and anti-glare windows must comply with the relevant Road Traffic Act and/or Construction and Use Regulations requirements.

Only tinted and anti-glare windows fitted by or equivalent to those fitted by the vehicle's manufacturer are acceptable.

- 3) Licensing Committee note there are no proposed changes to the to the existing Hackney Carriage Specification i.e. all rear windows must allow at least 70% transmission of light (HC & PH Licensing Policy – Appendix 6: A)

10 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - HACKNEY CARRIAGE DRIVER, PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR LICENSING - SAFEGUARDING AWARENESS TRAINING.

The Committee considered a report that detailed proposals to make changes to the Hackney Carriage and Private Hire Licensing Policy, with emphasis on the suitability test for Licensed Drivers and Operators. It was noted that further to the existing requirements, both new and existing licence holders would now be required to undertake mandatory safeguarding awareness training, provided by an approved training provider and be able provide evidence as such that they were deemed fit and proper to hold a licence.

The decision to introduce this training had come about further to the publication of the Jay report into Child Sexual Exploitation in Rotherham, and the subsequent Casey report, which looked into Rotherham's exercise of its functions in terms of Governance, children and young people and taxi and private hire licensing. Since 2015, Doncaster Taxi Drivers had been offered the training on a voluntary basis, arranged by the Licensing and Business Safety Team as part of a wider initiative to improve the safety of the travelling public, but now the decision had been made to make this mandatory.

Members noted that at the time of the publication of this report, around 85% of Doncaster's licensed drivers had already undertaken the training on a voluntary basis, and of those who hadn't, if they hadn't undertaken the training by 31st March, 2017, it would result in their licence being suspended until this was completed.

Concerns were voiced by the Committee, as to the provision of the training sessions, particularly in relation to those for new applications. Sessions for the new applicants were being provided by the CSE Team but they were currently only able to provide these on a bi-monthly basis which Members did not feel was adequate, and there should in fact, be one at least every month. Whilst the Members agreed with the principle of the training introduced as being a mandatory undertaking, they felt there had to be an adequate provision for people to ask, and currently, this was not the case.

RESOLVED that

- 1) The Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1 to the report;
- 2) The Licensing Committee request that training sessions for new applicants be provided on a monthly basis to ensure adequate provision; and
- 3) The implementation of the Policy be effective from 1st January, 2017.

11 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPENDIX 10
PRIVATE HIRE OPERATOR - CONDITIONS OF LICENCE.

A report was presented to the Committee that detailed an amendment to the Hackney Carriage and Private Hire Licensing Policy – Conditions of Licence. This related to the ability of licensed hackney carriage drivers from different areas being able to work as Private Hire vehicle drivers in different areas. Recently, more and more taxis from out of town areas were being seen in Doncaster, working for local private hire companies. Whilst this was their legal right to do so, Members noted that other Local Authorities did not have the same stringent checks in place that Doncaster had prior to granting licences and therefore it was a concern. Therefore, additional conditions were being added to the licensing policy, whereby, it was necessary that local operators using out of town drivers had to notify the Authority and their customers of this in order to ensure that they were happy to use the service and ensure the relevant safety of customers was in place, which was paramount.

Members queried how this would be enforced, and whilst it was reliant on the operators to notify them, it was welcomed as a way of keeping tighter control on private hire drivers and ensuring that the conditions put into place in Doncaster were adhered to.

RESOLVED that:-

- 1) The Private Hire Operator Licence Conditions contained within the Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1 of the report;
- 2) For all new licences or renewals these additional condition shall take effect immediately upon grant; and
- 3) For existing licence holders, steps shall be taken to apply the additional conditions as expediently as lawfully possible with the proviso that once applied; existing

licence holders will have a period of 3 months to comply with the new requirements.

12 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - POLICY AMENDMENTS FOLLOWING THE DRIVER AND VEHICLE STANDARDS AGENCY (DVSA) DECISION TO STOP PROVIDING TAXI DRIVING ASSESSMENTS.

The Business Safety and Licensing Manager presented a report to the Committee that detailed the requirement for all new hackney carriage and private hire drivers to pass the Driver and Vehicle Standards Agency (DVSA) taxi assessment prior to being granted a licence for a taxi or private hire vehicle. However, in September, 2016, the DVSA had announced that would no longer be providing the practical driving assessments for Local Authorities with effect from 31 December, 2016 and as result alternative assessors had been sourced to facilitate this requirement.

It was therefore proposed, that the Transport Services Team at Doncaster Council complete these assessments in-house at the North Bridge Depot. Doncaster Council already has its own Road Transport Industry Training Board competent assessors who could undertake the assessments, and following the announcement by the DVSA, had put into place the necessary requirements to be able to offer this service in-house and prevent new applicants from being faced with unnecessary delays and barriers.

Members welcomed the proposal, and on the proviso that any costs incurred by the Council were being met, they were happy to endorse the report.

RESOLVED that:-

- 1) the provision of driving assessments for all new Hackney Carriage and Private Hire Vehicle drivers be facilitated in-house by Transport Services within Doncaster Council and the Hackney Carriage and Private Hire Licensing Policy be amended to reflect this with immediate effect; and
- 2) the discretional requirement for existing drivers to undertake a practical assessment where serious concerns are raised about their standard of driving and/or following a conviction for a driving offence be amended to state that these assessments are now provided in-house by one of Doncaster's competent driver assessors.