

General Licensing Committee

MEMBERS: THOMPSON (Deputy Chairman – in the Chair), Councillors BELSEY, ELKIN, Mrs GOODALL, GOODWIN, GOODYEAR, Mrs HEAPS, Mrs MADELL, Mrs POOLEY, PURCHESE and Miss WOODALL.

(Apologies for absence were reported from Councillors Bloom, Harris and Mrs Salsbury).

11 Minutes.

The minutes of the meeting held on 9 March 2009 were submitted and approved and the Chairman was authorised to sign them as a correct record.

12 Declaration of Interests.

None were received.

13 Quality Control Policy Linked to Delimitation of Hackney Carriage Proprietors Licences.

The Committee considered the report of the Licensing Manager regarding a proposed quality control policy linked to a delimitation of hackney carriage proprietor licences.

At its meeting held on 9 March 2009 the Committee had approved the removal of restrictions on the number of hackney carriage proprietors licences. This was in response to a need for the Council to review its overall future approach and following guidance from the Department of Transport and a petition received from the Disability Involvement Group. The Committee had considered evidence from a range of parties including the hackney carriage trade.

A policy of quality control would require that new hackney carriage proprietor licences issued after a specific date will only be released for wheelchair accessible vehicles meeting certain technical, age and safety specifications. A set of proposed conditions aligned to the policy were detailed in appendix 1 to the report.

Members of the trade had been consulted and feedback in respect of the form of the Quality Control Policy had been circulated to the Committee.

Mr B Morris (Eastbourne and Country) addressed the Committee on behalf of the trade and requested that two additional provisions should be included within the proposed terms and conditions for the Quality Control Policy. With reference to condition 3 which provided that vehicles presented for

licensing must not be more than 12 months old, a further condition be included that vehicles presented must not exceed a mileage limit of 20,000. A further condition was also requested that would require individuals issued with a new licence under the policy to complete the NVQ/BTEC Transporting Passengers' qualification and that this should also be a requirement for journeymen operating under the provisions of new hackney carriage proprietor licences.

Mr Morris stated that this was an important condition which would ensure that health and safety requirements were met. This was particularly important for drivers who would be required to transport wheelchairs and passengers safely. Mr Morris reiterated that the policy of delimitation was not supported by the trade and that the decision should be reviewed after 6 months or when a set number of plates had been issued ie. six, whichever is the sooner. He made reference to the survey undertaken in 2006 to assess demand and that in his view it remained valid until November 2009.

The Licensing Manager advised the Committee that the course recommended for completion by new licence holders was nationally recognised and its provision had been discussed with a number of local colleges. Currently there were several funding streams available from training providers who can access government funding.

The Committee was advised that existing drivers would not be required to undertake the course, unless there had been specific complaints regarding a particular driver which called into question their conduct and a training need was identified.

It was proposed that as the course involved on the job training a period of 12 months within which a new licence holder would be required to successfully complete the course should be stipulated.

The Committee agreed that journeymen who may be employed to operate the licence should also be required to complete the course. The Licensing Manager outlined concerns regarding the ability to enforce such a requirement and highlighted a number of issues around this.

Any driver who failed to complete the course would be required to continue to attain the qualification and offer reasons to the Authority as to why they had not attained the qualification within the set timescale.

The Committee supported the additional terms and conditions for quality control put forward by the trade and also agreed that a review mechanism be implemented to assess any potential effect on the trade.

Councillor Elkin queried paragraph 2.4 of the report which outlined an option to review the decision to remove restrictions on a 6 monthly or annual basis, and whether this option had been agreed at the last meeting. The Licensing Manager confirmed that it had not been previously agreed but that the ability to review any approach was discussed at the meeting on 9 March 2009 and the review mechanism detailed at 2.4 was being put forward for consideration at this meeting.

The Legal Adviser advised the Committee that the review process acted as a trigger to inform members of licences granted to enable effective monitoring of such and did not suspend or set aside the delimitation policy.

Where a policy of delimitation was in place, a restriction placed on the number of licenses which could be issued could result in a legal challenge from valid applicants.

The Committee agreed that a shorter review period of 3 months from the date of implementation should be set.

RESOLVED: (1) That the Quality Control Policy terms and conditions as set out in appendix 1 to the report be approved with the following amendments:

Condition 3 – insertion of requirement that the vehicle mileage shall not exceed 20,000 miles at the time of the vehicle first being presented for licensing.

Additional condition (7) to read “New individuals issued with a licence under the policy are required to attend the VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire and to have passed the course within 12 months of being issued with a licence, this requirement shall also apply to journeymen operating that licence.

(2) That the delimitation policy be reviewed after 5 new licences have been issued or after 3 months of the implementation date of the policy, whichever is the sooner.

The meeting closed at 8.04 p.m.

**M Thompson
(in the Chair)**