

Minutes of the Meeting of the Licensing Committee held on 3 February 2021 at 7.00 pm

Present: Councillors Gary Collins (Chair), John Allen, Alex Anderson, Chris Baker, Tony Fish, Steve Liddiard, Ben Maney, Fraser Massey, David Potter, Shane Ralph, Joycelyn Redsell, Sue Sammons and David Van Day

Apologies: Councillors Qaisar Abbas (Vice-Chair) and Sue Shinnick

In attendance: Paul Adams, Licensing Manager
Simon Scowther, Legal Adviser
Kenna-Victoria Healey, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's online webcast channel.

At the start of the meeting the Chair of the Committee asked those present to give a minute silent for Captain Sir Tom Moore.

22. Minutes

The Minutes of the Licensing Committee meeting held on 01 July 2020 were approved as a true and correct record.

23. Items of Urgent Business

There were no items of urgent business.

24. Declaration of Interests

There were no declarations of interest.

25. Setting of Licensing Fees

The Licensing Manager presented the report and in doing so, explained the report set out the process and methodology for setting the licence fees associated with licenced applications under the remit of the Licensing Committee. He continued to explain there had been no changes to the fees however, would propose the licensing fees for consultation where necessary for the 2021/2022 financial year.

It was highlighted that with the exception of the statutory fees, any fees charged must be based on cost recovery, meaning no profit could be made on the license fee income.

Members heard how Officers deemed it unfair on the trades such as taxi operators to increase their fees when they had already been heavily impacted on due to the current pandemic of COVID-19. The Licensing Manager advised the Committee there would be a full review into licensing fees next year and if necessary, any losses could be looked at and rectified.

The Committee thanked the Licensing Manager for his report and commented they felt the appendix within the agenda, needed to be printed or at least emailed to Members in a bigger font. The Licensing Manager explained the appendix was an extract from the full fees and charges and if Members wished, it could be re-circulated after the meeting.

RESOLVED that Members agreed the fees and charges as set out in Appendix A for the 2021- 2022 financial year.

26. National Taxi Standards and Taxi Policy

The Licensing Manager addressed Members advising them the Department of Transport had published the statutory taxi and private hire vehicles standards which set out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. He continued to explain the report considered the standards and brought them together with the Councils policies and procedures into one policy document reviewing areas of existing policy to ensure that the minimum standards were met with the Councils policies and procedures into one policy document reviewing areas of existing policy to ensure that the minimum standards were met and ready for consultation with the taxi trade and stakeholders.

Continued by talking to committee through the appendices attached to the report and explaining the main aspects of the standards which were:

- Administering the licensing regime including a local licensing policy.
- Decision making including training of decision makers.
- Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
- Fit and proper test including relevance of criminal convictions
- Minimum requirements for driver licensing.
- Criminality checks for vehicle licence holders
- CCTV in vehicles
- Criminality checks for operator licences
- Operator record keeping requirements

Councillor Collins Chair of the Committee queried if the application process had been amended, so that applicants were no longer paying for the required tests such as medical and knowledge before Officers had a chance to carry out the DBS and DVLA checks. The Licensing Manager confirmed this was the case and when applying for a licence applicants were advised there were additional costs such as for a medical check.

Councillor Allen enquired as to how Officers ensured checks made on applicants who were not British Nationals, where fit and proper people to have a licence. It was explained that within the Council's policy, should an applicant spend more than six months of the year outside of the UK a certificate of good character was required, this was usually completed by the relevant embassy. During the discussion it was explained that Officers had no way of checking the documents received, however if for any reason they felt they were unable to grant a licence; it would be presented to a Licensing Sub-Committee for a decision. Members further heard this would also be the same process for a British National who spent six months of the year outside of the UK.

The Committee raised concerns around the use of CCTV within licenced vehicles and queried who had the responsibility in line with data protection and GDPR, when it came to holding the video. The Licensing Manager explained at present it was not mandatory for CCTV to be included within a licenced vehicle, if this was to become the case then the local authority would become the data controller. He continued by explaining that any taxi who currently had a license with the authority and had the use of CCTV in their vehicle, would be the data controller and therefore had to follow all regulations in line with the Data Commissioner.

Following Members comments on CCTV in licenced vehicles, it was agreed that the Licensing Manager would bring a report to the Committee outlining how other local licensing authorities, where handling CCTV in licenced vehicles and a possible consultation with the taxi trade to get their views.

Councillor Ralph questioned as to the safeguarding training level which was mentioned within the policy. Officers explained there was currently in house CSE training given which had been in place for a number of years. There were also developments in updating online training and guidance. The Licensing Manager continued by commenting a number of organisations gave online training, however he felt face-to-face training when possible was better for applicants.

Councillor Potter quizzed Officers regarding the fit and proper person test in when asking themselves the fit and proper person question, if they felt the answer was no were the Sub-Committee right to refuse a licence. The Licensing Manager commented that if a Sub-Committee had valid reasoning for refusing a licence then they should refuse an application, and that it was up to the Licensing Authority to prove as to whether a person was a fit and proper person to hold a licence.

RESOLVED that Members:

- 1. Noted the Statutory Taxi and Private Hire Vehicle Standards.**
- 2. Considered the revised policy and any changes that the Statutory Taxi and Private Hire Vehicle Standards have required.**

The meeting finished at 8.16 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**