

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing and Regulatory Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 9 December 2014 commencing at 6.30 pm.

Present: Councillor Jessie Milne (Chairman - In the Chair)
Councillor Burt Keimach (Vice-Chairman)

Councillor David Cotton
Councillor Chris Day
Councillor Paul Howitt-Cowan
Councillor Roger Patterson
Councillor Judy Rainsforth

In Attendance:

Phil Hinch	Licensing Team Manager
Lesley Beevers	Regulatory Team Manager
Katie Coughlan	Governance and Civic Officer

Apologies : Councillor Mrs Irmgard Parrott
Councillor Lewis Strange
Councillor Richy Doran

Membership : No substitutes were appointed for the meeting

17 PUBLIC PARTICIPATION PERIOD

There was no public participation.

18 MINUTES FOR APPROVAL

(a) Licensing and Regulatory Committee 23 September 2014 (LR.20 14/15)

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 23 September 2014 be confirmed and signed as a correct record.

19 MINUTES FOR NOTING

(a) Meeting of the Licensing Sub-Committee held on 19 September 2014 (LR.21 14/15)

RESOLVED that the minutes of the Meeting of the Licensing Sub-Committee held on 19 September 2014 be noted.

- (b) Meeting of the Licensing Sub-Committee held on 17 October 2014 (LR.22 14/15)

RESOLVED that the minutes of the Meeting of the Licensing Sub-Committee held on 17 October 2014 be noted.

- (c) Meeting of the Taxi and General Licensing Sub-Committee held on 23 October 2014 (LR.23 14/15)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee on 23 October 2014 be noted.

20 MEMBERS' DECLARATIONS OF INTEREST.

Councillor David Cotton declared a non-pecuniary interest in Paper F (To consider implementing additional taxi-driver training – Change to Policy) as a local magistrate.

21 MATTERS ARISING SCHEDULE (LR.24 14/15)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 1 December 2014.

All arising actions had been addressed in the next item of business for consideration.

RESOLVED that progress on the Matters Arising Schedule as set out in report LR.24 14/15, be received and noted.

22 TO CONSIDER IMPLEMENTING ADDITIONAL TAXI-DRIVER TRAINING – CHANGE TO POLICY (LR.25 14/15)

Consideration was given to a report which sought to inform Members of the Committee of detailed proposals to amend Policy which would affect the taxi driver application process.

At the previous meeting of the Licensing and Regulatory committee held in September 2014 a brief presentation was made by Russell Morgan of the Lincolnshire Road Safety Partnership to the committee members and officers present in relation to taxi driver training.

As a result of the brief presentation made by Mr Morgan it was agreed that both the Chair and Vice-Chair of the Licensing and Regulatory committee and

Cllr Day and the Licensing Manager attend the Lincolnshire Road Safety Partnership training centre at North Kyme, in order to get a better understanding of what the training involves.

Additionally, the Licensing Manager was tasked to look at what evidence there was to justify the need to implement training for taxi/private hire drivers, from both City of Lincoln Council and from Lincolnshire Road Safety Partnership.

In presenting the report the Licensing Team Manager set out in detail and at length the current issue, the proposals and options available to members as set out in section 3 of the report, factors which needed to be considered when changing Policy, consultation requirements and all associated risks.

Lengthy and detailed discussion ensued during which Members carefully considered the way forward.

Members sought and received information from Officers as to whether other authorities had similar requirements within their application processes, how the proposals would affect the cost of applying for licence., and whether the team, if the proposals were supported, had the capacity to deal with extra administration of the process. Officers also outlined, by way of context, accident statistics and typical “offender” profiles provided by the Lincolnshire Road Safety Partnership

Whilst the general consensus was to support both proposals (a) and (b), much debate was had around the level at which the triggers should be set.

A Member expressed concern that having received the proposals, if the Council chose to do nothing and an accident occurred that Corporate Manslaughter charges may be levied. Furthermore there was concern that in hardship cases, the Courts would maybe challenge the Council’s Policy.

In responding Officers gave reassurance that in their view Corporate Manslaughter legislation could not be applied as Taxi Drivers were not employed by the Council, this was applicable to employees only. Furthermore, in respect of hardship cases, the Council’s primary concern had to be its duty of care to the public when granting licenses and again the likelihood of such a circumstance arising was considered limited.

Again whilst the general consensus was to support both proposals (a) and (b), further debate was had around the level at which the triggers should be set and Members also felt it important that there should be ability to apply discretion, depending on what the points had been received for.

A number of differing views was expressed through the course of the debate with a variety of suggestions been made, including those set out below: -

- That proposal (a), relating to new drivers, should only be applied if the driver was under 25;

- That the proposed trigger (of 9 Points) in proposal (b), relating to existing drivers, was too high, with an alternative of 6 points been suggested.
- That proposal (a), relating to new drivers, should only be applicable if they had any points on their licence.
- That the ability to apply discretion, depending on what the points had been received for be built in

In light of the views been expressed Officers advised that by making “entry requirements” significantly different for new drivers as opposed to existing drivers, this scenario may lead to equality issues arising.

Following much debate, and in light of Members comments and views, on that basis it was : -

RESOLVED that:

- (a) having considered implementing a change of policy in relation to the taxi / private hire driver application process, the trade be consulted on the following proposed amendments for a minimum period of six weeks:
 - (i) all new taxi / private hire driver applications with 6 live points or more will be required to submit a Low Risk Driving Assessment from the Lincolnshire Road Safety Partnership as part of their application; and
 - (ii) any existing taxi / private hire driver currently licensed by WLDC who has accrued 6 points or more on their driving licence will receive a warning and be required to take part in the Taxi Driver Information Programme and provide the relevant certificate to Officers accordingly. The matter may be referred to the relevant committee, if deemed appropriate; and
- (b) Following the consultation period with the trade, the arising proposed policy changes be **RECOMMENDED** to the Prosperous Communities Committee for approval and adoption (any adverse comments made through the consultation process to be dealt with by the licensing manager in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee)

The Chairman wished all Members a Merry Christmas

The meeting concluded at 7.58 pm

Chairman