

MINUTES OF SPECIAL LICENSING AND SAFETY COMMITTEE

11 MAY 2017

PRESENT:

Councillors Miss Lawrence (Chairman), Mrs Avis, Mrs Bragg, Cranham, Miss Dumbleton, Mrs Garcia, Roberts (substitute for Councillor Mrs Roberts), Mrs Roodhouse, Srivastava and Dr Williams

16. MINUTES

The minutes of the:

Licensing and Safety Committee 24 January 2017;
Licensing Sub-Committee (Alcohol and Regulated Entertainment) 1 March 2017;
Licensing Sub-Committee (General) 1 March 2017;
Licensing Sub-Committee (Alcohol and Regulated Entertainment) 21 March 2017; and
Licensing Sub-Committee (General) 22 March 2017; and
Licensing Sub-Committee (General) 22 March 2017 were approved and signed by the Chairman.

17. APOLOGIES

Apologies for absence from the meeting were received from Councillors Allen, Cade, Mrs Crane, Mrs Nash and Mrs Roberts.

18. DECLARATIONS OF INTEREST

There were none.

19. DRIVING ASSESSMENTS FOR DUAL DRIVER'S LICENCES

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 4) concerning driving assessments for new and existing drivers.

The Council has a legal duty to ensure that all licensed drivers of private hire and hackney carriage vehicles are 'fit and proper' persons. In determining 'fit and proper' the council takes various matters into account, including driving records.

Council policy required all new drivers, and existing drivers as a disciplinary measure, to take and pass the Driving and Vehicle Standards Agency (DVSA) test. However, the DVSA test had now been withdrawn

The committee considered the suggested alternative test providers and raised concerns that the test offered by the Blue Lamp Trust did not include a wheelchair test, though it was noted they are looking to introduce this. Current

council policy requires that all drivers of wheelchair accessible vehicles attend a training course on dealing with disabled passengers.

It was noted that changes to legislation were expected which would need to be reflected in council policy. Officers would carry out further work to consider and review the wheelchair element and general disability awareness issues in respect of the role of licensed drivers.

Under the Equality Act it was now an offence to fail to carry a wheelchair if the vehicle was suitable.

Green Penny offered a standard test that was equivalent to the DVSA test, and there was the option of attending a wheelchair assessment and test once the standard test had been passed.

Members agreed that, in line with the regulatory powers of the committee, the Chairman and Vice Chairman should be involved in any decisions made to approve or amend further driving tests or providers

RESOLVED THAT – IT BE RECOMMENDED TO CABINET THAT -

- (1) all new applicants for dual drivers licences (and existing drivers subject to a licence review as appropriate) be required to pass a suitable taxi driving test of a similar standard to the previous DVSA test from an approved provider;
- (2) the Blue Lamp Trust and Green Penny be approved as taxi driving test providers in Rugby and;
- (3) delegated authority be given to the Head of Environment and Public Realm, in conjunction with the Chairman or Vice Chairman of the Licensing and Safety Committee, to approve any further driving tests and/or providers and to remove or amend any tests/providers as considered appropriate.

20. SUSPENSIONS AND REVOCATIONS OF DUAL DRIVER'S LICENCES

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 5) concerning a revision of the scheme of delegation in relation to the suspension or revocation of hackney carriage or private hire driver licences.

Following the High Court case of *Singh v Cardiff* [2012], local authorities may no longer suspend a hackney carriage or private hire driver's licence as an interim measure whilst awaiting the outcome of another investigation.

In the past it was common practice for officers to suspend a licence for reasons of protecting the public, pending a referral to the Licensing and Safety Committee. However, such an interim suspension was no longer lawful.

A decision to suspend a licence was now a final sanction. It could not be used as a punishment but as a period of reflection by the driver.

RESOLVED THAT –

- (1) a procedure be adopted to re-licence any driver, whose licence has been revoked but have subsequently been found to be fit and proper; and

- (2) IT BE RECOMMENDED TO COUNCIL THAT – authority be given to the Regulatory Services Manager and the Head of Environment and Public Realm, in consultation with the Chairman or Vice-Chairman of the Licensing and Safety Committee, to immediately suspend or revoke a Hackney Carriage/ Private Hire vehicle driver's licence where it is considered necessary in the interest of public safety to do so; and
- (3) the Constitution be amended accordingly.

21. MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 6) concerning the introduction of mandatory safeguarding training for all Dual Driver Licence holders licenced by the council.

The growing awareness around the issue of Child Sexual Exploitation (CSE), and the publication of the report of inspection of Rotherham Metropolitan Borough Council identified that the taxi trade may have a role in safeguarding children by recognising and reporting matters of concern.

No formal guidance had been published, but Rugby Borough Council had worked with Barnardo's and offered CSE awareness training to licensed drivers, and worked with neighbouring authorities to provide a region-side suitable course.

A number of free CSE awareness courses run by Barnardo's in 2016 had been well attended by licenced drivers on a voluntary basis.

The courses will be widened to include all vulnerable people, including dementia awareness, as being promoted by the Director of Public Health.

A suggestion was made that officers explore ways CSE training and awareness could be offered to the hospitality trade and licensed premises.

RESOLVED THAT – IT BE RECOMMENDED TO CABINET THAT -

- (1) the Council incorporate into its Taxi Licensing Policy the requirement that all Hackney Carriage and Private Hire Drivers licensed by the Council must attend a training course on the 'Safeguarding of Children and Vulnerable People' approved by the Council;
- (2) the course provided by Barnardo's covering awareness of Child Sexual Exploitation be the Safeguarding Course to be used at the present time;
- (3) refresher training at an interval of three years be mandatory; and
- (4) the authority ensures the course content remains relevant by approving the modification or amendment of the course content be delegated to the officer holding the position of Head of Environment and Public Realm.

22. VOTE OF THANKS TO CHAIRMAN

RESOLVED THAT – the Committee places on record its appreciation of the work undertaken by Councillor Miss Lawrence in her capacity as Chairman of the Committee for the 2016/17 municipal year.

The Chairman thanked officers, members of the committee and the Vice Chairman for their hard work and commitment.

CHAIRMAN