



AGENDA

GENERAL LICENSING COMMITTEE MEETING

Date: Thursday, 27 October 2016

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Cameron Beart, Tina Booth, Roger Clark, Mark Ellen, Paul Fleming, June Garrad, Lesley Ingham (Chairman), Prescott (Vice-Chairman), Ben Stokes and Anita Walker

Quorum = 3

Pages

1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the Minutes of the Meeting held on 7 July 2016 (Minute Nos. 774 - 778) as a correct record and to accept the Minutes of the following Licensing Sub-Committees:

30 September 2016 – Minute Nos. 905 - 911

30 September 2016 – Minute Nos. 912 - 918

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

5. Public Session

The Council operates a scheme of public speaking at meetings of the General Licensing Committee. Requests to speak at the meeting must be registered with Democratic Services by 4.30pm on Friday 21 October 2016 and must be related to an item on the agenda. Each speaker has a maximum of three minutes to speak.

Part B report for the General Licensing Committee to decide

6. Update on the Hackney Carriage Licensing Function

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Issued on Monday, 17 October 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee please visit www.swale.gov.uk

Director of Corporate Services, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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General Licensing Committee Meeting	
Meeting Date	27 October 2016
Report Title	Update on the Hackney Carriage Licensing Function
Cabinet Member	Cllr Alan Horton Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford – Director of Corporate Services
Head of Service	Mark Radford – Director of Corporate Services
Lead Officer	Angela Seaward, Senior Licensing Officer
Key Decision	No
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. Approve the form of the draft statement of Hackney Carriage and Private Hire as attached as Appendix 1 for consultation 2. Receive a further report setting out the responses to the consultation and the final draft policy for approval and referral to full council. 3. Note the changes made to the Knowledge Test format

1 Purpose of Report and Executive Summary

- 1.1 This report provides Members with information and guidance on a new draft 'Statement of Hackney Carriage and Private Hire policy', which requires Members approval for public consultation.
- 1.2 Since the last version to the 'Statement of Hackney Carriage and Private Hire policy' there have been a number of changes as a result of the restructure of the hackney carriage function. This new draft policy forms a secure foundation on which to determine applications and carry out enforcement to ensure the safety of public when using licensed hackney carriage and private hire vehicles.
- 1.3 The opportunity has also been taken to revise the document to align it more closely with the Department for Transport Best – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance.
- 1.4 The policy been substantially revised. Section 2 details specific areas for consideration by members

- 1.5 Before the policy can be finally approved for adoption by Council, consultation must take place in order for Members to give appropriate weight to the views of those persons/bodies it is required to consult with.

2 Background

Hackney Carriage and Private Hire Function

- 2.1 Swale Borough Council has a statutory duty under the Local Government (Miscellaneous Provisions) Act 1976, as amended, to provide a licensing function in respect of Hackney Carriage and Private Hire vehicles.
- 2.2 The aim of the function is all about providing a safe environment for those using the vehicles and also for ensuring that the drivers are knowledgeable and understand their responsibilities to the travelling public e.g. particularly around safeguarding for vulnerable children and adults.
- 2.3 The function has historically sat in the technical services team. In September 2015 was combined with the Leisure Services team and the Hackney Carriage Inspector role and administration resource transferred accordingly. Discussions were held with managers to transfer the function to the Licensing department to bring together all licensing functions under one service area and to enable more generic working to enforce across a range of functions.
- 2.4 In September 2016 the service transferred the responsibility to the Licensing Department under the Director of Corporate Services.

Knowledge Test Amendments

- 2.5 The Knowledge Test is an integral part of the licensing process. It consists three parts including questions about topographical knowledge of the local road network, the Highway Code and Swale's policy and local conditions. A consistent, high standard of driver competence makes our Hackney Carriages safer and provides a better quality service for passengers.
- 2.6 General Licensing Committee agreed for a review of the Knowledge Test to be undertaken at the meeting 7th July 2016.
- 2.7 We have undertaken research into a new computerised knowledge test to also incorporate Safe Guarding and an English Test as well as the topographical knowledge of the local area, Highway code and Swale's policy and local conditions

Review of Driver Standards Agency Test

- 2.8 The DSA test requirement was removed by committee on 21st January 2016. The removal of this assessment has led to an increase of applications for the

Dual Driver Badge as we are the only authority in close proximity not carrying out the test. In practice this means that once a driver obtains a Dual Driver Badge, deregulation allows subcontracting of work outside the Borough and, therefore, we receive a disproportionate number of applications.

- 2.9 As part of our proper vetting processes the authority has to be able to determine that the driver to be fit and proper for the safety of the public. Without insisting on a DSA type test, which are now provided by accredited private companies. We are unable to carry out the assessment of driving standards to be at the highest level.
- 2.10 Members are asked to consider the re-instatement of the test although the test is no longer carried out by the DSA there is still provision for this assessment to be carried out.

Review of the Penalty Point System

- 3.1 In reviewing the existing penalty points it is considered that some are disproportionate and require review to make the penalty point system more extensive to assist drivers understanding and enforcement of any breaches.
- 3.2 Members are asked to consider the proposed new penalty point system as shown in appendix J of the policy.

Proposals

- 4 Agree the changes made to the Knowledge Test format
- 4.1 Agree the new Hackney Carriage and Private Hire Licensing Policy

5. Consultation Undertaken or Proposed

- 5.1 A key part of the policy review will be engaging the views of drivers, operators and members of the public. This will be undertaken as per the standard Swale Borough Council process following approval of the draft policy by committee.

6. Implications

Issue	Implications
Corporate Plan	A Council to Be Proud of Setting the right governance structures to ensure the best quality service possible.
Financial,	The proposals do not have any financial or resource implications.

Resource and Property	
Legal and Statutory	The refresh of the Policy allows the Council to meet its statutory obligations as part of the Local Government (Miscellaneous Provisions) Act 1976.
Crime and Disorder	Having robust conditions in place means that the service is managed correctly and improves security of the residents. Provision of the service also supports the safety of the night time economy.
Sustainability	Hackney carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport for the Borough. By improving the process for licensing new drivers the Council will be supporting the local economy and Operators in the Borough.
Health and Wellbeing	n/a
Risk Management and Health and Safety	By reviewing the Policy Conditions and retaining the Knowledge Test, the Council is still fulfilling its obligation to ensure only appropriate people are offered licenses to operate and drive in the Borough.
Equality and Diversity	The review of the Knowledge Test has improved the offer to those with learning difficulties.

7. Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft statement of Hackney Carriage and Private Hire policy – to follow.

8. Background Papers

n/a