



(k) 10 March 2015.

## 18. Applications Received under the Licensing Act 2003

### RESOLVED:

The Committee noted the applications received by the Licensing Section between 1st April 2014 and 23<sup>rd</sup> March 2015.

## 19. Exclusion of Public and Press

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

Agenda Item No	Subject	Exempt Information Paragraph Number
7	Public Hire Review	2

## 20. Public Hire Review

The Assistant Director, Neighbourhood Services, Mr Nolan presented the report which looked at the regime for the licensing of public hire vehicles, drivers and operators. Over the past year various problems had been identified and it was also noted that even some of the taxi trade were confused by our regulations. Some of the problems noted were what appeared to be some inconsistencies in the decisions of the sub-committees; a lack of clear guidance to Members regarding their powers, liabilities and responsibilities; a feeling amongst the trade that EFDC was not rigorous enough in the application of its public hire licensing regime; some conditions were unclear; and the attitude of some applicants and licensees towards staff was very poor.

It was also noted that:

- some of the trade thought that we were a soft touch;
- that our medical rules were unclear and that we relied on the honesty of the drivers;
- our conditions were old and out of date;
- officers noted that things would be changing for hackney carriages in London soon and that we could learn from these changes;
- because of the recent events in Rotherham drivers should be made aware of, and trained in, at least the basics of safeguarding issues;
- our staff should not have to put up with abuse from the public and applicants;
- our interview rooms now have recording equipment and so do the phones;
- some applicants think that our officers were powerless and that they could go straight to a sub-committee and by-pass them.

Officers have looked into the regime of other authorities and had ascertained that by far the best system was the one employed by the Public Carriage Office in London. They have detailed staff and inspection manuals and were a good base that we could use.

Mr Nolan suggested that a small working group be set up to look into the background of this report back to a future committee meeting. They could also use some guidance from members from their experience on Sub-committees. Officers could and should provide more and better training for members especially on taxis and taxi drivers as this made up the bulk of applications that they dealt with; but they would also need the input of members in this.

Councillor Morgan agreed with the premise of the report and asked why had there been more trouble over the past year. He also agreed with the suggestion of creating a working group to look into this and to provide more guidance and training on what they should be doing and wondered if it would be possible for officers to give their views on the applications. Mr Nolan replied that it may be possible to do this in open session when the applicant would have a right of reply.

Councillor Lion said it was an excellent report. They have sometimes given the benefit of doubt to applicants and would welcome some more guidance. He would like to know what the proportion was of unsound decision to enable them to see this in context. He welcomed the setting up a working group to look at this. He also noted that in London there was a lot of advertising being carried on taxi cabs, both inside and out and this too would be something to be considered.

Councillor Sartin agreed with the suggestion for a working group. She added that she did not know where the applicants came from as they did not have their addresses. Officers have also, in the past, asked for a report from an applicant's GP and noted that he had not come back to them with any information. Members used to get some information before hand which they did not get now. Now, they have things read out to them at the meeting, which did not make it easy to take in without it being written down. Mr Nolan said that the working group would look into what information could be given to members. They could look to give the sub-committee copies of what was being read out at the meeting and take it back at the end of the meeting.

Councillor Keska wanted to know if magistrates were tougher than the Sub-committees in considering applications. Councillor Morgan said that they were, as their rules were more up to date and tougher. Mr Nolan said that they would find out how other authorities did this. To help in their deliberations he would also like a legal officer to sit on the working group.

Councillor Dorrell commented that it was inevitable that sub-committees made some inconsistent decisions and the tighter that the rules were made the less discretion that they had. Mr Nolan said that each case had to be treated on its own merit. Councillor Dorrell added that any bad behaviour on an applicant's part should be brought to the attention of the sub-committee. Could we also have an internal review process to look at how a sub-committee comes to their decisions? Councillor Adams added that they needed to get up to speed as a group and needed more training.

Councillor Angold-Stephens said that maybe they could have anonymised reviews for information on decisions of a sub-committee. However it would also be helpful to have a member of that sub-committee (chairman) to talk them through their thinking when they took that decision.

Councillor Sartin noted that they would need to know more about the applicant before they could question them, such as their address and who they would be working for. Ms Tuckey added that officers would like some references from the people they claimed would be employing them. They would like some sort of evidence on this. Councillor Angold-Stephens agreed that they needed evidence, could this be added to the letter inviting them to the committee meeting?

Councillor Keska asked if the sub-committee could defer an application for more information. He was told that they could. He then asked if they could refuse an application on the grounds of the applicant's behaviour to the staff. Mr Nolan said a sub-committee could but not the staff.

The Chairman noted that the committee were generally in favour of setting up the proposed working group and said it should be made up of the minimum number of officers and members and asked for volunteers from the member side. Councillors Morgan, Sartin, Lion and Angold-Stephens indicated that they would like to be members of the working group. This was agreed by the meeting.

**RESOLVED:**

- (1) That a working group be set up to review the current public Hire Licensing Regime; and
- (2) That Councillors Angold-Stephens, Lion, Morgan and Sartin be appointed to the membership of this working group.

**21. Inclusion of Public and Press**

**RESOLVED:**

That the public and press be invited back into the meeting for the remaining items of business.

**22. Review of Current and Future Training Needs for the Committee**

The Committee noted that this would be something for the working group to review. Basic training would be needed for all members and it would be helpful to have a legal officer there.

It was noted that Ms Tuckey attended the Essex Licensing Officer group who had access to specialist training to officers and members.

**23. Matters Arising**

Councillor Sartin asked about the extra meetings that were cropping up, was this because of the time frame and when they were submitted. She was told it was controlled by the set time frames that they were governed by.

Councillor Lion asked about evening meetings and was told that they could be called if there was a good reason to do so.

**24. Date of Next Meeting**

The Committee noted the date for the next scheduled meeting.

**CHAIRMAN**