

Medway Council
Meeting of Licensing and Safety Committee
Wednesday, 27 January 2016
6.00pm to 6.45pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Bowler, Bhutia, Mrs Diane Chambers (Chairman), Carr (Vice-Chairman), Etheridge, Griffin, Hicks, McDonald, Pendergast and Shaw

Substitutes: Councillor Shaw (Substitute for Councillor Godwin)

In Attendance: Laura Caiels, Legal Advisor
Mandy Francis, Senior Licensing and Enforcement Officer
Vicky Nutley, Planning and Licensing Lawyer
Stephen Platt, Democratic Services Officer
Alison Poulson, Licensing and Local Land Charges Manager

702 Apologies for absence

Apologies for absence were received from Councillors Fearn, Godwin and Kemp.

703 Record of meeting

The record of the meeting held on 28 October 2015 was agreed and signed by the Chairman as correct.

704 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

705 Urgent matters by reason of special circumstances

There were none.

706 Hackney Carriage and Private Hire Licensing Policy

Discussion:

The Committee considered a report on the draft policy in respect of Hackney Carriage and Private Hire Licensing. Members were requested to comment on the draft policy and make recommendations to Full Council on 25 February 2016 at which meeting the policy would be considered for approval.

The Licensing and Local Land Charges Manager advised the Committee that in March 2015 the views of the taxi trade and the public had been sought and these, together with existing documentation and processes followed, current legislation, case law and guidance, were used to aid the drafting of the proposed policy.

The consultation process had been undertaken between 12 October 2015 and 8 January 2016 and was advertised in the local press, on the Council's website, at community hubs and at Gun Wharf reception. In addition, letters or emails containing the web-link to the draft policy were sent to all Ward Councillors and Members of Parliament for Medway, Clerks to Parish Councils, driver and operator licence holders, and Town Centre Managers. A copy of the draft policy was also placed on deposit at Gun Wharf reception for inspection.

The Licensing and Local Land Charges Manager drew Members' attention to the following aspects of the draft policy:

- The section on stretched limousines had been amended in line with Department of Transport best practice guidelines.
- At Appendix A on vehicle specifications, the section on tinted windows had been amended following visits to vehicle main dealers and discussions with the Medway Licensed Taxi Drivers Association (MLTDA).
- At Appendices B and C on vehicle conditions, the wording had been improved and, for hackney carriage vehicles, to remove duplication with the content of the byelaws at Appendix H.
- At Appendix F on application procedures, the reference to 'VRQ/NVQ certificate' should be replaced with 'any relevant certificates'.
- At Appendix G on relevance of convictions to applications, the draft policy included both the original and alternative wording for the process to be followed and Members' preference was sought.
- At Appendix J on private hire driver licence conditions, the seating arrangements had been amended to be consistent with the wording on tariff cards, as requested by the MLTDA.

Members noted the number of responses to the consultation which referred to vehicles operating within Medway that were licensed by a different Licensing Authority and sought clarification on a number of issues. Members were advised that the driver of a non-Medway taxi (hackney carriage or private hire) picking up a passenger who had hailed the vehicle was committing an offence and should be reported to the Licensing Unit. However, under case law, a non-Medway hackney carriage vehicle could be used for bookings made with a Medway operator.

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Operators had advised that they were employing non-Medway drivers to ensure the availability of vehicles at all times.

On the issue of accessibility set out at section 2.2 of the policy, Members were advised that no complaints had been received about insufficient numbers of wheelchair accessible vehicles but the Licencing Unit would keep the matter under review in liaison with the relevant forums. Issues included the times wheelchair accessible vehicles were available; the cost of purchasing a wheelchair accessible vehicle; and the ease of use for some customers.

Members considered the alternative wording at Appendix G, relevance of convictions to applications. They were advised that the original wording was consistent with Department of Transport guidance but there was a concern that the reference to only certain specific offences could cause confusion. The alternative wording used a description of the 'fit and proper' test that was applied to the consideration of applications. After discussion, the Committee decided to recommend that both wordings be incorporated into the final policy document with the new wording being added by way of a further explanation of the original wording.

Decision:

- a) The Committee recommended that the alternative wording on the 'fit and proper' test set out at the end of Appendix G, relevance of convictions to applications, be added to the original wording of the Appendix.
- b) The Committee recommended the Hackney Carriage and Private Hire Licensing Policy, including the amendments as set out in the policy and at a) above, to Full Council for approval and implementation.

Chairman

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