

Medway Council
Meeting of Licensing Sub-Committee
Friday, 3 February 2023
2.30pm to 3.55pm

Record of the meeting

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

Present: Councillors: Mrs Diane Chambers (Chairman), Fearn (Vice-Chairman), Sylvia Griffin, Kemp, McDonald and Prenter

In Attendance: Greg Blezard, Driving Miss Daisy
Danielle Domingue, Driving Miss Daisy
Laraine Domingue, Driving Miss Daisy
Frederic Domingue, Driving Miss Daisy
Mandy Francis, Licensing Manager, Gravesham and Medway Shared Licensing Service
Mark Lees, Regulatory Services Manager, Gravesham Borough Council, Gravesham and Medway Shared Licensing Service
Vicky Nutley, Head of Legal Services
Stephen Platt, Democratic Services Officer
Councillor Adam Price, Witness

585 Apologies for absence

There were none.

586 Record of meeting

The record of the meeting of the Sub-Committee held on 11 November 2022 was agreed and signed by the Chairman as correct.

587 Urgent matters by reason of special circumstances

There were none.

588 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

There were none.

Other interests

Councillor McDonald declared that he had been lobbied by Driving Miss Daisy but had not met with them or discussed their application.

589 Knowledge Test - Exemption from routes and places of interest

Discussion:

The Sub-Committee considered a report on a request from a Licensed Operator, for drivers wishing to work for them to sit the Private Hire Knowledge Test for restricted drivers instead of the full Private Hire Knowledge Test.

The Licensing Manager advised that the Operator, Driving Miss Daisy, was a franchise organisation specialising in taking people out and about in their communities where extra time, support and companionship was needed. She added that, from the information provided by the company, it was apparent that, irrespective of any additional services provided, the company provided a licensable 'hire and reward' service.

The Licensing Manager said that all Medway licensed drivers were required to undertake safeguarding and disability awareness training and stressed the importance of applying fairness and equality to all applicants and existing licensed drivers. In conclusion, she expressed concern that allowing Driving Miss Daisy to only sit and pass the restricted Private Hire Knowledge Test would undermine the justification and requirement for all other Private Hire Drivers to sit and pass the full Knowledge Test, possibly resulting in a challenge from the Private Hire trade and a consequent reduction in local standards.

The CEO of Driving Miss Daisy advised the Sub-Committee that the service the company provided enabled anybody, irrespective of their physical or mental condition, to get out and about. The companionship service generated 60% of the company's revenue. He further advised that the training and expertise of its companion drivers were way above that of the Private Hire industry and were just short of paramedic level. Currently, the company had 40 operator's licences around the country, many of which were restricted licenses. Some licensing authorities did not require the company to have a licence as driving was not the primary service provided but was an enabler to allow it to provide a companionship service.

Councillor Price spoke as a witness in support of Driving Miss Daisy's application, stating that the company worked in partnership with Medway Hospital on patient discharge. The companion drivers did not just provide a transportation service but would check that discharged patients had sufficient food and heating at home. Drivers were recruited primarily for their health and social care skills rather than their driving skills.

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Members of the Sub-Committee questioned the applicant. He provided further details of the services provided by companion drivers; for example, they might accompany clients to their hospital appointments and provide feedback to their family. There was one charge for the service provided; transport and companionship were not separate charges. The vehicles had been specifically designed to reduce anxiety levels and provide infection control and operated to ambulance service standards.

Asked what the impact would be if Driving Miss Daisy drivers were required to undertake the full Knowledge Test, the applicant said that it would be significant and would curtail the company's ability to provide its services to local people.

In response to a question on the booking procedure, the applicant said that a risk assessment was conducted on all bookings to ensure that the right level of service was provided. At present most enquiries could not be accepted due to the lack of vehicles and drivers, which was why the company was looking to expand in Medway.

The applicant advised that 75% of clients were unaccompanied by a friend or relative and therefore relied on the assistance of the companion driver. He confirmed that the company had many contracts for home to school transport for pupils with special needs.

In response to questions from Members, the Licensing Manager clarified that the restricted Knowledge Test did not include routes or places of interest and was used for home to school transport contract work. On the pass rate of the full Knowledge Test, she advised that this was around three in ten. Many people took the test for the first time just to become familiar with it.

Asked about a possible challenge from the Private Hire trade, the Licensing Manager said that this was a concern as all drivers were required to assist passengers who were wheelchair users.

Summing up, the Licensing Manager said that all licenced drivers were required to undertake safeguarding training and she took the view that all drivers should be required to comply with the same licensing conditions.

In summing up, the CEO of Driving Miss Daisy, the applicant, said that across the country, the company operated with an exemption or restricted Knowledge Test and in these areas, there had not been any issues with the Private Hire trade.

All parties left the room whilst the Sub-Committee deliberated in private and returned to hear the Sub-Committee's decision.

Decision:

After careful consideration of the written evidence and the representations made at the meeting, the Sub-Committee approved the application from Driving Miss Daisy for its drivers to take the restricted Private Knowledge Test, subject to appropriate conditions to be agreed by the Regulatory Services Manager, Gravesham Borough Council, Gravesham and Medway Shared Licensing

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Service, in consultation with the Chairman of the Licensing and Safety Committee.

590 Exclusion of press and public

Decision:

The press and public were excluded from the meeting during the Sub-Committee's deliberations and decision making in respect of agenda item 5, because consideration of this matter in public would disclosure information falling within paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972, as specified in agenda item 6 (Exclusion of the Press and Public) and, in all the circumstances of the case, the Sub-Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Chairman

Date:

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