

LICENSING AND REGULATION COMMITTEE

19 January 2017

Attendance:

Councillors:

Mather (Chairman) (P)

Bentote (P)
Berry (P)
Burns
Elks
Green (P)

Huxstep
Izard (P)
Jeffer (P)
Laming (P)
Tait (P)

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 4 October 2016, be approved and adopted.

2. **PUBLIC PARTICIPATION**

Mr Jaleel Iqbal (a licensed Hackney Carriage driver) addressed the Committee during consideration of Report LR490 and his comments are summarised in the relevant item below. A summary of a statement submitted by Mr John Boardman (a licensed Hackney Carriage driver), who was unable to attend the meeting, was also referred to.

3. **REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS**

(Report LR490 refers)

The Committee considered the Report which provided a review of the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (“the Policy”) following the review of taxi and private hire services using the Vanguard method. Whilst the Policy was being reviewed, other minor changes had been proposed.

At the invitation of the Chairman, Mr Iqbal addressed the Committee and answered Members’ questions thereon.

In summary, Mr Iqbal stated that wheelchair access for hackney carriage vehicles should continue to be via side and rear loading and not solely by rear access as feedback by the trade had suggested. He considered that rear loading only would result in movability, access and safety issues and expressed concern regarding the adequate height of vehicles if any loading restriction was imposed. Mr Iqbal referred to the proposed changes to reduce the number of passengers travelling with and without a wheelchair user. He highlighted that there were occasions, particularly at Christmas, when families wished to travel together with a wheelchair user and by reducing the number of passengers travelling with a wheelchair user from three to one this would no longer be an option.

In conclusion, Mr Iqbal stated that he could not support the suggestion for rear loading only on wheelchair accessible vehicles, nor the proposed changes to Policy reducing the number of passengers travelling with or without a wheelchair user, as set out in the report.

The Licensing Officer outlined the statement received by Mr Boardman which stated that he was opposed to the increase in age of hackney carriage vehicles from three to five years from the date of registration and considered that this would compromise the high standard and quality of the vehicles available and would increase the number of vehicles, thereby affecting the livelihood of drivers. Mr Boardman could also not support the feedback from the trade in relation to rear access only for loading due to limited access to load wheelchairs from the rear of the vehicle on the rank and possible highway obstructions and customer safety concerns whilst carrying put this procedure. Mr Boardman also felt that rear access only could cause potential issues if the vehicle were to be involved in an incident and hit from behind. In conclusion, he suggested that drivers may require additional training in relation to wheelchair loading practices at point of application.

The Licensing Manager drew Members' attention to the proposed amendments to the Policy, set out in Appendix 1 to the report, as a result of the Vanguard review of the licensing process and following feedback from the trade and public consultation carried out via the Council's website, social media and on-street surveys, summarised in Appendix 2 of the Report. It was noted that multiple disability support groups had also been contacted for their views but response had been limited.

In response to questions from Members, the Licensing Manager clarified that the proposed changes to the Policy did not seek to impose any change to the loading of wheelchairs for hackney carriage vehicles and the option of rear loading only had been a request by the trade. The Licensing Manager emphasised that current licensing policy permitted wheelchair loading from the side and rear of the vehicle.

During debate, the Committee considered customer safety to be of the utmost importance and recognised that wheelchair users needed to be safely secured in a forward or backward facing position and that the specifications and sizes of wheelchairs and mobility scooters varied significantly which had an impact on available space.

In conclusion, the Committee considered that the proposed changes to the Policy, set out in Appendix 1, should be taken forward for consideration. A full consultation period would ensue to enable adequate engagement with disability groups, individual wheelchair users and support groups to establish the preferred response for wheelchair users and to garner suggestions. The Committee would then reconsider these proposed changes at a future meeting.

RESOLVED:

1. That the proposed changes to the Policy, as shown in Appendix 1 to the report, be taken forward for full consultation, prior to reconsideration by the Committee, and;
2. That officers seek to engage with various groups, as set out above, to clarify the preferred response and/or suggestions of wheelchair users, for further consideration at a future meeting of the Committee.

4. **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS**
(Report LR491 refers)

The Committee considered the Report which outlined the responses from the trade and Hampshire Fire and Rescue Service following a review of the taxi and private hire service in the Vanguard process in relation to the removal of the requirement for a first aid kit and fire extinguisher to be carried in a licensed vehicle.

In response to Members' questions, the Licensing Officer clarified that there was no requirement within taxi and private hire legislation for licensed vehicles to contain a first aid kit and fire extinguisher. It is a requirement under Health and Safety legislation for self-employed drivers to carry a first aid kit to provide first aid to themselves whilst at work.

It was noted that the Fire Safety Officer had indicated that, where fire extinguishers were carried, appropriate fire training should be provided on a regular basis, for which the driver would incur a cost. The size of the extinguishers carried were deemed to be insufficient to tackle most vehicle fires, therefore advice to licensed drivers was to move a safe distance away from the vehicle and contact the emergency services.

Several Members considered the availability of a first aid kit to be desirable in licensed vehicles. In response, the Licensing Officer explained that drivers had indicated that they would choose not to use the kit in any event for fear of possible legal repercussions they could face as a result of any first aid assistance provided.

During debate, the Committee considered that removing the requirement for drivers to carry first aid equipment under the vehicle licence would not preclude any licensed driver from carrying this of their own volition/use, but equally by not doing so, this would no longer prevent drivers obtaining a vehicle licence, as was currently the case.

RESOLVED

1. That Section 8 (requiring a fire extinguisher) and Section 9 (requiring a first aid kit) of the Hackney Carriage and Private Hire Vehicle Conditions, be removed, and;
2. That, delegated power be given to the Head of Environmental Health and Licensing to implement the amended Conditions within a reasonable time.

5. **MINUTES OF LICENSING SUB-COMMITTEE HELD 14 NOVEMBER 2016 (LESS EXEMPT APPENDIX)**
(Report LR492 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee (less exempt appendix) held on 14 November 2016 be received and noted (attached as Appendix A to the minutes).

6. **MINUTES OF LICENSING SUB-COMMITTEE HELD 15 DECEMBER 2016 (LESS EXEMPT APPENDIX)**
(Report LR493 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee (less exempt appendix) held on 15 December 2016 be received and noted (attached as Appendix B to the minutes).

7. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt minutes of the Licensing Sub-Committee held 14) Information relating to any individual. (Para 1 Schedule 12A refers)

	November 2016)	
##	Exempt minutes of the Licensing Sub-Committee held 15 December 2016)	Information which is likely to reveal the identity of an individual (Para 2 Schedule 12A refers)
)	Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

8. **EXEMPT MINUTES OF LICENSING SUB-COMMITTEE HELD 14 NOVEMBER 2016**

(Report LR492 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee held on 14 November 2016 be received and noted (attached as Appendix A to the minutes).

9. **EXEMPT MINUTES OF LICENSING SUB-COMMITTEE HELD 15 DECEMBER 2016**

(Report LR493 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee held on 15 December 2016 be received and noted (attached as Appendix B to the minutes).

The meeting commenced at 6.30pm and concluded at 7.35pm.

Chairman