

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Monday 25 July 2022 at 3pm at the Guildhall, Portsmouth

Present

Councillors Scott Payter-Harris (Chair)
George Madgwick (Vice-Chair)
Yinka Adeniran
Dave Ashmore
Kimberly Barrett
Stuart Brown
Tom Coles
Lewis Gosling
Leo Madden
Asghar Shah
Benedict Swann
Daniel Wemyss

1. Apologies for Absence (AI 1)

Apologies were received from Councillors Jason Fazackarley, Ian Holder and Linda Symes.

2. Declarations of Members' Interests (AI 2)

No interests were declared.

3. Minutes of the Previous Meeting (AI 3)

RESOLVED that the minutes of the previous meeting be approved as a correct record.

4. Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Matters - Amendments to Adopted Statement of Licensing Policy (AI 4)

Nickii Humphreys introduced the report and in response to questions clarified the following points:

Recommendation 4.2

Licence holders are currently required to inform the council within 24 hours of any arrest, detention, or charge against them. The recommendation is to increase this to 48 hours.

The rationale may be that some drivers may be in custody for more than 24 hours and therefore would not be able to report it to the council.

Recommendation 4.5 Sharing information

The council shares information locally. The council is being pushed to sign up to the NR3 database and record refusals and revocations of licences. It does not include people details of people who may not pursue an application if officers have indicated at an early stage that they would not support it.

On the council's application form, applicants are asked whether they have ever made an application and not pursued it.

Recommendation 6 Driver Licensing.

The DfT requires checks to be carried out on drivers every six months. Carrying this out online is easier for officers and cheaper for drivers. A manual DBS check form costs the drivers £45 every six months.

Recommendation 3.4 Changing Licensing Policy and Requirements.

The new policy requirements were not being applied retrospectively. The Department for Transport is recommending a change in that approach. Drivers would be notified when their licence is up for renewal and their suitability as a driver would be reviewed at that point. If they fall foul of this new policy, the matter would go to a subcommittee for determination.

Recommendation 23 All drivers enhanced check every six months.

No driver receives anything less than an enhanced check.

The committee then examined the proposed amendments listed in appendix B of the report and made the following comments:

Recommendation 5.1 Training Decision Makers

It was noted that no member can sit on a subcommittee without training, but this is not necessarily to be undertaken on an annual basis. It is incumbent on all members to take responsibility for their learning and ask the officers to go over any points or updates on planning law.

In response to a question from members, Ben Attrill, Legal Advisor explained that the Equality Act requires specific elements of training to be delivered and documented. He recommended that annual training be mandatory.

Recommendation 5.3 Fit and Proper Test.

In response to a question from the committee, the Licensing Manager explained that this recognises that although there has never been a definition of what a fit and proper person is, the committee is asked to make decisions based on the definition in the Act. The DfT is suggesting that the committee use the paragraph in 5.3 and that if there is any doubt, the application should be refused.

In terms of current policy, demo what we do re: the criteria of f and proper. No. of criteria we look at as well as what the DfT puts forward. This is put into the policy.

The Legal Advisor added that recently there has been a push to make the criteria more stringent. In response to questions, he explained that the Licensing Authority has revoked licences and refused applications. The applicants have the right to appeal to the Magistrates Court within 21 days of a delegated decision. The delegated officer acts on behalf of the Licensing Authority when making these decisions.

The Licensing Manager added that officers would only make these decisions when there is a public safety issue that needs to be acted on urgently.

Members agreed that this paragraph should be included in the council's policy.

Recommendation 10 Age Limits for Wheelchair Accessible Vehicles.

The policy was changed in December 2020 to ensure that vehicles can enter the Clean Air Zone (CAZ).

In response to questions, the Licensing Manager explained that the council is engaging with the owners of the only outstanding vehicles that are not currently CAZ compliant regarding the renewal of their licence. As they have shown that they have placed an order for a new vehicle with the potential delivery date, the licences for their current vehicles have been extended.

It is important that the committee has sufficient evidence to make any changes to its policies. It has been demonstrated previously that there is a marked increase in inspection failure rates for cars over 8 years old.

During the consultation many comments were made by the taxi trade that the cost of WAVs would far exceed those of normal saloon type vehicles. There is concern that the number of WAVs available would reduce.

Members asked that the following amendments be made:

Number 37 be added to the scheme of delegation set out in appendix A.

In section 1: Introduction to the Proposals / Consultation paragraphs 1.2 and 1.3 be included in a covering letter - this is the consultation process.

The Licensing Manager explained that an online survey would be produced which would highlight the sections where changes are recommended. The proposals will also be on the council's website.

Every driver, operator and proprietor will be contacted by email to inform them of the proposed changes and encourage them to engage.

The committee asked the Licensing Manager:

- 1) To work with the officer who has previously assisted the trade to obtain funding.
- 2) To extend the length of time that the consultation will be live to 31 October.

It was noted that drivers who breach the rules regarding the display of magnetic livery and those whose vehicles are not suitable for magnetic livery will be obliged to display permanent livery.

DECISIONS

Noted and approved the contents of the report and appendices and delegates authority to the Head of Service to arrange for the formal distribution and consultation on any agreed proposed amendment to the PCC policy and for responses to be received between 01 August and 31 October 2022.

Agreed to meet on a future date after 31 October 2022 to consider any policy amendments (in light of and having regard to any representations received) and with a view to agree an implementation date for the policy and any approved changes.

Noted/ approved the use of the existing penalty points system and other delegated powers to enforce the requirement that PCC prescribed livery must be displayed on licensed vehicles as set out in paragraph 3.4 of the report.

5. Trial to allow PCC Licensed Private Hire Vehicles in Bus Lanes in Portsmouth (AI 5)

Matt Abbott made a deputation expressing his concerns about private hire vehicles using bus lanes.

Deputations are not recorded in the minutes but may be viewed here [Licensing Committee meeting, 25 July 2022 on Livestream](#)

Nickii Humphreys, Licensing Manager introduced the report and reminded the committee that this was for noting and that it would only apply to Portsmouth City Council licensed vehicles.

In the discussion that followed, members noted that the decision to run this trial had already been made and that the Cabinet Member for Traffic & Transportation would consider the outcome and decide whether to continue it. It will also come back to this committee.

DECISION

The committee noted the report.

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Signed by the chair, Councillor Scott Payter-Harris