

LICENSING BOARD
Monday, 20th February, 2017

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Clark, Elliot, Jones, Napper, Reeder, Rushforth, Senior, Taylor, Williams and Wyatt.

Also in attendance : Commissioner M. Ney.

Apologies for absence were received from Councillors Allcock, Beck, Hague, McNeely and Sheppard.

1. WELCOME AND INTRODUCTIONS

The Chair, Councillor S. Ellis, welcomed everyone to the first meeting of the Licensing Board since the return of the Licensing functions to the control of this Council with effect from 13th December, 2016.

Members placed on record their appreciation of the work of Commissioner Mary Ney in making improvements to the Council's Licensing functions and providing guidance to Members and officers, relating to Licensing, since the appointment of the Commissioners by the Government in February 2015.

2. TAXI AND PRIVATE HIRE LICENSING - QUARTER 3 PERFORMANCE AND GENERAL UPDATE REPORT

Further to Minute No. C1 of the meeting between Commissioner M. Ney and Members of the Advisory Licensing Board held on 26th September, 2016, consideration was given to a report, presented by the Business Regulation Manager, providing an update on the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy, including details of the Performance Management Framework relating to the Policy. The report highlighted:-

- the Licensing Performance Framework – Third Quarter Results;
- update on the audit of licensed drivers against the requirements of the Council's Licensing Policy;
- the proposed priorities for the Licensing Service in the 2017/2018 financial year;
- enforcement actions being undertaken by the Licensing Service;
- the current position in relation to appeals (in both the Sheffield Magistrates' Court and in the Crown Court) against the Council's decision to refuse or to revoke drivers' licences;
- Licensing Service – restructuring and staffing update;

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- policies and protocols in respect of the sharing of sensitive information (eg: between the Council, the South Yorkshire Police and the National Crime Agency);
- during December 2016, the Council had successfully defended a legal challenge against the requirement for taxi cameras to be installed in licensed vehicles.

The Licensing Board Members discussed a number of salient issues:-

- licensed drivers – complaints about use of mobile telephones whilst driving;
- ensuring that taxi company signs are correctly affixed to the front doors of licensed vehicles; (nb: for personal security reasons, of the licensed driver, there is not yet a requirement for such signs to be permanently affixed to licensed vehicles);
- taxi cameras in licensed vehicles – ensuring that passengers are informed of how to switch-on the audio system and that there is adequate filming of the interior of the vehicle (ie: all seats are visible and persons in the vehicle are visible from the chest upwards);
- the Council has not granted any exemptions from the Policy requirement for taxi cameras to be fitted within licensed vehicles;
- licensed drivers who may work for two or more taxi companies – ensuring that the correct company sign and/or logo is affixed to the licensed vehicle when the driver is at work as a taxi driver;
- information available from the Disclosure and Barring Service (DBS) about licensed drivers and operators and applicants for such licences; nb: there is not yet a national database in respect of licensed drivers and operators;
- issues concerning food delivery drivers and hot food take-away premises (eg: the London initiative);
- ensuring that all licensed drivers complete the BTEC training course successfully;
- safeguarding training for licensed drivers;
- Hot Food Take-aways and Late Night Restaurants – review in the context of the Licensing Act 2003 objective of protecting children from harm;
- the Swinton Lock awareness-raising project with staff of hot food take-

aways and late night restaurants.

Resolved:- (1) That the report be received and its contents noted.

(2) That the progress being made with the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy, as now reported, be noted.

(3) That the following priorities for the Council's Licensing Service for the 2017/2018 financial year be endorsed:-

(a) Private Hire Operators – review;

(b) Hot Food Take-aways and Late Night Restaurants – review in the context of the Licensing Act 2003 objective of protecting children from harm;

(c) BTEC qualification course for licensed drivers – review to ensure quality of provision and completion success rate of licensed drivers and licence applicants;

(d) safeguarding training for licensed drivers – review of progress and whether the training ought to be refreshed (eg: possible sessions of smaller numbers of people).

(4) That a report detailing the outcome of the appeals (ie: heard in both the Sheffield Magistrates' Court and in the Crown Court) against the Council's decisions to refuse or to revoke drivers' and other relevant licences be submitted annually to a meeting of the Licensing Board.

3. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING DECISION MAKING - DELEGATION AND OVERSIGHT

Consideration was given to a report, presented by the Business Regulation Manager, describing the decision-making processes in relation to the Council's hackney carriage and private hire licensing functions, in the context of the return of those powers and functions to the control of this Council with effect from 13th December, 2016.

Accordingly, the Licensing Board considered the proposed scheme outlining the decision making and oversight processes relating to Hackney Carriage and Private Hire Licensing. Members noted specifically:-

- the role of the Licensing Board and the role of the Sub-Committee (comprising five Elected Members) of the Licensing Board;
- the role of the Cabinet Member for Waste, Roads and Community Safety (whose portfolio of responsibility includes the Licensing Enforcement Policy);

- the extent of decision-making being delegated to officers;
- the scrutiny role of the Council's Overview and Scrutiny Management Board; and
- the continuing oversight of the Council's Licensing function by the Government-appointed Commissioners.

Resolved:- (1) That the report be received and its contents noted.

(2) That the proposed scheme for the decision making and oversight processes relating to Hackney Carriage and Private Hire Licensing, as now submitted, be approved insofar as the Licensing Board is concerned, prior to further consideration of the scheme at the Annual Meeting of the Council to be held on 19th May, 2017.

4. HACKNEY CARRIAGE TARIFF - REVIEW

Further to Minute No. 42 of the meeting of the Licensing Board held on 28th November, 2007, consideration was given to a report, presented by the Business Regulation Manager, concerning a request made to the Council by the Rotherham Hackney Carriage Association for an increase in the metered fares currently being charged in the licensed hackney carriages.

Members of the Licensing Board were provided with a schedule of the proposed hackney carriage tariffs. The following issues were highlighted:-

- obtaining details of the comparative hackney carriage tariffs applicable in neighbouring local authority areas (eg: Barnsley; Doncaster);
- whether there was the need for the increased tariffs for Sundays (ie: the view of the Board is that the lower Tariff 1, instead of Tariff 2, should apply on Sundays);
- ensuring that passengers in hackney carriages are properly informed of all tariffs for journeys (nb: drivers must ensure that the Tariff card is on display and available for passengers at all times within the hackney carriage);
- whether there is specific justification for the large group surcharge, especially when the additional passenger(s) are children.

The Licensing Board noted that the decision on this matter is to be made by the Cabinet of the Council, after which the tariffs would be advertised in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Resolved:- (1) That the report be received and its contents noted.

(2) That, subject to the comments listed above, the Licensing Board notes the proposed increases in hackney carriage tariffs, as detailed in the report now submitted, which are to be considered further by the Cabinet.

(3) That the Rotherham Hackney Carriage Association be asked to explain the justification for the suggested large group surcharge, especially when the additional passenger(s) are children.

5. PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES - VEHICLE LICENCE FEES

Further to Minute No. 63 of the meeting of the Licensing Board held on 17th April, 2013, consideration was given to a report, presented by the Business Regulation Manager, explaining that compliance tests in relation to licensed vehicles are currently undertaken on behalf of this Council by Essential Fleet Services (EFS). The report stated that:-

- : vehicle testing is delivered as part of the Corporate Fleet Management Contract and the prices charged for the testing of vehicles are specified in that contract;
- : the Corporate Fleet Management Contract has recently been renewed with Essential Fleet Services (EFS), with a consequent revision in the fees charged by EFS.

The schedule of proposed vehicle test fees was:-

Service / item description	Current charge	Proposed charge
Application fee for 12 months' licence	£112	£112
Licensed vehicle compliance test	£66	£45
Exceptional condition assessment (including compliance test)	£66	£45
First retest	No charge	£25
Second retest	£37	£25
Missed appointment fee (full test)	£50	£50
Missed appointment fee (retest)	£37	£25
Issue of MOT test certificate (if required) – payable directly to Essential Fleet Services	n/a	£10
Issue of licensed vehicle plate	£32	£19
Issue of plate bracket	£16	£16
Hackney Carriage Doors Signs (per sign)	£7	£7

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Copy of paper licence	£18.50	£18.50
Approval of vehicle advertisement	£38	£38
Approval of trailer for attachment to vehicle	£37	£37

Members noted that there was a statutory process of public consultation, prior to final approval of the vehicle test fees.

Resolved:- (1) That the report be received and its contents noted.

(2) That the proposed licensed vehicle testing fees, as now submitted and revised, be approved.

(3) That the appropriate officers shall undertake the necessary consultation with the hackney carriage and private hire trade associations and place a notice in the local press outlining the proposed fee increases in relation to vehicle test fees.

(4) That a further report be presented for consideration and determination of the private hire / hackney carriage vehicle and private hire operator fees at the next meeting of the Licensing Board (or Licensing Board Sub-Committee) after the end of the consultation period.

(5) That, further to resolutions (1) to (4) above, the Licensing Board delegates the authority to approve the final vehicle test fees to a Sub-Committee of the Licensing Board.

6. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Licensing Board take place on a date to be arranged during April, 2017.