

LICENSING BOARD
11th June, 2019

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Clark, Jones, Marriott, McNeely, Napper, Reeder, Russell, Steele, Vjestica, Williams and Wyatt.

Apologies for absence were received from Councillors Albiston, Buckley, Mallinder, Sheppard and Taylor.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 24TH SEPTEMBER, 2018

Consideration was given to the minutes of the previous meeting held on 24th September, 2018.

Further to Minute No. 2(1) it was noted that the fees and charges had again been set for 2019/20 and there were no amendments to include the introduction of a fee to insurance companies and third parties requesting data downloads from the camera hard drives located in licensing hackney carriages and private hire vehicles.

With regards to Minute No. 4(i) it was confirmed that the window stickers to be displayed in licensed vehicles were currently being printed and would be issued shortly.

Resolved:- That the minutes be received and the contents noted.

3. TAXI AND PRIVATE HIRE LICENSING YEAR END PERFORMANCE AND UPDATE

Consideration was given to the report, presented by the Licensing Manager, which provided detailed performance in relation to the Licensing Team's performance against the Taxi and Private Hire Licensing Performance Framework for the 2018/19 financial year.

In addition, an overview of the key activities and actions undertaken by the Licensing Team during 2018/19 were also included.

The Licensing Board's views on the proposed priorities for the current year were welcomed.

The Licensing Manager guided the Licensing Board through the detail in the report and provided further information on the areas of:-

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- Enforcement actions and other activity undertaken by the Licensing Service.
- Corporate Performance Measures.
- Licensing Performance Framework.
- Enforcement actions undertaken by the Licensing Service (including the current position in relation to Court appeals).
- Key initiatives and project work within the Licensing Service.
- Proposed priorities for the Licensing Service in 2019/20.
- Operational priorities – Taxi and Private Hire.
- Enforcement work – options and recommended proposal.

The submitted report also provided details in the appendices of the performance against the Licensing Performance Management Framework for the year end and Enforcement Data for 2018/19.

In their consideration of the report Members noted that the majority of the reasons where a driver was found to be non-complaint were them not wearing their I.D. badge (despite the badge being present in the vehicle). The advantages and disadvantages of an I.D. badge being worn by a driver or on display for passengers to see were discussed and it was considered very timely that as part of the review of the current policy this element be captured.

Whilst it was noted that information sharing was generally efficient and effective on a multi-agency basis, there were still some gaps when the Police arrested a licensed driver and the Licensing Service were not informed. It was acknowledged that there were some common law disclosures, however, at a local level it would aid the Service's application of the Policy if information was shared. The Licensing Manager agreed to seek an early meeting with relevant Police Officers to ascertain how this issue could be addressed and would stress the importance of local information sharing of licensed drivers in a timely manner, enabling necessary investigation work to begin at the earliest opportunity.

Following on from the shared Licensing Committee training organised earlier in the year, it was suggested that further shared training opportunities with the Police would assist with outlining specific shared service objectives.

The Board was also advised, in response to a concern about the percentage of complaints not being responded to in the required timescale being down to the absence of an enforcement officer, had since been addressed as a result of a generic inbox/email for the service.

In their consideration specifically of the detail set out in Appendix 1 for the year-end performance, the Board expressed some concern about the delays in distributing documentation for Licensing meetings, the delivery of information to drivers in a timely manner and frustrations for the Licensing Board when case hearings were cancelled by drivers at short notice.

A pre-requisite of being a member of the Licensing Board was to receive annual training in order to hear case hearings. Whilst training had been delivered to the majority of the Members for 2018/19, arrangements were now in hand to deliver training to the 2019/20 Licensing Board on the 12th July, 2019 and it was already booked in for 2020/21.

Members of the Licensing Board found the annual training invaluable, but were concerned when Members found themselves in the position of being unable to sit on panels if they missed the training.

Outcome 3 for the Service related to attendance of the Licensing Team at weekly CSE intelligence meetings and the reasons for non-attendance were shared amongst Members. Concern was expressed that this responsibility fell to the Licensing Manager and whether it was appropriate for a Deputy to be named to attend in the Licensing Manager's absence.

Members considered the adherence to the Licensing Policy, but expressed concern about the potential for out of town licensed vehicles without CCTV operating in Rotherham when operators sub-contracted to other areas. Whilst this practice was not illegal. Members and officers in Rotherham, along with other organisations like the LGA, had lobbied and campaigned for a nation-wide policy that included mandatory CCTV in all licensed vehicles. Members were advised that from experience some CCTV camera systems were better than others and lessons could be learnt.

A suggested option that had not been considered was a local byelaw requiring CCTV cameras in vehicles operating in the town centre.

The report, as submitted, also detailed enforcement actions undertaken by the Licensing Service on how such activity complied with the requirements of the Council's General Enforcement Policy. The General Enforcement Policy was currently subject to review and would be considered by the Cabinet in November, 2019.

Specific detail relating to enforcement data for 2018/19 was shared with the Board, who noted that whilst there were specific incident numbers, very often these were subject to more than one action/investigation. This was broken down further into delegation and decision.

The Board also noted that during 2018/19 fifteen appeals were lodged in relation to decisions made by licensing officers and/or Licensing Board. Of these the Council had successfully defended seven. Of the remaining eight; six were not yet resolved in the time period covered by the report. Four had since been resolved and one of the remaining cases was adjourned at the request of the license holder. One appeal was not defended due to additional information and a further one had been allowed by the Magistrates Court.

The Board suggested that some form of learning opportunity/experience stem from legal action and this be shared with Members in some way. It was suggested information be circulated to the Licensing Board on outcomes of appeals and this be forwarded to Committee Services for circulation.

Key enforcement actions undertaken in 2018/19 were highlighted including private hire operators and licensed premises. Officers were also part of a user group that tested the National Register of Renovations and Refusals (NR3) as part of the database for assessing an applicant's fitness to hold a license in Rotherham.

It was also noted that in December, 2018 the Council presented a land mark case at Sheffield Crown Court in front of the Recorder of Sheffield, which led to a judgement being made that stated that the Courts were entitled to take into consideration information that may affect the suitability of a person to hold a taxi licence, even if that information was not made available to the individual concerned.

This was the first time Public Interest Immunity had been considered in a Crown Court in relation to taxi cases and would allow the Council (and Courts) to take action in those exceptional cases where there was significant information regarding a licence holder, but that information was so sensitive that it could not be revealed to the licence holder.

In terms of priorities for 2019/20 the Service were proposing a number of actions including a review of the Hackney Carriage/Private Hire Licensing Policy.

In addition to the priorities identified relating to the measures detailed in the Council's Corporate Plan, the Service would continue to undertake reactive and proactive work intended to ensure that licensed drivers and vehicles continued to meet the standards that were detailed in the Council's policy.

The Board acknowledged this had been a difficult year with lots of activity, along with an increased number of case hearings. This put pressure on staff with increased workloads and they were thanked and commended for their support.

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

(2) That the priorities for the Licensing Service during the 2019/20 financial year be supported.

(3) That as part of the review of the Council's Private Hire and Hackney Carriage Licensing Policy the location of the I.D. badge be considered.

(4) That a meeting be arranged with relevant Police Officers and the Licensing Service on the importance of local information sharing when this related to arrests of licensed drivers.

(5) That consideration be given to:-

- The inclusion of a named Deputy to attend the weekly CSE intelligence meetings in the absence of the Licensing Manager.
- A local byelaw requiring CCTV cameras in vehicles operating in the town centre.
- Circulating appeal decisions and outcomes via Committee Services to the Licensing Board.