

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 11 APRIL 2018

Present: Councillor Livingston (Vice-Chair in the Chair);
Councillors McDonald and Skeats.

Apologies: Councillors Woodward (Chair), Dennis and D Edwards.

The Sub-Committee expressed their thanks to Councillor Marian Livingston, who would not be standing in the elections in May 2018, for her work as vice-chair of the Licensing Applications Committee and Licensing Applications Sub-Committee 3.

35. MINUTES

The Minutes of the meeting held on 6 March 2018 were confirmed as a correct record and signed by the Chair.

36. REVISION OF THE EXISTING PROCEDURES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE APPLICATIONS

The Director of Environment and Neighbourhood Services submitted a report which sought approval to make changes to the current application procedures regarding how applicants applied for a Disclosure and Barring Service (DBS) enhanced certificate (criminal record check) and to withdraw the issuing of 'entitlement to drive' letters to drivers on renewal of their licence to streamline the application process. A Hackney Carriage and Private Hire Policy was currently being drafted, which would detail the processes regarding the issuing of all licences with respect to hackney carriages and private hire vehicles. These revisions to procedure would be incorporated into the draft policy.

The report stated that the change regarding applicants applying for a DBS enhanced certificate was for applicants to sign up to the DBS online update service. This was a service offered by DBS which allowed the driver to keep their criminal record and barring check up to date and prevent long delays when applying for the grant or renewal of a hackney carriage or private hire vehicle driver's licence. Under the current system drivers sometimes had to wait for three months or more for a DBS check to be completed. With the update service, records were checked by DBS every week and the certificate updated accordingly and officers could then check the status of the driver's certificate online negating the wait for a paper certificate to be issued. Driver's licences were issued for three years and a valid certificate was required for every renewal. By using the update service the driver would save £5 in fees over the three years; a £39 cost of the annual update service over the three years as opposed to the £44 cost of a paper certificate every three years on renewal. The update service would mean that officers could check the status of the driver's DBS certificate online, speeding up the application process and reducing officer time spent processing the paper application forms. If there were no changes to the DBS certificate, and the driver continued to pay the £13 annual fee, they would not need to apply for another DBS certificate. Officers proposed that this update would be effective for all private hire and hackney carriage vehicle driver's licence applications received from 1 June 2018.

The report stated that during the past 12 months, officers had issued approximately 300 'entitlement to drive' letters with some drivers requiring more than one letter before their application had been completed. This had cost implications regarding officer's time to produce the letters along with those for printing and postage. Therefore, officers proposed that the full three year licence was issued on the date of renewal if all

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paperwork and fees had been paid a minimum of four weeks before the renewal date, even if DVLA, DBS or VISA status checks had not yet been completed. This would replace the current system of issuing 'entitlement to drive' (ETD) letters. The inclusion of a covering letter with the licence would inform the driver that they still needed to meet the required standard and enforcement action would be taken should any issues arise during the application process. Officers were proposing that renewal applications should be received a minimum of four weeks before expiry to ensure that the administration procedures surrounding applications could be completed and allow a new licence to be produced before expiry. This procedure was similar to that of a number of neighbouring Licensing Authorities. Officers had contacted six Licensing Authorities to gauge what their policies were in relation to the renewal of driver's licences, the correspondence of which was attached to the report. The four week processing period, together with the proposed changes to the system for checking DBS certificates, should result in licences being issued with all the relevant checks completed.

The report stated that officers had worked in consultation with the hackney carriage and private hire trade regarding these proposals. A consultation had been sent out to the trade twice following proposed amendments and the consultation period was extended by seven days to allow sufficient time for responses to be received. One objection was received by Mr Manzoor Hussain of Yellow Cars in respect of the proposed changes and one response was received in support of the proposed changes by Mr Anthony Roe of 1st Class Travel.

Resolved -

- (1) That the proposed changes regarding applicants using the DBS online update service be approved and the following paragraph be added to the draft Hackney Carriage and Private Hire Policy:

3.5.7 The applicant is required to sign up to the DBS update service on receipt of their new DBS certificate and pay any annual fees for the service as required for the duration of the time they hold a current private hire or hackney carriage vehicle driver's licence. The Council will check the DBS certificate of the applicant using the update service for future renewals or as required. Once the applicant has signed up to the DBS update service, they will not be required to apply for a paper DBS enhance certificate as long as the status of the certificate does not change and they continue to pay the relevant annual fee to the Disclosure and Barring Service;

- (2) That the proposed changes regarding renewal applications and 'entitlement to drive' letters be approved and the following paragraphs be used to update the current guidance and added to the draft Hackney Carriage and Private Hire Policy:

3.10.6 An application for the renewal of a driver's licence, including all relevant paperwork and associated fees, must be submitted a minimum of four weeks before the current licence expires. If the renewal application is received within this time the new three year licence will be issued on expiry of the current licence. If the driver is awaiting the outcome of a DBS check, DVLA check or visa status the licence will be issued with a covering letter informing the licence holder that the licence is issued subject to the satisfactory completion of the application process and that the licence may be suspended or revoked if they do not subsequently meet the expected criteria;

3.10.7 Applications received less than four weeks before the expiry date may result in a licence not being issued due to insufficient administration time for the licence to be produced. The applicant will not hold a valid licence in order to continue to drive. A licence will be issued at the discretion of the Council and will be subject to reasonable administration timescales.

37. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following item of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2 and 3, specified in Part 1 of Schedule 12A (as amended) to that Act.

38. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider the grant of a three year private hire (school transport) vehicle driver's licence.

A summary of the circumstances of the case was appended to the report.

The applicant was present at the meeting and addressed the Sub-Committee.

Resolved -

That the application by AH for the grant of a three year private hire (school transport) vehicle driver's licence be granted.

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting started at 6.30pm and closed at 7.03pm)