

Meeting 1: Members Questions and Officers responses

1. Possible reform of licensing legislation – what is the current position?

Law Commission recommendations and draft bill are expected in late 2013.

2. Members raised the need to eliminate inconsistencies between the licensing policies of Gedling and neighbouring authorities – is there scope to align our powers better – i.e. more closely to County arrangements? This would help to make decisions which are coherent to the applicants, who have experience of other authorities' rules.

In April 2012 a meeting was held with Licensing Officers across the County to discuss standardisation of the policies for drivers under the 'fit and proper' criteria. Gedling Borough Councils' policy was used as a basis for the review as it was considered to be the most comprehensive. The policy was discussed and amendments were made. A further meeting was proposed to discuss the response from each Authority either from Members or Managers.

The draft proposals were discussed with the Legal Section and Cllr Paling, Chair of Environment and Licensing, the response to the changes being positive. No meeting date has been set to review this matter however the general view was that because of the way each Authority worked and the individual delegation arrangements it was proving difficult to achieve wholesale agreement on the policy.

Officers later followed up with Rushcliffe BC who confirmed that as far as they were aware all other Nottinghamshire Authorities (except Bassetlaw, whose feedback was still awaited at the time of writing) had adopted a new policy based on the one already in place at Gedling.

Officers now intend to review these policies and identify any differences with a view to reviewing the Gedling Borough Council policy (last reviewed Dec 2011). It will then be discussed with the Legal Section and the Chair and then any changes agreed will be referred to Environment and Licensing Committee for consideration.

3. Is there scope to develop a policy which restricts the number of licenses issued? The guidance currently suggests that it is left to market forces, but the situation is becoming messy. The City Council differentiate between Hackney and Private Hire.

Officers referred Members to the latest Department of Transport Best Practice for Taxis – Section 'Quantity Restrictions of Taxi Licences outside London' (attached: appendix 1.4)

4. How does/can Gedling ensure that we publicise the rules, including the differences between Hackney rules and Private Hire rules? Clarification

of rules is requested – is it the case that a driver can have one licence suspended and still operate under the other?

Information regarding applying for a taxi licence is on the Council's website and the Customer Service staff are trained to give advice at the point of application. The website is currently undergoing an update in which it is intended that the process be made clearer however the legislation, regulations and associated case law which must be applied alongside the Council's own policy mean that it would be impossible to address all possible questions posed by a customer.

5. Re the Stockton Council case law, which advises that Hackney Carriages are allowed to work in areas outside their Local Authority boundary as private hire vehicles, but allows the authority to put in place conditions in their policy to mitigate the problem – could Gedling do the same?

This issue has been looked at and very basically revolves around the question of assessing that the majority of the work the vehicle does is Hackney Carriage work in the area in which it is licensed and not private hire work outside the area. Proving the type of work carried out is difficult. One solution an Authority has come up with is to make it a condition of the licence that Hackney Carriage work is recorded in the same way as private hire work (Hackney Carriages do not have to do this under current legislation).

This was discussed as a possibility but it was pointed out that it would have to apply to all Hackney Carriage drivers, even those who did not carry out private hire work, and that this could prove to be extremely onerous. The records kept for private hire work are kept by the operator and not the driver. In addition this condition could only apply to renewal vehicles as new vehicle which have not been licensed before would not have this evidence to submit.

6. The City has a 'knowledge' test less onerous than the London equivalent – could Gedling have the same?

The implementation of a 'knowledge' or topography test will be investigated by the Licensing Section.

7. Two or three local firms are now requiring that drivers take an NVQ, similar to that held by door security staff – could the Council make this a condition of licensing (i.e. must take the NVQ within the first year)? Could it include a minimum required level of communication skills?

Any firm is entitled to ask that its drivers take an NVQ and it is understood by the Licensing Section that one firm at least in the area does that. It could be included as a condition (after advice from the Legal Section) to be taken within the first year of licensing. It would have to be investigated as to what the current NVQ requirements are and if this includes a minimum level of communication skills. If it does not include this, consideration could be given

to including this in a knowledge test however it would need to be handled sensitively and there would be questions of resources to carry out the test and necessary qualifications for the examiners.

8. Is there scope for officers to liaise with the bigger firms with a view to implementing such a condition?

The larger firms could be contacted about the NVQ issue however if it was a condition it would have to apply to all drivers, therefore the small firms and single operators would also be affected. There is also the question of whether it would apply to new drivers only or to renewal drivers as well.

9. Could officers also liaise with larger firms to promote the establishment of better disability access? Could this become a condition of granting the operating license – i.e. that the firm must have at least x number of disabled access vehicles?

The legalities of this would need to be discussed with the Legal Department. It is also most likely that this issue would be being addressed under the legislation review. The Licensing Section has never received a complaint from a person with a disability that no suitable vehicle was available to transport them.

10. Also, could we consider requiring firms, as they replace their fleet, to incorporate a set number of hybrid vehicles?

This would be a matter of policy and would need legal advice.

11. Could some or all of the above suggestions be incorporated into a 5 year improvement plan, with some elements progressed on a partnership basis?

This would be a decision for the Council presumably after legal advice.

12. Re application forms and guidance – Members feel that these should be reviewed – possibly by the plain English charter mark agency. They are presently very legalistic, and applicants do have problems completing them properly. Also – is the form available for online completion?

The application form was reviewed several times in 2012 with the assistance of the legal department and Committee Chairs comments were sought. The form is fairly straightforward now however the conditions for all the licences are very legalistic and do require further review.

There is no on-line form that can be completed due to fact that photographs have to be submitted and the CRB (Criminal Record Form) is not available on-line. This form has to be an original provided by the CRB and they won't accept copies. Identity must be proven in person with original supporting documentation, by the applicant, as specified by the CRB.

13. Action: Jane Ansell: Obtain the Taxi Licensing policies and protocols of Nottm City, Broxtowe, Rushcliffe and Ashfield for consideration.

(This action was superseded by officers' response to question 2)

14. Reference Vehicle checks: does the City Council presently carry out the vehicle checks on behalf of Gedling Borough Council? Members are aware that Gedling does its own CRB checking.

Vehicle tests have to be carried out within the area that the vehicle is being licensed and this is provided by the legislation. Vehicles applying to GBC are tested either at the Council's workshop or at Redhill Garage on Mansfield Road.

Once a vehicle is licensed, enforcement checks can only be carried out by an authorised officer of the Council. A request has recently been made by Nottingham City Council to discuss the possibility of allowing their enforcement officers to be authorised officers to enable them to check Gedling vehicles when they are within the City Council boundary.

The driving tests are carried out by the same provider that is used by the City Councils licensing section and this is based at Commercial and Transport Services Section at Nottingham City Council.

15. Members requested clarification of the process of approving licences – should cases only come to committee when there are issues arising from the checking process?

Please see the current policy. The only applications that are referred to Committee are those that fall under that section of the policy. The policy was last amended and approved by Committee in December 2011.

16. Information required – what percentage of drivers is licensed without ever coming to committee?

Approximately 10% of applicants are referred to Committee.