

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 5 OCTOBER 2016

Present: Councillor N Smith (Chairman)

Councillors R Ashman, J Clarke, N Clarke, J Cotterill, D Everitt, T Eynon, G Hault, P Purver, V Richichi, A C Saffell, S Sheahan, M Specht and M B Wyatt

In Attendance: Councillors J Legrys

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mrs R Wallace

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G A Allman, J Hault and G Jones.

15. DECLARATION OF INTERESTS

There were no declarations of interests.

16. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 15 June 2016.

Cllr R Ashman asked for his apologies be added as an amendment to the minutes.

It was moved by Councillor M Specht, seconded by Councillor J Cotterill and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 15 June 2016 be approved and signed by the Chairman as a correct record.

17. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY AND CONDITIONS

The Environmental Health Team Manager presented the report explaining proposed changes to driver policy and conditions before it was sent out for wider consultation. The outcome of the consultation would be reported back to Members as part of a final report in February. He went through each proposal in turn.

Proposal 1 – ‘It is proposed to amend the medical examination section of the fit and proper person policy by requiring the medical examination to be carried out by the applicants own medical practitioner or a medical practitioner with access to the applicant’s medical history.’

Being a General Practitioner, Councillor T Eynon stated that she had carried out these types of medical examinations in the past and she shared officers concerns regarding examining people without their full medical history. Her main comment was that it was important for the General Practitioners to be consulted as it would impact on workloads and medical history would need to be provided. In response to a question from the Chairman, Councillor T Eynon confirmed that a General Practitioner could not access medical records from other surgeries but there were sharing arrangements that could be put in place, this however could get complicated and that was why she felt it was important to have discussions with the local Clinical Commissioning Group.

Chairman’s initials

Councillor V Richichi felt that the medical examinations should only be conducted by the driver's own General Practitioner; he believed that it would be easier than seeing someone different and making the arrangements for medical records to be made available. Councillor T Eynon explained that as these type of medical tests were not an NHS function it could mean a long wait for an appointment due to General Practitioners being very stretched already. Therefore people do go elsewhere as it could be done without medical records but relies on the individual being truthful regarding their history.

The Environmental Team Manager agreed with the comments being made and stated that restricting driver's to their own General Practitioners was initially considered. However he was aware of the likely delays and believed it would be too restrictive. He agreed to contact the Clinical Commissioning Group and report back to the committee with further proposals.

In response to a question from Councillor S Sheahan, the Environmental Health Team Manager explained that if medical records could not be accessed the medical examination would not be accepted by officers. If there was a valid reason for not being able to access medical records such as the applicant originated from a different country, then the officers could use their discretion but essentially it was the applicant's responsibility to gain access to their own medical records.

Councillor M Specht commented the he was aware of HGV drivers that on failing a medical examination would simply go to other General Practitioners until they passed. Due to this he believed it would be a good idea for all applicants to go to the same place for examinations.

Councillor J Clarke suggested that a section be included on the medical examination form for General Practitioners to complete to make it clear that medical records had been seen. The Legal Advisor explained that they used standard forms which could not be altered but suggested that a covering note be added which included a declaration for the General Practitioner to sign regarding the medical records.

Councillor S Sheahan asked how applications would be dealt with if the suggested declaration had not been signed to say that medical records had been available. The Legal Advisor explained that the application would be refused and case law would support the decision.

Proposal 2 – 'To amend the relevance of the convictions section of the fit and proper persons policy by increasing the level of detail within the policy, providing applicants, licence holders, licensing officers and elected members with more clarity.'

Regarding the wording of paragraphs 7.5.2 to 7.5.5, the Environmental Health Team Manager confirmed that the wording was correct and meant that until the required amount of time had passed since the conviction or offence officers would not entertain an application. He stated that the wording would be revised before it went out for full consultation.

Proposal 3 – 'To amend the fit and proper persons policy by introducing a requirement for applicants / drivers to undergo training in safeguarding children and young adults / Child Sexual Exploitation. Drivers will learn about how they can identify signs of Child Sexual Exploitation and how to report any suspicions.'

In relation to safeguarding in general, Councillor M Specht asked what was in place to deal with drivers that took medication that could affect their ability to drive. The legal Advisor explained that it was a matter for the police initially and then the Council would be notified.

Proposal 4 – *‘To amend the driver code of conduct by further defining the dress code, further detailing correct and incorrect driver behaviours, and adding the procedure for reporting safeguarding concerns.’*

Councillor N Smith agreed with amendments to the dress code as he believed that it gave a good impression of the District if the drivers were dressed smartly.

Councillor M B Wyatt questioned how the dress code would be enforced as he felt ‘smartly dressed’ was down to the opinion of each individual. The Environmental Health Team Manager explained items of clothing not to be worn would be listed within the code of conduct and this should help in identifying what to wear. The Legal Advisor commented that the only other proposal available would be to introduce a uniform but in the past Members felt that it was too prescriptive. In response to a further question from Councillor M B Wyatt, the Environmental Health Team Manager explained that the dress code would be available to view on the website and within all licensed vehicles would be a passenger feedback notice should any passenger wish to make comments.

Councillor D Everitt felt that it was unnecessary to include baseball caps in the items not to be worn as they were very useful in bright sunshine.

Councillor M Specht raised concerns regarding the interpretation of ‘smartly dressed’ as each person has a different view. In his experience as Chairman he came across this problem as his view of smart casual was not the same as others. He believed the only way to get the dress code correct was to introduce a uniform.

Councillor M B Wyatt suggested that sandals be added to the list of items that should never be worn.

Councillor P Purver believed that a uniform should be introduced as other driving occupations had one, such as bus and lorry drivers. She suggested a simple uniform of polo shirt and trousers which would be fairly inexpensive to acquire. The Legal Advisor stated that the proposal for a uniform could be included into the consultation to gain people’s views. He added that as there were lists of items that drivers should and should not wear, drivers were likely to be appropriately dressed.

Councillor N Clarke asked for the use of hands free to be included within the code of conduct for consultation.

Councillor R Ashman commented that he preferred the list of acceptable items of clothing rather than a uniform. He also agreed with the suggestion of the use of hands free but asked for it to include an attachment to the phone so that it was secure to the car.

Proposal 5 – *‘To amend the byelaws by adding the following requirement – The driver of a hackney carriage shall comply with the NWLDC code of conduct for hackney carriage and private hire drivers’*

Members had no comments.

In response to comment regarding recommendation four which related to the delegation to make amendments to the code of conduct to reflect changes in legislation, the Legal Advisor explained that it was necessary so that the authority was abiding by the law and was generally due to the fact that it could not wait until the next scheduled meeting of the committee. He suggested that when amendments needed to be made in between meetings, they be reported back to the next committee to make Members aware.

The Chairman asked if officers could inform Members by email of any amendments instead of waiting for the next meeting. The Legal Advisor confirmed that this was possible and it could be done through the weekly member's bulletin.

The Licensing Team Leader referred to a recent change that had occurred since the last meeting regarding the Drivers Standards Agency. The agency was no longer operating and therefore an alternative had been sourced and was almost confirmed.

The recommendations were moved by Councillor M Specht, seconded by Councillor S Sheahan and

RESOLVED THAT:

- a) The comments of the Committee be taken into consideration prior to the wider consultation.
- b) Any amendments to the Hackney Carriage and Private Hire Driver Code of Conduct to reflect changes in legislation and central government policy be delegated to the Environmental Health Team Manager in consultation with the Portfolio Holder.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.36 pm