

Meeting	Licensing And Regulatory Committee
Date	4 October 2022
Present	Councillors Cuthbertson (Chair), Melly (Vice-Chair), D'Agorne, Galvin, Hook, Hunter, Looker, Mason, D Myers, Norman And Wells
Apologies	Councillors Orrell, Barker And Wann
In Attendance	Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager) David Cowley (Taxi Licensing Manager)

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **10. DECLARATIONS OF INTEREST [17:36]**

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. There were none.

### **11. MINUTES [17:37]**

Resolved: That the minutes of the meeting held on 9 August 2022 be approved and signed by the Chair as a correct record subject to the following amendments:

### **12. PUBLIC PARTICIPATION [17:38]**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **13. TAXI LICENSING POLICY [17:41]**

Members considered a report setting out a proposed timetable for the revision, consultation and implementation of a revised

Taxi Licensing Policy. The Licensing Manager detailed the report and indicative timetable for the policy. It was noted that the draft policy met statutory and DfT standards. She was asked and clarified that:

- Officers would like wider discussion on certain aspects of the policy.
- If statutory standards were not met, this would need to be justified.
- The suitability policy may be an issue with the trade.

Members discussed the timings of the indicative timetable for the review of the policy. A Member asked if there would be enough time to review the policy without needing additional meetings of the working group. The Chair suggested that the working group may want to consider looking at the policy in two phases, beginning with statutory standards followed by locally determined policies. The Licensing Manager was asked and confirmed that the DfT had written to the council regarding the implementation of statutory standards. The time commitment involved in the meetings of the working group was noted. The Licensing Manager was asked and confirmed that work had begun on including the statutory standards in the draft policy.

Members considered the following options:

#### Option 1

- i. Ask officers to form a working party of Members and a representative of each registered Hackney Carriage and Private Hire Association to formally review the Taxi Licensing Policy.
- ii. Ask Officers to formally consult on the revised Taxi Licensing Policy. Bringing the results of the consultation back to this Committee.
- iii. Approve the indicative timetable for the revision, consultation and implementation of the Taxi Licensing Policy. The proposed timetable can be found at Annex 1.

#### Option 2

- i. Determine that a working party is not required and ask Officers to formally consult on the revised Taxi Licensing

Policy drafted by Officers. Bringing the results of the consultation back to this committee.

- ii. Approve an amended timetable (removing the revision element) for the consultation and implementation of the Taxi Licensing Policy. The timetable can be found at Annex 1.

### Option 3

- i. Determine that a formal public consultation is not required, giving reason why. Ask Officer to bring the Taxi Licensing Policy drafted by Officers to this Committee to make recommendation to the Full Council.
- ii. Determine that a timetable is not required.

Members then unanimously:

Resolved: That approval be given to Option 1 of the report, namely:

- i. That Officers to form a working party of Committee Members (agreed as the Chair, Vice Chair and Cllr Mason) with input from the Executive Member for Housing and Safer Communities, to formally review the Taxi Licensing Policy, liaising with a representative of each registered Hackney Carriage, Private Hire Association and user groups.
- ii. Thereafter, ask Officers to formally consult on the revised Taxi Licensing Policy. Bringing the results of the consultation back to this Committee.
- iii. Approve the indicative timetable for the revision, consultation and implementation of the Taxi Licensing Policy. The proposed timetable can be found at Annex 1.

Reason: To formally review the Taxi Licensing Policy to make sure it is in line with the requirements of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, any other statutory legal requirements and best practice.

**14. USE OF NATIONAL REGISTER OF REFUSALS AND REVOCATIONS (NR3) DATABASE [18:00]**

Members considered a report seeking approval to use the National Register of Refusals and Revocations (known as the 'NR3 database'), hosted by the National Anti-Fraud Network (NAFN) as part of its checks on new and existing taxi drivers to determine whether they were 'fit and proper' to hold a drivers licence, and to provide details of drivers the council has suspended, revoked etc. to other taxi licensing authorities to aid their licensing decisions. The Licensing Manager clarified that it would be the details of refusals and revocations, not suspensions would be shared with other taxi licensing authorities. The Taxi Licensing Manager was asked and confirmed that an alert from NAFN regarding a driver would not automatically mean that they would have their licence revoked in York.

Members considered the following options:

Option 1 – In advance of the impending legal requirement determine:

- i) That the council use the NR3 database as part of the 'other records and information' it uses under the existing Taxi Licensing policy to help determine whether a person is fit and proper' to hold a hackney carriage or private hire driver licence.
- ii) That the council populates the NR3 database with details of all drivers who have had hackney carriage or private hire drivers licences refused, suspended, not renewed or revoked (in so far as such records are held).

Option 2 – undertake the planned consultation on this requirement as initially intended.

Members then unanimously:

Resolved: That in accordance with Option 1, that in advance of the impending legal requirement determine:

- i) That the council use the NR3 database as part of the 'other records and information' it uses under the existing Taxi Licensing policy to help determine whether a person is fit and proper' to

hold a hackney carriage or private hire driver licence.

- ii) That the council populates the NR3 database with details of all drivers who have had hackney carriage or private hire. drivers licences refused, suspended, not renewed or revoked (in so far as such records are held).

Reason: To help fulfil the Council's impending legal obligations under the Taxis and the Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **15. NEW HACKNEY CARRIAGE LICENCES - REFERRAL TO COUNCIL [17:38]**

Further to the decision of the Committee on 7 June 2022, and the Executive on 28 July 2022, Members were asked to refer to Council the decision to amend the council's Taxi Licensing Policy in respect of the *number* of hackney carriage licences issued. The Head of Public Protection clarified that the ten new licences issued did not change the total number of licences being issued as three licences had not been renewed. Members then unanimously:

Recommended: That Council approve the issuing of *ten* new hackney carriage vehicle licences (three that have not been renewed and seven additional licences), bringing the total number to 190.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, and coupled with the proposed specification for those newly licensed vehicles provide a more environmentally friendly and easily recognisable hackney carriage fleet in the city in response to the declared climate

emergency and continuing desire to improve air quality.

Cllr Cuthbertson, Chair

[The meeting started 17:35 and finished at 18:07].