

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on
9 December 2020

(Present) **Councillor Banks (Chair)**
Councillors Bell, Cunliffe, Hattersley, Jones, T Long,
Maloney, Murphy, O’Keefe, Pearl, Pearson, Sweeney and
Uddin

(Not Present) **Councillors Pritchard and Tasker**

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Pritchard and Tasker.

2 MINUTES

- * **Resolved that the minutes of the meeting held on 2 September 2020 be approved.**

3 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

4 STATUTORY STANDARDS IN TAXI LICENSING

A report was provided to update Members upon the new Statutory Taxi and Private Hire Vehicle Standards.

Members were reminded that on 24 April 2019, a report was presented to this Committee which noted the Government’s intention to introduce new Statutory Standards for Taxi Licensing.

The response for St Helens to the consultation, along with the joint response from the Liverpool City Region authorities was also noted.

The Committee was informed that The Secretary of State for Transport had now published these standards in statutory guidance issued under the Policing and Crime Act 2017, with effect from 20 July 2020.

It was added that all Councils must now hold a wide-ranging consultation into the Standards and report back to Government on their intentions regarding implementation.

The Licensing Authority would be required to publish on its website and inform Government of whether it had chosen to adopt each of the new Standards.

The guidance noted that whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards was on protecting children and vulnerable adults, all passengers would benefit from the recommendations contained within it. There was consensus that common core minimum standards would be required to better regulate the taxi and private hire sector, and the recommendations in the guidance were the result of detailed discussion with the trade, regulators and safety campaign groups.

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The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to, and as such, Members were advised it is the intention that the Authority will adopt the Standards in full.

A copy of the Statutory Taxi and Private Hire Vehicle Standards was attached to the report at Appendix A.

The Committee was advised that a large number of the standards and safeguarding controls set out in the 'Statutory Taxi and Private Hire Vehicle Standards' document were already in place in St Helens, due to work completed and policies already introduced by the Licensing Authority.

However, the report outlined several significant changes that would require consideration in relation to implementation. Members were advised that the guidance states that the Licensing Authority should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade and that such consultation should not be restricted to trade organisations. As such, in addition to the licensed trade, the consultation will be shared publicly on the Council's website and with other organisations and groups.

Members were therefore asked to grant authorisation to the Licensing Manager to commence consultation into the Statutory Standards for a period of four weeks and the responses would be reported to the Committee for consideration in January 2021.

* **Resolved that:**

(1) the report be noted; and

(2) authorisation be granted to the Licensing Manager to undertake a full consultation into the Standards and a report on the responses be presented to the Committee in early 2021.

5 LICENSING SERVICE OPERATION

A report was presented to request Members' permission to delegate authority to the Licensing Manager on a limited number of issues, in order to improve service delivery during the ongoing COVID 19 pandemic.

Those issues were detailed in the report at Section 4.1.

Members were advised that the proposed delegations would also facilitate more productive working practices for the future.

It was outlined that the recent COVID 19 pandemic and the necessary changes this had brought to working practices in licensing had given cause to consider some existing arrangements.

Members were reminded of the implications of the new statutory guidance on Statutory Taxi and Private Hire Vehicle Standards published recently and the additional responsibilities this will place on the Licensing Authority.

Members were informed that it was also likely that those changes will generate more matters for consideration by the Committee.

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As such, Licensing Officers, in consultation with the Council's Legal Services Section, had reviewed current arrangements in order to improve service delivery.

* **Resolved that delegated authority be granted to the Licensing Manager on a limited number of issues in order to improve service delivery during the ongoing COVID 19 pandemic. Those six issues being as follows:**

- i) the power to issue a warning to those licensed drivers who have accumulated six points on their licence. Legal Services to be consulted in relation to any proposed warning and where deemed appropriate, such as where there are aggravating factors, the driver will still be referred to Committee for determination notwithstanding that they only have six points on their licence;**
- (ii) the power to accept photographs of documents instead of originals for applications whilst the Licensing Service was still operating from a closed building or remotely, as per Government guidance. This would not apply to new applicants who will still be required to send original documents to Licensing Section by recorded delivery, in order for their application to be processed;**
- (iii) the power to require licensed drivers to sign up to the online Disclosure and Barring Service (DBS) update service, unless there is a genuine reason presented for being unable to do this;**
- (iv) the power to accept a signed declaration from an existing driver where there are unavoidable delays in obtaining medical appointments or the return of the DBS certificates due to the ongoing problems with the COVID 19 pandemic. The driver would still be required to obtain the medical and/or DBS certificate as soon as this becomes possible;**
- (v) the power to defer the requirement for a medical for up to 12 months for existing drivers, if they were unable to obtain medical appointments due to ongoing problems with the COVID 19 pandemic. This would be subject to a signed declaration from the driver that there have been no changes to their medical condition/health since their last medical; and**
- (vi) the power to approve a new vehicle model or seating arrangement to the existing licensed fleet where there are no significant changes from existing licensed models and this would present no obvious public safety concerns. Should any public safety concerns be identified, this would still be referred to Committee for determination.**