

MINUTES OF LICENSING COMMITTEE HELD ON

8 December 2008

7.30pm-8.30pm

PRESENT

COUNCILLORS

Nick Churchill (Chairman)

David Carter
Sarah-Jane Dangerfield
Muriel Jolles

Joel Charles
Manny Doku
Linda Pailing

Jean Clark
Tony Hall
Russell Perrin

APOLOGIES

Lesley Rideout

68. DECLARATIONS OF INTEREST

None.

69. MINUTES

RESOLVED that the minutes of the meeting held on 10 November 2008 be agreed as a correct record and signed by the Chairman.

70. MATTERS ARISING

None.

71. WRITTEN QUESTIONS AND PETITIONS

None.

72. LICENSING COMMITTEE FORWARD WORK PLAN

The Committee received its forward work plan.

It was noted that the Licensing Sub-Committee on 16 December 2008 may be deferred and the relevant Members would be informed as soon as this was confirmed.

RESOLVED that

- (a) the Forward Work Plan be noted;
- (b) a report on signs in vehicle windows be added to the 19 January 2009 meeting.

73. **RANDOM ALCOHOL TESTING**
HACKNEY CARRIAGE DRIVERS

The Committee received a report proposing the introduction of random alcohol testing for hackney carriage drivers.

The hackney carriage driver by-laws would need to be modified to accommodate these proposals. Members were, therefore, asked to agree to the testing in principle, before an application was made to modify the by-laws.

A further report would be submitted to this Committee on the by-laws for referral to the Environment & Community Committee.

RESOLVED that

- (a) the proposals for random alcohol testing for hackney carriage drivers, as contained in paragraphs 9-12 of the report, be agreed;
- (b) a further report be submitted to this Committee as soon as the Hackney Carriage Driver By-laws have been modified.

74. **RANDOM DRUG TESTING**
HACKNEY CARRIAGE DRIVERS

The Committee received a report proposing the introduction of random drug testing for hackney carriage drivers.

The hackney carriage driver by-laws would need to be modified to accommodate these proposals. Members were, therefore, asked to agree to the testing in principle, before an application was made to modify the by-laws.

A further report would be submitted to this Committee on the by-laws for referral to the Environment & Community Committee.

Members agreed that the wording of the by-laws (particularly at 15a of the report) could be amended to take account of legal implications and any advice received from the Occupational Health Service. It was agreed that

any changes to the wording would be reported to this Committee, so that Members could consider whether to amend the private hire conditions to match the hackney carriage by-law wording.

Members noted that a meeting had been arranged between officers and the Occupational Health Service to discuss the procedures that would need to be in place before the testing was implemented.

Further consideration was being given to the feasibility of how any laboratory testing could be introduced on a cost neutral basis.

RESOLVED that

- (a) the proposals for random drug testing for hackney carriage drivers, as contained in paragraphs 9-14 of the report, be agreed;
- (b) a further report be submitted to this Committee as soon as the Hackney Carriage Driver By-laws have been modified;
- (c) a report on the wording of the by-laws and the outcome of the meeting to discuss the procedures for drug testing at the Occupational Health Service, be submitted to this Committee as soon as possible (at a special meeting if necessary and in any case no later than 9 March 2009).

75. **INTRODUCTION OF DRIVING STANDARDS AGENCY (DSA) ASSESSMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Committee received a report proposing the introduction of Driving Standards Agency Assessments for new hackney carriage and private hire driver applicants.

The following amendments to the report appendices were noted:-

- o Appendix A - Procedure for the Grant/Renewal of a Hackney Carriage Driver Licence Contentious Applications

Insert new (d) to read "The applicant fails the DSA assessment".
Change the original (d) to (e).
- o Appendix B – Procedure for the Grant/Renewal of a Private Hire Driver Licence Contentious Applications

Insert new (d) to read "The applicant fails the DSA assessment".
Change the original (d) to (e).

Members asked if it would be possible to introduce a schedule of retesting on a ten year cycle. It was agreed that the implications of doing this should be investigated and reported to members of this Committee.

RESOLVED that

- (a) it be recommended to the Environment & Community Committee that
 - (i) the proposal for the introduction of Driving Standards Agency assessments, as contained in paragraphs 4-10 of the report, be adopted;
 - (ii) the revised procedures for the licensing of hackney carriage and private hire drivers, as contained in appendices A&B of the report (as amended above), be adopted;
 - (iii) the revised Enforcement Policy, as detailed in Appendix C of the report, be adopted.
- (b) a briefing note be sent to all members of this Committee on the implications of introducing a regime of Driving Standards Agency assessments every ten years.

76. **PRIVATE HIRE CONSULTATION MEETING**

RESOLVED that the notes of the private hire consultation meeting held on 19 November 2008 be noted.

77. **HACKNEY CARRIAGE TRADE CONSULTATION MEETING**

RESOLVED that the notes of the hackney carriage consultation meeting held on 17 November 2008 be noted.

CHAIRMAN OF THE COMMITTEE

