

Public Document Pack

NOTICE OF MEETING

www.rbwm.gov.uk



LICENSING PANEL

will meet on

TUESDAY, 8TH OCTOBER, 2019

At 6.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE LICENSING PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), DAVID HILTON (VICE-CHAIRMAN), GURPREET BHANGRA, JOHN BOWDEN, DAVID CANNON, ROSS MCWILLIAMS, JOHN BALDWIN, MANDY BRAR, KAREN DAVIES, JON DAVEY AND GEOFF HILL

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, MAUREEN HUNT, GARY MUIR, JULIAN SHARPE, SHAMSUL SHELIM, DONNA STIMSON, CLIVE BASKERVILLE, SIMON BOND, CAMPO, NEIL KNOWLES AND HELEN TAYLOR

Karen Shepherd – Service Lead-Governance - Democratic Services - Issued: 30 September 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek** 01628 796310

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

Recording of Meetings –In line with the council's commitment to transparency the public part of the meeting will be audio recorded, and may also be filmed and broadcast through the online application Periscope. If filmed, the footage will be available through the council's main Twitter feed @RBWM or via the Periscope website. The audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	3 - 4
3.	<u>MINUTES OF THE LAST MEETING</u> To note the Part I Minutes of the meeting held on 2 April 2019.	5 - 8
4.	<u>MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE</u> To approve the minutes from previous Licensing and Public Space Protection Order Sub Committee. No sub committees have been held since 21 May 2019.	
5.	<u>TERMS OF REFERENCE</u> To note the Terms of Reference.	9 - 10
6.	<u>CHANGES TO PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER APPLICATION REQUIREMENTS IN RESPECT OF THE CERTIFICATE OF FITNESS</u> To receive a report from Greg Nelson, Trading Standards & Licensing Lead. The Panel to note the report and agree the suggested changes.	11 - 14
7.	<u>CHANGES TO DRIVING LICENCE CHECKS FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS</u> To receive a report from Greg Nelson, Trading Standards & Licensing Lead. The Panel to note the report and agree the suggested changes.	15 - 20
8.	<u>DATES OF FUTURE MEETINGS</u> Panel to note that the date of the next Licensing Panel will be 21 January 2020.	

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

This page is intentionally left blank

Agenda Item 3

LICENSING PANEL

TUESDAY, 2 APRIL 2019

PRESENT: Councillors Carwyn Cox (Chairman), John Bowden, Maureen Hunt, Sayonara Luxton, Asghar Majeed, Hari Sharma, Julian Sharpe and Derek Wilson

Officers: Shilpa Manek, Greg Nelson and David Scott

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bhatti and Sharp.

DECLARATIONS OF INTEREST

Declarations of Interest were received from Councillor Hari Sharma as he worked with First Bus Group and bus routes 702 and 703 served Ascot.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 8th January 2019 be approved as a true and accurate record.

CHANGES TO THE HACKNEY CARRIAGE TARIFF AT THE ROYAL ASCOT RACE MEETING

Greg Nelson, Trading Standards & Licensing Lead, introduced the report and went through all the points within it.

The Panel were addressed by Mr Yasin, representative of the taxi association. Mr Yasin informed the Panel that from Ascot station to the designated rank in the racecourse, on race days, the journey could take very long due to the traffic. Mr Yasin informed the Panel that fares could not be refused and non-Hackney Carriage providers were charging a lot more. The Panel were also addressed by Mr Sabir, professional driver, who had been driving on race days for the last ten years. Mr Sabir informed the Panel that tariff 1 was very low and tariff 2 would be more suitable and on par with other private hire drivers charges.

Councillor Sharma gave support for Option 2 in the report. Councillor Sharma pointed out that traffic was very bad on race days and all other transport companies had higher fares for peak times so this issue was overdue at being considered.

Councillor Majeed gave support for Option 2 in the report and highlighted that it was really important to look after our residents but also our drivers.

The Chairman clarified that tariff 2 would only apply from the specific rank in the racecourse grounds car park during the Royal Ascot Week meeting. During all other times, tariff 1 would apply.

Councillor Bowden asked for more information on other race days and at other racing venues before changing to tariff 2.

Councillor Sharpe asked if the Advantage Card could be used for RBWM residents but after a short discussion, the Panel felt this would not work.

Councillors Hunt and Luxton, both supported Option 2 in the report. Councillor Hunt stressed that notice of the changes should be given to our residents and other users, and that long distance fares could still be agreed before the journey began between the driver and passenger. Greg Nelson informed the Panel that signage was currently in the vehicle, tariff 2 would be used for short journeys and tariff 1 for long distance fares or a fare could be agreed before travelling.

Greg Nelson informed the Panel that a consultation would take place. An advert would be placed in the local newspaper for 14 days and responses would be collated. If the Panel agreed to Option 2, feedback would be provided to the Panel at the July meeting after this year's Royal Ascot Week on how the operation of Tariff 2 had gone.

All Panel Members (Councillors Cox, Hunt, Luxton, Majeed, Sharma, Sharpe and D Wilson) except Councillor Bowden voted for Option 2 in the report to go ahead with a trial and provide a verbal update at the next scheduled meeting in July. Councillor Bowden preferred Option 1 to leave as it was now.

RESOLVED: That Option 2 be agreed as a trial, to amend the Hackney Carriage Tariff such that Tariff 2 is used for RBWM licenced hackney carriages picking up at any time at the official rank in the racecourse only during the Royal Ascot Week race meeting,

- for all journeys wholly within the Royal Borough, and
- for all other journeys, subject to the driver and passenger being allowed to agree a fare at the start of the journey.

ACTION: Greg Nelson to provide a verbal update at the next Licensing Panel scheduled for July 2019.

DRAFT STATUTORY GUIDANCE ON NATIONAL MINIMUM STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

Greg Nelson, Trading Standards & Licensing Lead, introduced the report and went through all the points within it. The Statutory Guidance was noted as at draft stage and for information only at this stage, and currently out for consultation.

Greg Nelson pointed out that the RBWM policies would need to meet the guidance if it was agreed, however many of the current RBWM policies were already very close to what would be mandatory if the guidance was implemented. Some policies did not fully comply but this could be amended easily.

Members were asked to agree that, should the draft guidance be adopted and become statutory guidance, the current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions, the RBWM Private Hire Driver and Vehicle Policy & Conditions and the RBWM Private Hire Operator Policy & Conditions would be reviewed and brought into line with the statutory guidance.

After a lengthy discussion, the Panel noted the report and agreed its recommendation.

RESOLVED: That the report was noted and the Panel unanimously agreed the Officer's recommendations, including that the draft responses to the consultation would be submitted as drafted.

DATES OF FUTURE MEETINGS

Members noted the future meeting dates of the Licensing Panel.

The meeting, which began at 6.00 pm, finished at 7.20 pm

CHAIRMAN.....

DATE.....

This page is intentionally left blank

B5 Licensing Panel

B5.1 Purpose

- (i) The Licensing Panel will determine and keep under review:
 - a. the Statement of Licensing Policy
 - b. the Statement of Gambling Policy
 - c. the Hackney Carriage Policy and Conditions
 - d. the Private Hire Driver and Vehicle Policy and Conditions
 - e. the Street Trading Policy
 - f. the Sex Establishments Policy
 - g. the current Street Collections and House to House Collections Policy.
- (ii) The above Policies, as determined by the Licensing Panel, refer to certain delegations of functions to Officers. The Panel will keep these delegations under review and amend as necessary.
- (iii) To consult with members of the Hackney Carriage and Private Hire trade via their representative organisations on at least an annual basis in respect of proposed fee bands, enforcement, provision or ranks and other matters of concern to users and the trade and to make recommendations from time to time to the Council.
- (iv) To decide whether to arrange a survey on demand with regard to Hackney Carriages.

(All other functions other than those delegated to the Licensing & PSPO Sub Committee which may be delegated to the Licensing Panel are to be delegated to Officers)

B5.2 Membership

15 Members. N.B: A Cabinet Member may be a Member of the Licensing Panel

B5.3 Quorum

4 Members

B5.4 Frequency

Quarterly

B6 Licensing & Public Space Protection Order Sub Committee

B6.1 Purpose

The Licensing & PSPO Sub Committee will consider all matters relating to the following functions:

- i. Where an objection or representation is made for an application for or a variation to; a personal licence, a premises licence, a club premises certificate or a provisional statement.

- ii. Where a Police objection has been received in relation to an application for or to; vary a designated premises supervisor, a transfer of premises licence or Interim Authorities.
- iii. Where the authority must carry out a review of a premises licence.
- iv. Where an objection or representation is made for an Application for club gaming/club machine permits.
- v. Where there is a decision to be made for the cancellation of a club gaming or club machine permit.
- vi. Where there is a decision to be made to give a counter notice to a temporary use notice
- vii. Where an application for Licensed Premises Gaming Machine Permits involves over 4 machines.
- viii. Where a decision to object involves the local authority as a consultee and not as the relevant authority considering the application.
- ix. Where there is a determination of a Police objection to a temporary event notice.
- x. Where an application is received from a Sexual Entertainment Venue, including applications for existing premises
- xi. To consider the implementation of Public Space Protection Orders (PSPOs) within a single ward with regard to determining whether such an order should be made, extended, varied or discharged under Part 4 Chapter 2 of the Anti-social behaviour, Crime and Policing Act 2014;
- xii. To consider whether to make, extend, vary or discharge PSPOs proposing to restrict public right of access to highways (including alley ways) in accordance with Part 4 Chapter 2 of the Anti-social behaviour, Crime and Policing Act 2014 and under s.118b of the Highway Act 1980 for the stopping up of highways..
- xiii. In accordance with the Council's agreed Cold Calling Control Zone Policy, (as agreed by Cabinet on 27 November 2008), to consider requests to establish Cold Calling Control Zones.

(The above circumstances (i. to ix) in which functions may be delegated to the Licensing & PSPO Sub Committee are set out in the Licensing Act 2003 and drafted in RBWM's Licensing Policy Statement and within Annex A of RBWM's Statement of Principles Gambling Act 2005. (x) is pursuant to the Local Government (Miscellaneous Provisions) Act 1982, as amended).

B6.2 Membership

Any 3 Members of the full Licensing Panel. The Members will be called for a sub-committee meeting on a rota basis from amongst those appointed by the Council, with political balance being maintained wherever possible.

B6.3 Quorum

3 Members

B6.4 Frequency

As required

Report Title:	Changes to Private Hire and Hackney Carriage Driver Application Requirements in Respect of the Certificate of Fitness
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor Cannon, Lead Member for Public Protection
Meeting and Date:	Licensing Panel 8 October 2019
Responsible Officer(s):	David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All

REPORT SUMMARY

Applicants for a RBWM private hire or hackney carriage driver’s licence are required to submit a Certificate of Fitness signed by their GP.

This requirement is set out in the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively.

This report seeks a change to this requirement such that the Certificate of Fitness is signed either by the applicant’s GP or by another appropriate medical doctor

1. DETAILS OF RECOMMENDATION

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) Agrees to change to the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to allow a Certificate of Fitness to be signed either by the applicant’s GP or by another appropriate medical doctor**

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 The medical fitness to drive and operate a RBWM licenced private hire vehicle (PHV) or hackney carriage (HC) is an essential and long standing requirement.
- 2.2 The means of establishing an applicant’s medical fitness is set out in the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions (“the Policies”) respectively. Both of the Policies state that licence applicants must provide a Certificate of Fitness signed and stamped by the applicant’s General Practitioner. This has been a standard requirement for some considerable time
- 2.3 This requirement applies both to new licence applicants and to existing drivers renewing their licence.

- 2.4 It has been brought to our attention by a number of applicants that some GPs are no longer willing to sign and stamp a Certificate of Fitness due to workloads and other pressures.
- 2.5 This means that an applicant in this situation cannot comply with the requirements of the Policies and therefore, strictly speaking, should not be able to obtain a RBWM licence even if they could obtain a Certificate of Fitness from another appropriate medical doctor.
- 2.6 A simple means of addressing this problem would be to change the respective PHV and HC Policy and Conditions to allow an applicant to have their Certificate of Fitness signed and stamped either by their GP or by another appropriate medical doctor.
- 2.7 This would provide some flexibility for the applicants and remove potential delays in the licensing process, whilst ensuring that the essential requirement that their medical fitness to hold a licence is properly established and maintained.
- 2.8 The amendments to the Policies that would introduce this change are set out in Appendix A and Appendix B.
- 2.9 The Licensing Panel is invited to agree these changes.

3. KEY IMPLICATIONS

- 3.1 Making the recommended changes to the Policies would remove a potential barrier to obtaining a RBWM PHV or HC licence that has come about for reasons beyond the control of licence applicants. The essential requirement to establish the applicant's medical fitness to drive and operate a RBWM licenced (PHV) or (HC) would remain unchanged.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There may be some financial implications for licence applicants as they may be charged for a Certificate of Fitness (although some are already charged by their own GP). However, this is not something that can be avoided as establishing an applicant's medical fitness to operate a PHV or HC is essential, and this can only be done by either a GP or an appropriate medical doctor.
- 4.2 There are no financial implications for the Licensing team or RBWM.

5. LEGAL IMPLICATIONS

- 5.1 Conditions can be attached to vehicle licenses by virtue of sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976.

6. RISK MANAGEMENT

- 6.1 Any new condition attached to Policy and Conditions is in theory subject to challenge or judicial review. However, given that the changes proposed in this report are specifically designed to remove a barrier that some licence applicants are experiencing, the possibility of any challenge to the proposed changes is remote.

7. POTENTIAL IMPACTS

- 7.1 No EQIA is anticipated at this stage.
- 7.2 There are no impacts of the recommendations in relation to climate change or sustainability.
- 7.3 There are no new Data Protection or GDPR implications arising from the revisions proposed in this report.

8. CONSULTATION

- 8.1 Legal advice provided in 2014 recommended that any proposed revisions to Policy should be consulted upon before adoption as drivers have a reasonable expectation of being asked for their views.
- 8.2 That has been done by e-mailing PHV operators and HC representatives to ask for their views on the changes proposed in this report.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If Members are minded to amend the Policy and Conditions as set out in this report, the changes would come into force immediately

10. APPENDICES

- Appendix A – Proposed Amendment to Policy – Private Hire Vehicles
Appendix B – Proposed Amendment to Policy – Hackney Carriages

11. BACKGROUND DOCUMENTS

None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Cannon	Lead Member for Public Protection	10 Sept 2019	16/09/2019
Cllr Haseler	Chair of the Licensing Panel	10 Sept 2019	11/09/2019
Duncan Sharkey	Managing Director	4 Sept 2019	No comments
Andy Jeffs	Executive Director Communities Directorate	4 Sept 2019	13/09/2019
David Scott	Head of Communities, Enforcement and Partnerships	14 Aug 2019	Minor edits added 3 Sept 2019

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561 / 07970 446526	

Appendix A
Proposed Amendment to Policy – Private Hire Vehicles

In Section 2 “Application Requirements”;

Replace paragraph (k) with

“All applicants must submit a Certificate of Fitness which must be signed and stamped by their own General Practitioner or by another appropriate medical doctor. Medicals are required at first application, then ever five years until the licence holder reaches the age of 65. Thereafter Certificate of Fitness must be provided every year”

Appendix B
Proposed Amendment to Policy – Hackney Carriages

In Section 2 “Application Requirements”;

Replace the 11th paragraph with;

“All applicants must submit a Certificate of Fitness which must be signed and stamped by their own General Practitioner or by another appropriate medical doctor. Medicals are required at first application, then ever five years until the licence holder reaches the age of 65. Thereafter Certificate of Fitness must be provided every year”

Report Title:	Changes to Driving Licence Checks for Private Hire and Hackney Carriage Drivers
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor Cannon, Lead Member for Public Protection
Meeting and Date:	Licensing Panel 8 October 2019
Responsible Officer(s):	David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All

REPORT SUMMARY

When applying for a RBWM private hire vehicle or hackney carriage driver's licence, it is a requirement of the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions that the applicant provides their driving licence and evidence that the driving licence has been checked and verified by a stated company.

This company has served notice that it will no longer provide this service from 19 October 2019

An alternative process is therefore required and that is set out in this report. The changes will require amendments to the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) **Agrees to change to the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to reflect the new driving licence checking procedure.**

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 The requirement to see and verify an applicant's full UK driving licence before they can be issued with a RBWM private hire vehicle (PHV) or hackney carriage (HC) driver's licence is a fundamental and long standing requirement.
- 2.2 This check ensures that the applicant has had a full UK, NI or European driving licence for at least two years, as is required by the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions ("the Policies"). It also checks the status of the licence, that is, whether it bears any endorsements or convictions which would have a bearing on whether or not to issue the applicant with a RBWM PHV or HC driver's licence.

- 2.3 Up until now, applicants for a RBWM PHV or HC driver's licence have paid £7.50 to a company which carries out these licence checks, the results of which are presented to RBWM licensing officers
- 2.4 The company that has provided this service, Intelligent Data Systems Ltd (IDS), has served notice that it will no longer provide this service from 19 October 2019. We therefore need to provide an alternative means of driving licence checking and verification and amend the Policies accordingly.
- 2.5 IDS have suggested another commercial supplier for this service which would be at a similar cost to the applicants. However officers believe that there is another alternative which would reduce the cost to the applicant to zero, and would not take up any more officer / administrator time.
- 2.6 This alternative would require the applicant to access their driving licence data via the www.gov.uk website and show the information provided to a RBWM officer at their application appointment.
- 2.7 If the applicant does not have access to the internet they can ask a RBWM officer to access the website and obtain the required information at their application appointment.
- 2.8 Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of their hackney carriage, private hire or combined licence.
- 2.9 The amendments to Policies and application forms that would introduce this change are set out in Appendix A.
- 2.10 The Licensing Panel is now invited to agree these amendments.

3. KEY IMPLICATIONS

- 3.1 The current system for checking driving licences of applicants for a PHV or HC driver's licence will cease to be available from 19 October 2019. A new system is therefore required
- 3.2 The new system recommended would reduce the costs for the applicant and have a neutral effect as far as officers are concerned.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The recommended change would reduce costs to applicants for a RBWM PHV or HC driver's licence
- 4.2 There are no financial implications for the Licensing team or RBWM.

5. LEGAL IMPLICATIONS

- 5.1 Conditions can be attached to vehicle licences by virtue of sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976.

6. RISK MANAGEMENT

- 6.1 Any new condition attached to the Policies is in theory subject to challenge or judicial review. However, given that the changes proposed in this report will

reduce the cost of the application process, the possibility of any challenge to the proposed changes is remote

7. POTENTIAL IMPACTS

- 7.1 No EQIA is anticipated at this stage.
- 7.2 There are no impacts of the recommendations in relation to climate change or sustainability.
- 7.3 There are no new Data Protection or GDPR implications arising from the revisions proposed in this report.

8. CONSULTATION

- 8.1 Legal advice provide in 2014 recommended that any proposed revisions to the Policies should be consulted upon before adoption as drivers have a reasonable expectation of being asked for their views.
- 8.2 That has been done by e-mailing PHV operators and HC representatives to ask for their views on the changes proposed in this report.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If Members are minded to amend the Policy and Conditions as set out in this report, the changes would come into force immediately

10. APPENDICES

Appendix A – Amendments to Policies and Application Forms

11. BACKGROUND DOCUMENTS

None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Cannon	Lead Member for Public Protection	10 Sept 2019	16/09/2019
Cllr Haseler	Chair of the Licensing Panel	10 Sept 2019	11/09/2019
Duncan Sharkey	Managing Director	4 Sept 2019	No comments
Andy Jeffs	Executive Director Communities Directorate	4 Sept 2019	13/09/2019
David Scott	Head of Communities, Enforcement and Partnerships	14 Aug 2019	Minor edits made 3 Sept 2019

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561	

Appendix A

Amendments to Policies and Application Forms

1) Amendment to Booklet “Application for Licence to Drive a Hackney Carriage or Private Hire Vehicle”

In “Application for a Licence to Drive a Hackney Carriage and/or Private Hire Vehicle Stage 1 – First Appointment”

Delete;

“Data Protection Mandate for Intelligent Data Systems (Charge of £7.50) “

Replace with;

“UK Driving Licence Verification Process – All applicants will be required to provide verification of the current status of their UK driving licence. This is done by accessing your driving licence data via the www.gov.uk website (search for “driving licence information”) and showing the information provided to a RBWM officer at your appointment.

Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of the hackney carriage, private hire or combined badge.”

2) Amendment to PRIVATE HIRE DRIVERS & LICENSING REQUIREMENTS

In Paragraph 2. APPLICATION REQUIREMENTS;

Delete paragraph (c)

Replace with;

“(c) All applicants will be required to provide verification of the current status of their UK driving licence. This is done by accessing your driving licence data via the www.gov.uk website (search for “driving licence information”) and showing the information provided to a RBWM officer at your appointment.

Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of the hackney carriage, private hire or combined badge”

3) Amendment to Hackney Carriage Drivers & Licensing Requirements

In Paragraph 2. Applications Requirement;
Delete the third and fourth paragraphs

Replace with;

“All applicants will be required to provide verification of the current status of their UK driving licence. This is done by accessing your driving licence data via the www.gov.uk website (search for “driving licence information”) and showing the information provided to a RBWM officer at your appointment.

Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of the hackney carriage, private hire or combined badge”

4) Amendment to Application Form APPLICATION FOR GRANT OR RENEWAL OF HACKNEY CARRIAGE, PRIVATE HIRE OR COMBINED BADGE

- 1) In table “DOCUMENTS REQUIRED FOR GRANT OF HACKNEY CARRIAGE OR PRIVATE DRIVER LICENCE”

Delete;

“4. IDS Mandate (DP20)”

Replace with;

“4. Verification of current status of UK driving licence using information from www.gov.uk “

- 2) In table “DOCUMENTS REQUIRED FOR RENEWAL OF HACKNEY CARRIAGE OR PRIVATE DRIVER LICENCE”

Delete;

“4. IDS Mandate (DP20)”

Replace with;

“4. Verification of current status of UK driving licence using information from www.gov.uk “

- 3) In “DECLARATION OF APPLICANT”

Add a fourth paragraph;

“I confirm I give the Royal Borough of Windsor and Maidenhead the authority to access up-to-date information on my UK driving licence status via the www.gov.uk website for the duration of my RBWM licence, using my UK driving licence number, National insurance number and postcode.”

This page is intentionally left blank