

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a joint meeting of the Licensing Committee/Environmental Health Portfolio Holder  
held on Tuesday, 20 February 2007

PRESENT: Councillor RE Barrett – Chairman  
Councillor R Hall – Vice-Chairman

Councillors: Mrs PM Bear EW Bullman  
Mrs SM Ellington Mrs A Elsby  
Mrs SA Hatton Mrs HF Kember  
RM Matthews Mrs CAED Murfitt  
A Riley Mrs HM Smith  
Mrs DSK Spink MBE

and Councillor MP Howell, Environmental Health Portfolio Holder.

Councillor RF Bryant was also in attendance as Scrutiny and Overview Monitor.

Officers: Myles Bebbington Maggie Jennings  
Fiona McMillan Dale Robinson

### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors JP Chatfield (Opposition Spokesman) and DC McCraith.

### **2. DECLARATIONS OF INTEREST**

2.1 Councillor R Hall declared a non-prejudicial interest, as he knew one of the correspondents who had written in response to consultations. Councillor Mrs HF Kember declared a non-prejudicial interest as she used one of the taxi companies mentioned in the agenda and Councillors Mrs CAED Murfitt declared a non-prejudicial interest as she used to live next door to one of the correspondents.

### **3. MINUTES OF LAST MEETING**

3.1 The minutes of the meeting held on 16 October 2006 were agreed as a correct record.

### **4. ADOPTION OF DRIVING TEST FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**

4.1 The Corporate Manager gave a brief resume of the four remaining agenda items and informed Members that the items were before them as a result of recognised areas of weakness in the existing documents.

4.2 As a result of discussion the following issues were raised:

- Was the driving test a new requirement?
- Was there a system for re-testing once a driver had passed an initial test?
- What happened if drivers were repeatedly reported for bad driving?
- Were spot checks carried out on drivers or action taken once complaints had been received?
- What action was taken when complaints were received?

4.3 The following responses were made:

- Yes, however it was not a government requirement. Members noted that RoSPA offered an advance testing procedure
- The test was valid for the duration of the licence, however if complaints regarding driving ability were received, the Corporate Manager would review the complaints and request the driver to re-test if he deemed it was necessary
- The licence could be revoked
- SCDC do not have the staffing levels to carry out spot checks, however action was taken once a complaint was made
- The driver, and the company if appropriate, were contacted immediately

4.4 The Licensing Committee, **RECOMMENDS** to the Environmental Health Portfolio Holder that:

4.5 All new applicants or existing drivers who have allowed their licenses to lapse in any manner are required to undertake and pass the Driving Standards Agency (DSA) test for Private Hire and Hackney Carriages before being granted a licence by South Cambridgeshire District Council except,

- (i) Where an applicant for a Private Hire or Hackney Carriage drivers licence has successfully completed all the Go Skills vocational qualification modules and/or
- (ii) Where an applicant already holds the Institute of Advanced Motoring qualification or RoSPA advanced driving test, the DSA driving test shall be waived.

*(As subsequently advised by the DSA, the above would become effective on 23 April 2007)*

4.6 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

## 5. PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENSING CONDITIONS

5.1 Members considered the amended vehicle licensing conditions contained in Appendix C of the report and the following comments were made:

- Vintage cars for use at weddings were not included in the conditions
- Re 2(d) - New cars tended to have a space saving wheel, does the wording in the conditions comply?
- Would vehicles be tested annually?
- Child seats were not contained in the conditions

5.2 In response, Members noted:

- As contained in the guidance for implementing conditions, vintage and funeral cars were exempt from the conditions
- Yes
- Yes
- Taxis and Private Hire vehicles were exempt

5.3 The following typographic amendments were made to the conditions as listed below:

- Deletion of (g) at para 1

- The addition of the word `to' at para 2(e) (not **to** vehicle seats ...)
- Substitute condition **16** for 15 in para 6(e)
- Substitute the word **od** for **of** in para 17 – is a right **of** appeal to the ...

5.4 The Licensing Committee **RECOMMENDS** to the Environmental Health Portfolio Holder that, subject to the typographical amendments stated above, the amended conditions as contained in Appendix C to the covering report be adopted.

5.5 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

## 6. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER APPLICATION GUIDELINES

6.1 Members considered the amended driver application guidelines and the following issues were raised:

- Re Drugs, it was felt that applications should not be considered until 5 or 6 years had elapsed since conviction/caution in order to avoid a person serving a sentence and then able to commence driving as soon as they were released
- Was it obligatory for drivers to inform the Council if they have convictions?
- If a driver were convicted of any of the offences listed in the guidelines, would a re-test be required?
- Were the approved licences logged with the DVLA?

6.2 In response, Members were informed:

- The sentence could be amended to say applications should not be considered for 3 years from the end of the sentence
- The Court Services inform the Council of offences by taxi drivers
- Yes, if the licence was revoked; any person serving a prison sentence would lose their licence by default
- Not automatically. An applicant was required to obtain a signed mandate from the DVLA that he had no recorded offences. It was noted that an enhanced CRB check was a requirement for all taxi drivers

6.3 Having considered the above issues and the conditions as contained in the agenda, it was agreed that the following amendments be made to the driver application guidelines:

- Minor Traffic Offences – SP20 – delete the word `goods' for **goods**
- Driving whilst under the influence of Alcohol – DR30 – the sentence should read Driving or attempting to drive then **failing to supply a specimen for analysis**
- Drugs – delete `a minimum of 3 years free of conviction/caution is shown' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not**
- Indecency Offences – delete `a period of 3 years free of conviction/caution is shown' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not**
- Indecency Offences – delete the sentence `Any application with a conviction/caution within this category will be put before the Licensing Committee for determination.'
- Violence – delete the sentence `a maximum period of 3 years free of conviction/caution is shown' with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not**

- Dishonesty – delete the sentence ‘free of conviction’ with **three years from the end of the period any sentence awarded by a court, whether the sentence has been served in full or not** should be requested before **consideration of an application**

6.4 The Licensing Committee **RECOMMENDS** to the Environmental Health Portfolio Holder that, subject to the amendments listed above, the conditions as contained in Appendix A to the covering report be adopted.

6.5 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

## 7. PRIVATE DRIVER LICENSING CONDITIONS

7.1 Members, having considered the proposed licence conditions in respect of drivers’ licences, attached at Appendix C to the report, made the following amendments:

- Conduct of driver (d) – from 1 July 2007 when government regulations regarding smoking come into force, the word ‘smoke’ will be deleted
- Lost Property (b) – delete ‘Property Store at Parkside Police Station, Cambridge or to Royston Police Station’ with **nearest police station**

7.2 The Licensing Committee **RECOMMENDS** to the Environmental Health Portfolio Holder that, subject to the amendments listed above, the conditions as contained in Appendix C to the covering report be adopted.

7.3 The Environmental Health Portfolio Holder **RECOMMENDS** to Cabinet that the recommendation from the Licensing Committee as stated above, be approved.

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**The Meeting ended at 11.23 a.m.**

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