



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 13th June 2023

PRESENT : Cllrs. Kubaszczyk (Chair), Ackroyd, Bowkett, Brooker, Chambers-Dubus, Hyman, Patel, Radley, Tracey and Trimnell

Officers in Attendance

Licensing Team Leader

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. Finnegan and Williams

Owing to apologies being sent by the Chair and Vice-Chair of the Committee, Councillor Kubaszczyk was elected Chair by the Committee for the duration of the meeting. Councillor Brooker seconded Councillor Kubaszczyk's nomination to be Chair and there was no dissent by members present.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

RESOLVED that the minutes of the meeting held on Thursday, 19th January, 2023 were confirmed and signed by the Chair as a correct record.

3. MINUTES OF LICENSING SUB-COMMITTEES

There were no minutes of Licensing Sub-Committees to note.

4. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

5. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions nor deputations.

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6. PROPOSED REVISED DRAFT CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

- 6.1** The Licensing Team Leader presented the report of the Director of Communities. The purpose of the report was to seek the Licensing and Enforcement Committee's approval to consult on the draft revised conditions for Hackney Carriage and Private Hire Licensing.
- 6.2** Councillor Radley noted that it could be difficult to hire a wheelchair accessible private hire vehicle or hackney carriage. She noted that the report highlighted that there was a specific wheelchair accessible driving test a private hire or hackney carriage driver could take. She asked for further detail on the test. In response, the Licensing Team Leader stated that a wheelchair assessment test was an additional test drivers could take specifically for working with wheelchair users in addition to the Driving Assessment for Hackney Carriage and Private Hire that they needed to take, and this is a one off test.
- 6.3** Councillor Tracey asked how many Hackneys Carriage and Private Hire vehicles were wheelchair accessible currently. In response, the Licensing Team Leader stated that there were 5 wheelchair accessible Hackney Carriage vehicles and 3 Private Hire wheelchair accessible vehicles.
- 6.4** Councillor Chambers-Dubus asked why it was not mandatory to take the additional wheelchair accessibility test for drivers. In answer to the question, the Licensing Team Leader replied that it was not a condition that drivers took on a regular basis and this is not something that officers had put forward yet. He said that he would take the point raised by Councillor Chambers-Dubus to the trade for their views.
- 6.5** Councillor Patel pointed to paragraph 3.32 of the Council report. He asked for clarification as to how long Wheelchair Accessible Vehicles (WAV's) would have from the date of their first registration before they would not be relicensed. In response, the Licensing Team Leader said that the proposal was for WAV's to be exempt from the 10-year rule and the Euro 6 requirement and for WAV vehicles to be allowed up to 15 years before the licence would not be renewed.
- 6.6** Councillor Patel stated that he believed in the current economic climate, 10 years before having to replace a vehicle might be difficult for a driver to afford. He further added that Tewkesbury Borough Council had different requirements so a driver may move from Gloucester to Tewkesbury. The Licensing Team leader replied that Tewkesbury had put a policy recommendation in place that would bring their conditions further in line with the other councils in the County (Stroud, Cheltenham, and Gloucester). The Senior Lawyer added that the proposal to bring these conditions closer to the other local councils was going to Tewkesbury's Licensing Committee on the 15th June 2023. The Licensing Team Leader also noted that Tewkesbury were proposing that non WAV vehicles must be Euro 6 compliant to bring them in line with other authorities. He stated that the proposals to exempt

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WAVs from the Euro 6 and 10 year requirement was because these vehicles were difficult to source and costly. He added that the Council wished to keep the 8 WAV's they currently had and that the proposed changes would help to accomplish this.

- 6.7** Councillor Trimnell asked why vehicle licence holders only required a basic DBS and not an enhanced one. In response, the Licensing Team Leader stated that all drivers had to have an enhanced DBS check, and that the Department for Transport introduced legislation in that vehicle licence holders would also require a basic DBS. The reason behind this is because you do not have to be a licensed driver to be the holder of a vehicle licence. He went on to say that 99% of vehicle licence holders are licensed drivers which means they are all enhanced DBS checked.
- 6.8** Councillor Tracey highlighted that there were variations in the size and the type of wheelchairs. She noted that she believed that the Council required more Hackney Carriage vehicles that were wheelchair accessible, particularly considering the different types of wheelchairs that existed. She asked if this could be investigated. In response, the Licensing Team Leader stated that most wheelchair accessible vehicles were of a standard size and that there are other types of WAV's on the market that accommodate other variations of wheelchairs. Some of those vehicles come with tail lifts to help load and unload the wheelchair. The vehicles that do have a lift are required to have a specific certificate and that he would follow this up with the trade.
- 6.9** Councillor Tracey stated that she had seen vehicles that did not have their plates displayed on the correct part of the vehicle. She asked whether the Licensing Team could consider undertaking a secret shopping exercise. She further asked whether a partner of someone who had licenced a vehicle could drive it. In response, the Licensing Team Leader said that only the driver with the requisite certification and licence could drive a private hire or hackney carriage vehicle for the purpose of picking up customers, that Gloucester had members of the Licensing Team going out, out of hours with the County Council and issuing penalty points to ensure that vehicles were displaying their plates correctly, that the Licensing Team could not penalise Cheltenham or Tewkesbury hackney or private hire drivers and that he would encourage anyone who saw a Gloucester hackney or private hire vehicle not displaying their plates correctly to contact the Licensing Team.
- 6.10** Councillor Tracey asked who had responsibility for cleaning private hire vehicles and hackney carriages. In response, the Licensing Team Leader articulated that the responsibility lay with the driver.
- 6.11** Councillor Bowkett noted that he had seen some licenced vehicles move at 70mph in a 40mph zone.
- 6.12** Councillor Radley highlighted the fact that a driver could only be issued a licence in one authority at a given time. She asked why this was the case. The Licensing Team Leader responded by stating that this was in legislation and that the reason probably lay in the fact that different authorities had

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different rules for vehicles on issues, such as how old the vehicle could be and on emission quality.

- 6.13** Councillor Radley noted that the conditions made references to horse drawn carriages. She asked whether Gloucester had any licenced horse drawn carriages. In response, the Licensing Team Leader stated that Gloucester did not have any licenced horse drawn carriages.
- 6.14** Councillor Kubaszczyk proposed to accept the recommendation outlined in the officer report. This was seconded by Councillor Brooker and passed unanimously.
- 6.15** **RESOLVED** that - the revised draft Policy for Hackney Carriage and Private Hire Licensing is approved for an 8 week public consultation.

7. QUARTERLY UPDATE

- 7.1** The Licensing Team Leader enquired as to whether any members' had any questions on the content of the report.
- 7.2** Councillor Patel asked whether the Licensing department sent out plate renewal reminders. In response, the Licensing Team Leader stated that they did before the Cyber Incident.
- 7.3** Councillor Patel asked whether the Licensing Team sent out templated messages to drivers making them aware of their requirement to renew. In response, the Licensing Team Leader stated that this was the case and that drivers received text messages. He added that the word had spread that drivers who did not renew their plates on time, would not be allowed to drive. He also stated that the authority conducted a DVLA check on drivers so that if they had been caught speeding, they would not be allowed to have a licence.
- 7.4** Councillor Bowkett noted that he commended the Licensing Team for conducting out of hours enforcement.
- 7.5** Councillor Tracey pointed to paragraph 4.10 of the report (Animal Licensing). She noted that she had seen horses that had faced mistreatment and questioned what avenues of action she could take. The Senior Lawyer and the Licensing Team Leader informed her that the best course of action was to contact Community Wellbeing, the Police or the RSPCA.
- 7.6** **RESOLVED** that the Licensing and Enforcement Committee note the content of the report.

8. EXCLUSION OF PRESS AND PUBLIC

No Member indicated that they wished to discuss the content of the exempt minutes. Therefore, it was not necessary to exclude the press and public.

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9. EXEMPT MINUTES OF LICENSING AND ENFORCEMENT SUB-COMMITTEES

RESOLVED as per the exempt minutes.

10. DATE OF NEXT MEETING

Tuesday, 12th September at 6.30 p.m.

Time of commencement: 6.30 pm hours

Time of conclusion: 7.05 pm hours

Chair