

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 26 June 2019**

+ Cllr David Mansfield (Chairman)
+ Cllr David Lewis (Vice Chairman)

+ Cllr Rodney Bates Cllr Vivienne Chapman Cllr Colin Dougan Cllr Tim FitzGerald Cllr Sharon Galliford Cllr Ben Leach	+ Cllr Alan McClafferty Cllr John Skipper Cllr Pat Tedder Cllr Helen Whitcroft Cllr Valerie White
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+ Present

- Apologies for absence presented

Substitutes:

Members in Attendance:

Officers Present:

1/L Minutes of the Previous Meeting

The minutes of the meeting held on 16 January 2019 were confirmed and signed by the Chairman.

2/L Hackney Carriage and Private Hire Licensing- Driving Medical Assessments

The Committee considered a report detailing a proposal to require Hackney Carriages and Private Hire drivers to notify the Council of specific medical conditions which may affect their fitness to drive.

The Local Government (Miscellaneous Provisions) Act 1976 set out the regulations surrounding the issuing of Hackney Carriage and Private Hire Driver Licences including making provision for licensing authorities to set additional local requirements on the grounds of public safety. In line with many other local authorities, Surrey Heath Borough Council implemented additional local conditions which now require all licensed drivers to undergo a medical examination upon application and then every 3 years subsequently, until the age of 65 and where examinations took place annually.

The Council currently required licensed drivers to obtain a DVLA Group 2 medical and DVLA guidance dictated that a driver of any class of vehicle would be fined and prosecuted if they did not tell the DVLA of a medical condition which affected their driving and were involved in an accident as a result. However any action, as per the DVLA guidance, against a taxi driver would only have the lower Group 1

standard, for any private car or motorcycle, applied and not the higher Group 2, Surrey Heath implemented, standard.

It was proposed that Surrey Heath driver conditions were amended to include a requirement that Hackney Carriage and Private Hire drivers would notify the Council in writing should they develop a condition or receive treatment for a notifiable medical condition, as defined by the DVLA Group 2 Standard.

Members felt that the proposed guidance on when a licence holder must report their new medical condition was unclear. It was noted that, under some circumstances, a Licence holder may not be aware of a condition which they had developed and thereby it would be unreasonable to expect them to inform the Council in respect of the condition within its first 7 days. As a result it was agreed to amend the proposed medical standards document to reflect that drivers should only have to inform the Council of any new medical condition within 7 days of becoming aware of it.

RESOLVED that the proposed revisions to the conditions for Hackney Carriage and Private Hire drivers as set out in paragraph 9 of the agenda report be adopted as amended.

3/L Safeguarding Training for Hackney Carriage and Private Hire Drivers and Private Hire Operators

The Committee received a report asking it to consider a requirement for Hackney Carriage and Private Hire Drivers to receive compulsory Safeguarding Adults and Child Sexual Exploitation (CSE) Training.

The government had placed responsibility upon local authorities, private hire operators and individual drivers to ensure that all licensed drivers were aware of the warning signs that could indicate a passenger was at risk of CSE. Free CSE training had been available for existing licensed drivers for nearly 4 years and free online training had been available for the last 12 months.

It was proposed that CSE training would be made mandatory for all Surrey Heath licensed Hackney Carriage and Private Hire Drivers and Operators in order to promote public safety and to ensure that such persons remain 'fit and proper' to fulfil their role. It was also proposed that all new applicants would undertake appropriate CSE training as part of the application process. Any existing drivers who had not completed CSE training by 31 October 2019 would have their licence suspended or revoked.

Following questions from Members, it was underlined that sharing economy car for hire services, such as Uber, which were licensed outside of the Borough, were not within the Council's control. However it was noted that all 11 Surrey Districts and Boroughs were committed to having all their drivers, operators and licensed holders CSE trained.

In addition it was noted that there were currently 32 Surrey Heath – licensed drivers which had not completed CSE training. Members were reassured that the CSE training- outstanding drivers would be contacted several times, via the

methods of emails, phone calls and letters, before the suspension or revoking of licenses where necessary.

RESOLVED that

- 1. all persons who make an application to renew or be granted a Hackney Carriage and Private Hire Drivers licence must first receive compulsory safeguarding training, as defined by the Executive Head of Community, regarding Child Sexual Exploitation (CSE) with immediate effect and for licence conditions to be amended accordingly; and**
- 2. any existing Hackney Carriage and Private Hire Drivers who have not received safeguarding training, as defined by the Executive Head of Community, regarding Child Sexual Exploitation (CSE) by 31 October 2019 shall have their licence suspended or revoked.**

4/L Licensing Sub Committee Minutes

The Chairman signed the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting.

5/L Licensing Act 2003 - Summary of Decisions

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons.

Chairman