

**14 SEPTEMBER 2007**

**NEW FOREST DISTRICT COUNCIL**

**GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 14 September 2007.

- e Cllr L R Puttock (Chairman)
- p Cllr A E J Shotter (Vice-Chairman) (in the Chair)

**Councillors:**

- p G C Beck
- p J A G Hutchins
- p Mrs P Jackman
- p Mrs M McLean
- p J Penwarden
- M P Reid
- e A W Rice TD

**Councillors:**

- W S Rippon-Swaine
- p R F Scrivens
- p Mrs B Smith
- p M S Wade
- p S S Wade
- p P R Woods

**Officers Attending:**

Mrs M Dunsmore, A Hetherington and Mrs P Stevens, and, for part of the meeting, Mrs R Rutins.

**13. MINUTES.**

**RESOLVED:**

That the minutes of the meeting held on 15 June 2007, having been circulated, be signed by the Chairman as a correct record.

**14. DECLARATIONS OF INTEREST.**

No declarations of interest were made by members in connection with any agenda items.

**15. PUBLIC PARTICIPATION.**

No issues were raised during the public participation period.

**16. POLLING DISTRICTS AND POLLING PLACES REVIEW – APPOINTMENT OF WORKING PARTY AND REQUEST FOR DELEGATION TO COMMITTEE (REPORT A).**

The Electoral Administration Act 2006 introduced a requirement for all authorities to complete a review of the polling districts and polling places within their areas by 31 December 2007.

The review commenced early in August with representations being requested by 28 September. In order that any changes to the polling districts that might be agreed may be incorporated in the revised version of the register to be published on 1 December 2007, the review needed to be completed by 23 November at the latest.

To assist in meeting the deadlines of the review, the Committee considered the establishment of a Working Party to consider any representations received in response to the polling districts and polling places review and make any recommendations to the Committee.

The designation of polling districts was a matter for the Council, while polling places were a matter for the Executive. Under the current arrangements, any changes to the polling districts needed the approval of the full Council.

**RESOLVED:**

- (a) That a Working Party comprising five members of the Committee be appointed with the following terms of reference:

To consider and make recommendations to the General Purposes and Licensing Committee on representations received in response to the review of polling districts and polling places required under the provisions of Section 16 of the Electoral Administration Act 2006.

- (b) That the membership of the Working Party comprise three Conservative and two Liberal Democrat Group members, namely Cllrs Beck, Puttock, Shotter, Mrs Smith and S Wade.

**RECOMMENDED:**

***That it be recommended to the Council that authority be delegated to the Committee to agree any changes to the polling districts that it considers appropriate following consideration of the representations received in response to review of polling districts required under Section 16 of the Electoral Administration Act 2006.***

**17. TO CONSIDER CHANGES TO THE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER QUALIFICATION REQUIREMENTS AND THE INTRODUCTION OF A BASIC PRE-APPLICATION AWARENESS TEST (REPORT B).**

The Committee considered various proposals to assess the suitability of applicants for Hackney Carriage & Private Hire Vehicle Drivers.

Members were informed by Officers that Licensing Services had recently experienced several difficulties relating to applications in terms of CRB checks, driving experience and DVLA checks, authority to work in the UK, literacy and numeracy issues and limited knowledge of the area.

The Committee were also made aware by Officers that there had been an increase in the number of applicants showing limited literacy and numeracy skills as well as an increase in the number of applications from persons living outside the District who had shown a lack of local knowledge. The Committee felt that these drivers would not be able to provide a quality service because their own levels of understanding and local knowledge were limited. They felt that this would impinge on the level of service being provided to passengers.

The Committee also discussed the rise in the number of applications from persons who were born outside, or who had spent long periods outside, of the UK. The CRB check only disclosed a criminal history related to time spent in the UK. The Committee therefore felt that there was a potential risk that relevant offences committed outside the UK would not be revealed. The Committee felt that this was unacceptable when considering the possible risk to the safety and protection of service users. The Committee therefore felt that non-UK applicants should provide "Statements of Good Conduct" from relevant Embassies.

Applicants from outside the UK were also not subject to driving history checks and to ensure that only safe drivers were licensed in the District the Committee considered that a requirement that applicants have held a full driving licence for a minimum of two years immediately preceding the date of the application be introduced. The Committee was also reassured that the authority maintained a minimum age requirement of 21 which further protected the safety of passengers.

The Committee were also mindful of the fact that when compared to other requirements set by neighbouring authorities, the New Forest could be seen as a 'light touch' authority and that the application requirements should be toughened. They felt that this would create a level playing field for applicants across the County. The Committee considered that passengers had the right to be provided with quality service from drivers and that strengthening procedures would ensure this.

The Committee observed that some neighbouring authorities, namely Portsmouth, offered a drug and alcohol test and queried whether this should be provided in the New Forest. Officers felt that this requirement was suitable to that particular area, and that drug users being licensed as Hackney Carriage and Private Hire drivers by this authority was not currently perceived as a problem area.

The Committee largely felt that to address the problems surrounding literacy, numeracy and local knowledge, that a pre-application awareness test should be introduced for all new applicants. They felt that test questions should test local knowledge, numeracy and literacy skills and must be taken and passed before making an application for a Hackney Carriage & Private Hire Vehicle Drivers Licence. They were also happy with the suggestion that the awareness test be overseen and administered by the Licensing Services Department under the authority of the Licensing Officer. A suggestion was also raised that future consideration be given to imposing the Driving Standards Agency test. It was felt that the Committee should defer regarding this following consultation with the Hackney Carriage Owners' Association.

The potential increase in the workload of Licensing Services was discussed and members were informed by Officers that the test would run once a week, each lasting approximately 1.5 hours. Officers felt that there was adequate current resource to deal with this extra workload.

The Committee felt that the test would ensure that only quality, safe drivers were licensed and thus able to ensure the protection of public safety. Some members also considered that having drivers who were knowledgeable of the local area might reduce mileage and lesson fuel emissions.

**RECOMMENDED:**

***That the following changes to the Hackney Carriage & Private Hire Vehicle Driver Qualification Requirements and the introduction of a basic pre-application awareness test be approved:***

- (i) that all non UK applicants for a Hackney Carriage & Private Hire Vehicle Driver Licence must provide a signed and sealed 'Statement of Good Conduct' from the Embassy of all the relevant countries in which they were born or have lived;***
- (ii) that all applicants for a Hackney Carriage & Private Hire Vehicle Driver Licence provide proof of entitlement to work in this country prior to making a full application for a licence;***
- (iii) that all non-UK applicants must have registered their non-UK driving licences with the DVLA and provide a UK Counterpart issued by the Driver and Vehicle Licensing Authority;***
- (iv) that applicants must have held a full driving licence for a period of not less than two years immediately preceding the date of the application;***
- (v) that an Awareness Test for all new Hackney Carriage & Private Hire Vehicle Driver Licence applicants be introduced and that:***
  - (a) The cost of the test be set at £28 for the remainder of the Council year;***
  - (b) Authority be delegated to the Licensing Officer to make suitable arrangements for the tests, including the setting of the tests and determining whether applicants have passed or failed;***
  - (c) the full cost of the test be borne by the applicant;***
  - (d) the test must be passed at the required level before an application for a hackney carriage and private hire driver licence will be considered;***
- (vi) that the impact of the Awareness Test on application numbers and quality of applicants be reviewed by the Committee after one year; and***
- (vii) that a review, with recommendations, be presented to the Committee following completion of a BTEC Licensed Drivers qualification pilot course.***

**18. GAME DEALER LICENCES (REPORT C).**

The Committee considered various options in managing the outstanding fees from game dealers, who have yet to review their licence, in light of the removal of the need for game dealer licences, following the Regulatory Reform Order.

Members considered that the costs and officer resource time involved in seeking to obtain the outstanding monies would be too great. They therefore felt that option C was the most practical option in light of this.

**RESOLVED:**

That Option C as outlined in Report C to the Committee be adopted.

**19. DATES OF MEETINGS 2008/09.****RESOLVED:**

That the following meeting dates for 2008/09 be agreed (all Fridays at 9.30 a.m.): -

13 June 2008  
12 September 2008  
14 November 2008  
16 January 2009  
13 March 2009

**20. ANY OTHER ITEM WHICH THE CHAIRMAN DECIDES ARE URGENT.**

Cllr Beck expressed a serious concern, following a recent Licensing Sub-Committee meeting, of the lack of licensing enforcement resource within the district which had led to repeated breaches in licences. He also felt that residents had insufficient knowledge of their rights under the Licensing Act 2003.

The Committee were largely in agreement with this and felt that a report outlining progress on how the current licensing system was operating under the new regime and the public awareness of the Act, should be discussed at either the November or January Committee meeting. It was felt that this would be an opportune time to discuss how the new regime was functioning, as the Council's expenditure planning process would be underway.

**RESOLVED:**

That a report be submitted no later than January Committee meeting, regarding the provision of licensing enforcement facilities and outlining progress under the Licensing Act 2003, public awareness and the impact on the quality of life of local residents, as well as the impact of the Gambling Act 2005.

CHAIRMAN