

**7 SEPTEMBER 2012**

**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, 7 September 2012.

p Cllr G C Beck (Chairman)  
p Cllr W H Dow (Vice-Chairman)

**Councillors:**

p S J Clarke  
p J D Heron  
ap Miss A J Hickman  
p L R Puttock  
ap A W Rice TD  
p J Penwarden  
ap R F Scrivens

**Councillors:**

M H Thierry  
p M S Wade  
p S S Wade  
p Mrs C V Ward  
p P R Woods  
p Mrs P A Wyeth

**Officers Attending:**

Ms M Stephens and for part of the meeting, Ms A Righton, Mrs M Sandhu and P Weston.

**Also in attendance:**

Mr D Shearing – Secretary, New Forest Taxi Association.

**9. MS FRANCOISE BENNETT.**

The Chairman was pleased to welcome Francoise Bennett, a Politics student studying at Brockenhurst College, to the meeting.

**10. MINUTES.**

**RESOLVED:**

That the minutes of the meeting held on 15 June 2012 be signed by the Chairman as a correct record.

**11. DECLARATIONS OF INTEREST.**

Cllrs M S Wade, S S Wade and Mrs Wyeth disclosed interests in Minute No. 13.

**12. PUBLIC PARTICIPATION.**

Mr D Shearing, New Forest Taxi Association, for Minute No. 14.

**13. PROPOSED CHANGES TO TERMS AND CONDITIONS (REPORT A).**

Cllr M S Wade disclosed a pecuniary interest in this item as his wife worked for the Authority. He did not participate in the debate and abstained from voting. Cllrs S S Wade and Mrs Wyeth disclosed non-pecuniary interests in this item as family members worked for the Authority. They concluded that there were issues under common law which prevented them from speaking and voting. They did not speak and abstained from voting.

Members considered proposals for changes to the Council's terms and conditions of employment. The Head of Human Resources explained that the review of the terms and conditions of employment had been undertaken as one of the five workstreams that fed into the Council's medium term financial plan prepared against a background of reductions in government funding.

The final proposals considered by the Committee were the result of meetings of the Pay Panel and discussions with Employee Side representatives which commenced in late 2010 and continued throughout 2011. The proposals covered the following key areas:

- Private Health Care
- Lease Cars
- Essential Car User Scheme
- Essential Car User mileage rate
- Council Vehicles for Work that are taken home

All three unions, UNISON, UNITE and GMB had consulted their members on the final proposals in March 2012 and had balloted their members. Whilst UNISON members had accepted the proposed changes, UNITE and GMB had not. There had not been a collective agreement from the unions to accept the proposals.

The Head of Human Resources advised the Committee that where no collective agreement had been reached, the Council could proceed and implement the proposed changes. However, in order to do this, the Council had to communicate with all employees and give formal notice of the changes.

The Industrial Relations Committee had considered the proposals on 6 September 2012 and they supported the proposed changes.

In discussing the proposed changes, members queried the proposed change relating to lease cars. It seemed unfair that those currently entitled to lease cars would receive an 85% cash alternative at the end of the lease car contract, when employees on other schemes would not be offered the same cash incentive. The Head of Human Resources reported that all travel related allowances would be reviewed by the Pay Panel in 2014/15.

The Head of Human Resources also advised the Committee that most of the proposed changes affected employees on bands 8 or above.

The Committee supported the proposed changes to the terms and conditions of employment.

**RECOMMENDED:**

***That the proposed changes to the Terms and Conditions of employment detailed in section 5 of Report A to the Committee be agreed and implemented from 1 November 2012.***

Action: Manjit Sandhu

**14. REVIEW OF TAXI LICENSING POLICY – ADDITIONAL QUALIFICATION FOR DRIVERS OF WHEELCHAIR ACCESSIBLE VEHICLES (REPORT B).**

The Committee considered a request by the New Forest Taxi Association for the Council to amend its taxi licensing policy.

As part of a review of the Council's taxi licensing policy, consultation had been undertaken with the taxi trade. In response to the consultation, the New Forest Taxi Association had requested that the current licensing policy be amended to require that all licensed drivers in charge of wheelchair accessible vehicles should have a suitable qualification or competency certificate.

Following this request, a newsletter had been sent to all hackney carriage and private hire operators seeking their views on the Association's proposals. 63% of the respondents had supported the proposal.

Mr D Shearing, Secretary of the New Forest Taxi Association, was in attendance. He explained that the Taxi Association felt that the suggested change in policy would help ensure passenger safety. There had been concerns amongst members of the Taxi Association that if drivers of wheelchair accessible vehicles were not trained properly, particularly in securing passengers, then serious injury could occur. The Taxi Association wished to professionalise the trade. They felt that in order to provide the public with a quality taxi service all drivers should be able to operate vehicles in a safe manner. Mr Shearing explained that whilst the NVQ Certificate in Road Passenger Vehicle Driving covered the safety of passengers in wheelchairs, a more specific qualification would be more appropriate.

The Licensing Officer informed members that although the Council did not have a mandatory condition requiring drivers to have an appropriate NVQ/BTEC, a high percentage of the drivers in the New Forest had obtained the qualification. This showed there to be a culture of continuous improvement within the trade.

Members expressed the view that whilst they did not wish to impose costs on drivers, securing the safety of wheelchair passengers by having qualified drivers was more important. Members considered that all drivers (new and existing) of wheelchair accessible vehicles should undertake a basic training course with an accredited training provider. If drivers wished to undertake a higher level course such as an NVQ then that would be an added bonus.

Members considered that the course undertaken should include disability awareness, types of wheelchairs, vehicle restraint techniques for wheelchairs and a practical session. The Committee agreed that the Head of Public Health & Community Safety or the Licensing Officer should approve the course chosen by individual drivers, to ensure that the course met the desired requirements and was

appropriate. In order to provide drivers with the opportunity to enrol and undertake a course, members considered that the change in policy should take effect from September 2013. The Committee also considered that the impact of the change in policy should be reviewed as part of the review of the Council's enforcement policy.

**RESOLVED:**

- (a) That the Taxi Licensing Policy to be amended to include the following: -
  - (i) That all new and existing drivers in charge of wheelchair accessible vehicles be required to undertake a minimum competency certificate from a recognised training provider;
  - (ii) That the chosen course must include elements on disability awareness, types of wheelchairs, vehicle restraint techniques for wheelchairs and a practical session; and
  - (iii) That before undertaking a course, drivers seek approval from the Head of Public Health & Community Safety or the Licensing Officer that the chosen course/provider was appropriate and covered the necessary requirements.
- (b) That the change in policy take effect from September 2013; and
- (c) That the impact of the change in policy be reviewed as part of the review of the Council's enforcement policy.

Action: Paul Weston

**15. REVIEW OF TAXI LICENSING POLICY – AMENDED WORDING TO THE GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS (REPORT C.)**

Members considered proposed amendments to the Council's guidelines relating to the relevance of convictions as set out in a revised Appendix 2 to Report C to the Committee, which was circulated at the meeting.

The Committee welcomed the changes which meant that officers had clearer guidance when determining applications.

**RESOLVED:**

That the Council's guidelines relating to the relevance of convictions be amended as set out in revised Appendix 2 to Report C to the Committee attached to these minutes.

Action: Paul Weston

**16. DATES OF MEETINGS 2013/2014.**

**RESOLVED:**

That the Committee meets on the following dates (all Fridays at 9.30 a.m.) in 2013/14:-

14 June 2013  
13 September 2013  
15 November 2013  
10 January 2014  
7 March 2014

CHAIRMAN

Attached: Minute No. 15 - Appendix 1



## NEW FOREST DISTRICT COUNCIL GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from **holding**/obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the protection of the public. The following is a general guide where convictions are admitted. ***This guidance applies where applications for a new private hire or hackney carriage vehicle driver's licence, and revoking an existing licence are considered.***

### (a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application **and should not normally lead to the revocation of an existing licence**. If sufficient points have been accrued to **lead to** a period of disqualification of the applicant's/**licence-holder's** driving licence then a licence may be granted after its restoration, but a warning will be issued as to future conduct.

### (b) Major Traffic Offences

An isolated conviction for reckless driving without due care and attention etc., will normally merit a warning as to future driving and advice on the standard expected of HCV and PHV drivers. More than one conviction for this type of offence within the last two years will usually merit refusal/**revocation** and no further application will be considered until a period of 1 to 3 years free from convictions has elapsed.

### (c) Drunkenness/Intoxication/Alcohol Abuse

A serious view will be taken of convictions for driving a motor vehicle with excess alcohol, being in charge of a vehicle with excess alcohol, failing to provide a specimen of blood, breath or urine as required, causing death by dangerous driving under the influence of alcohol, or any similar offence (referred to in this guidance as "drink driving offences").

***Where an existing licence holder is convicted of a drink driving offence, they can expect to have their licence revoked.***

***An applicant with a conviction for a drink driving offence shall not normally be granted a licence: -***

- (i) When the applicant has been disqualified for any period, until at least three years have elapsed from the date of conviction, or from restoration to him/her of a full United Kingdom driving licence, whichever is the longer period;***
- (ii) Where the applicant was not disqualified from driving, until at least three years from the date of conviction.***

Any alcohol related conviction (***whether or not for a drink driving offence***) may be deemed prima facie evidence of an alcohol problem and the Licensing Committee may require the applicant ***or existing licence-holder*** to provide medical or other evidence to enable the ***Committee to determine*** whether or not it is appropriate to issue a licence, ***or to revoke an existing licence***.

***Where an existing licence holder is convicted of an alcohol-related offence, the licence may be suspended pending a final decision about whether to revoke the licence.***

(NOTE: Applicants/***existing licence-holders*** who have been medically diagnosed as having an alcohol related problem cannot ordinarily expect to be licensed without medical evidence supporting their fitness)

(d) Drugs

A serious view will be taken of convictions of driving ***or attempting to drive*** a motor vehicle while under the influence of drugs, ***being in charge of a motor vehicle whilst unfit, failing to provide an evidential specimen, or causing death by dangerous driving under the influence of drugs (referred to in this guidance as “drug driving offences”)***.

***Where an existing licence holder is convicted of a drug driving offence they can expect to have their licence revoked.***

***In the event of a conviction for a drug driving offence, an applicant should normally be able to show a period of at least three years free from conviction before an application is granted.***

Any drug related conviction (***whether or not for a drug driving offence***) may be deemed prima facie evidence of a drug problem and the Committee may require the applicant ***or existing licence-holder*** to provide medical or other evidence to enable the ***Committee to determine*** whether or not it is appropriate to issue a licence, ***or to revoke an existing licence***.

***Where an existing licence holder is convicted of a drug related offence, the licence may be suspended pending a final decision about whether to revoke the licence.***

(NOTE: Applicants who have been medically diagnosed as addicts cannot ordinarily expect to be licensed within five years of completion of treatment).

(e) Indecency Offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for any sexual offence, will be refused until they can show a substantial period (at least 3 to 5 years from the date of conviction) free of such offences. ***Existing licence holders who are convicted of any sexual offence can expect their licence to be revoked.*** More than one conviction for a sexual offence will preclude consideration ***for a licence*** for at least 5 years. In either case if a licence is granted a strict warning as to future conduct will be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for ***violent offences***. ***An applicant should normally be able to show a period of at least three years free from conviction for a violent offence before an application is granted. An existing***

***licence-holder convicted of a violent offence can expect to have their licence revoked.***

**(g) Dishonesty**

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view will be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before entertaining an application. An existing licence holder, who is convicted of an offence involving dishonesty, can expect to have their licence revoked.