

**ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE MEETING****Thursday, 31st July, 2014**

Present:-

Councillor Slack (Chair)

Councillors Bradford  
Flood

Gibson

Anita Cunningham – Policy and Scrutiny Officer  
Donna Cairns – Committee and Scrutiny Coordinator  
Martin Elliott - Committee and Scrutiny Coordinator  
Trevor Durham – Licensing Manager +

+ Attended for Minute No. 16

\*Matters dealt with under Executive Powers

**14 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS  
RELATING TO ITEMS ON THE AGENDA**

There were no declarations.

**15 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Callan.

**16 TAXI LICENSING POLICY**

The Licensing Manager presented proposed amendments to the Hackney Carriage and Private Hire Licensing Policy.

The main proposed amendments were:

- 1) References to Criminal Records Bureau [CRB] being replaced by Disclosure and Barring Service [DBS]
- 2) References to “meter” being changed to “taximeter” with regard to hackney carriages to be in keeping with relevant legislation

- 3) Prohibiting the use of e-cigarettes in licensed vehicles- Schedule 4 'Conduct of Licensed Drivers'
- 4) Penalty Points aggravated by 'protected characteristics' – Schedule 3 Appendix 4. The scope of protected characteristics to be widened to include all elements of the Equality Act 2010.
- 5) Length of Insurance Policy – Schedule 1 Paragraph 8.4 Making the minimum acceptable length of an insurance policy 6 months
- 6) Test Failures – Schedule 1 Paragraph 16.7 For the purpose of penalty points the policy will apply if a vehicle is presented for test within 28 days of the previous licence expiring. This is due to a growing trend of vehicles being presented for test where the vehicle plate has already expired, thus meaning it is not a "licensed vehicle" meaning that points cannot be issued
- 7) Commercial advertising Paragraph 2.8.2 of policy. Relaxing the policy to allow advertising of the taxi company itself. The operator who raised this cited the need to advertise for drivers.
- 8) Wheelchair accessibility – Schedule 5 Application Guidance Paragraph 4.5. Drivers of wheelchair accessible vehicles must be qualified to an acceptable standard in the loading of wheelchairs and passengers with the Council accepting any one of the following qualifications
  1. DSA Wheelchair exercise;
  2. NVQ Level 2 of unit 228 Passenger Vehicle Driving [Taxi and Private Hire] [7439];
  3. Modules B1 and B2 of the Passenger Assistant Training Scheme [PATS]

This requirement will apply to all drivers, not just new drivers. Drivers will have 6 months to produce evidence they have the qualification after the policy is adopted. Drivers who have obtained the necessary accreditation will display a small wheelchair logo on their driver's badge. Only drivers with the wheelchair logo on their badge will be allowed to drive a wheelchair accessible vehicle.

- 9) Medical advice regarding diabetes – Schedule 5 Paragraph 4.7 this will include expanded advice for drivers who have been diagnosed as diabetic.
- 10) Appeal against penalty points - Schedule 3 Paragraph 3.6. Appeals against penalty points to be decided by the Environmental Health Manager instead of the Head of Service.

Taxi trade drivers and operators had been consulted on the proposed policy changes and in response had raised no objections other than relating to the proposed minimum 6 month length of insurance policy.

As part of the consultation it had also been suggested that the penalty points awarded for smoking in a licensed vehicle be reduced from the current number of six to three penalty points as it was felt this was disproportionate.

Proposed policy changes also addressed case law developments regarding the suspension and revocation of licenses.

#### **RESOLVED -**

1. That the proposals for changes to the Hackney Carriage and Private Hire Licensing Policy detailed in the consultation be supported.
2. That the proposal for the number of penalty points for smoking in a licensed vehicle be reduced from six to three be supported.

#### **17 FORWARD PLAN**

The Committee considered the Forward Plan for the period 1 August, 2014 to 30 November, 2014.

Regarding Key Decision No 296, Careline Consortium - The Committee is still waiting for an update on this and would like the Executive Member and lead officer to attend the Committee meeting when an update is available and before the report goes to Cabinet.

Regarding Key Decision 321, Review of Allocations Policy – Welfare Reform. The Committee would like the Executive Member and the lead officer to attend the Committee when the report is ready. The Committee would like to consider the report before it goes to Cabinet.

Regarding Key Decision No 369, Whole Life Cycle Building Costs for the New Sports Centre - it was expected that before this decision is made it would benefit from consideration of the existing Scrutiny Project Group on the same.

### **RESOLVED –**

1. That the forward plan be noted.
2. That the update on the Careline Consortium be presented the Committee when it is available and before it goes to Cabinet.
3. That the report on Review of Allocations Policy – Welfare Reform is presented to the Committee when it is ready and before it goes to Cabinet.

## **18 SCRUTINY MONITORING**

The Committee considered an update on the implementation of approved Scrutiny recommendations. It was noted that the Scrutiny Project Group on Water Rates Payment Policy had been considered by Cabinet and its recommendations approved.

### **RESOLVED –**

1. That the update be noted.
2. That the Review of Water Rates Payment Policy remains on the Monitoring report.

## **19 OVERVIEW AND SCRUTINY DEVELOPMENTS**

The Policy and Scrutiny Officer reported that the report on Overview and Scrutiny arrangements to be presented to Cabinet and then Council had been deferred to October.

### **RESOLVED –**

That the update be noted.

## 20 **WORK PROGRAMME FOR ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE**

The Committee considered a list of items raised to date for its Work Programme. It was noted that a number of scheduled business items would be deferred to future meetings as reports were not available.

### Community Assembly Involvement - Dog Fouling

Councillor Slack advised that Councillor Innes had volunteered to chair a Scrutiny Project Group on dog fouling. Councillor Slack and Councillor Gibson stated that they would like to be involved in this Project Group.

### **RESOLVED –**

1. That the Work Programme be agreed and business items be rescheduled as reports become available.
2. That the Sport and Leisure Strategy, Parks and Open Spaces and Playing Pitches Strategy be added to the agenda for the next Committee meeting under an overarching item on Leisure.
3. That the Street Scene Improvement Plan be added to the agenda for the next Committee meeting.
4. That the report on Parkside Sheltered Housing Project Update and Appointment of Developer be added to the work programme and agenda for the next Committee meeting.
5. That a Scrutiny Project Group on Dog Fouling be appointed, that Councillor Innes be appointed to Chair the Project Group and that Councillors' Slack and Gibson also be appointed to the group.

## 21 **SCRUTINY PROJECT GROUPS PROGRESS UPDATES**

### New Leisure Facilities

The Committee discussed that if changes were made to the Committee's recommendations on the new leisure facilities, the next meeting of the Enterprise and Wellbeing Scrutiny Committee to confirm such changes would fall after the proposed date for Cabinet consideration.

**RESOLVED** – That if needed the Enterprise and Wellbeing Scrutiny Committee holds an extra meeting on 11 September 2014 before the meeting of the Overview and Performance Scrutiny Forum to enable the Committee to consider any changes to the recommendations.

Taxi Licensing Subsidy

There was no update.

**22 MINUTES OF THE MEETING HELD ON 5 JUNE, 2014**

The Minutes of the meeting of the Committee held on 5 June, 2014 were presented.

**RESOLVED –**

That the Minutes be approved as a correct record and signed by the Chair.