

---

# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 11 October 2016** at **5.00 pm** in the **Conference Chamber West F1R 09, West Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

**Chairman** Frank Warby

Sarah Broughton	Sara Mildmay-White
Tony Brown	Richard Rout
Bob Cockle	Clive Springett
Jeremy Farthing	Peter Thompson
Margaret Marks	Anthony Williams

**By Invitation:**

John Burns,  
Susan Glossop and  
Patricia Warby

36. **Substitutes**

No substitutions were declared.

37. **Membership of the Committee**

It was announced that Councillor Margaret Marks had replaced Councillor Sarah Stamp as a Member of the Committee. Errata on the membership list on the agenda paper were also corrected as Councillor Sara Mildmay-White's name had been omitted as a Member of the Committee and Councillor Anthony Williams should have been listed as a UKIP Group Member.

38. **Election of Chairman**

It was proposed, seconded and

RESOLVED : That Councillor Frank Warby be  
elected Chairman of the Committee.

39. **Apologies for Absence**

No apologies for absence were received.

40. **Appointment of Vice-Chairman**

It was proposed, seconded and

RESOLVED : That Councillor Clive Springett be  
appointed Vice-Chairman of the  
Committee.

41. **Minutes**

The minutes of the meeting held 17 May 2016 were confirmed as a correct record and signed by the Chairman.

42. **Public Participation**

The following persons addressed the Committee during this session in relation to the agenda item on Training for Hackney Carriage and Private Hire Vehicle Drivers :

Paul Freemantle and Lee Howard of Star Cabs Ltd.

Both speakers expressed objections to the proposal which would make it necessary for first time applicants and existing licence holders to obtain a Business & Technology Council (BTEC) Level 2 qualification as a prerequisite for the grant of a new licence or the renewal of an existing one. Reference was made to the cost involved in obtaining the qualification which would have to be borne by applicants and which would be additional to other fees payable by them, e.g. for medical certificates. It was suggested that some drivers who were part-time and new applicants might be deterred by the increased cost which would be involved which could lead to staff shortages and difficulties in covering services e.g. school transport and hospital visitor trips. The value of the qualification and the need for training was questioned it being pointed out that many drivers were long serving employees and experienced drivers who had carried out their jobs professionally without complaints from customers and that to convey passengers in a courteous, correct and safe way was all that was required of the job. Since these requirements were matters of common sense and good practice a doubt was expressed that they could be achieved by the introduction of the formal training proposed. A situation was also referred to that no other local authority in the region had adopted the requirement that the qualification be obtained and only a small minority had done so nationally. No evidence had been produced for this meeting that the qualification improved standards. A question was raised as to what arrangements would be in place if a driver was unable to obtain the qualification. The Chairman advised that the points being raised during this

session would be responded to when the item was being discussed by the Committee.

18 licensed drivers were present in the public gallery for this session and the next item.

*(The Chairman with the agreement of the Committee varied the order of business on the agenda so that item 8, Training of Hackney Carriage and Private Hire Vehicle Drivers, was considered before Item 7.)*

#### **43. Training for Hackney Carriage and Private Hire Vehicle Drivers**

*(Councillor Peter Thompson declared a pecuniary interest in the following item as he was employed by a company which supplied the motor trade which could include taxi firms. He remained in the meeting but took no part in the discussion or voting thereon.)*

The Committee considered Report LIC/SE/16/005 (previously circulated) which presented the results of public consultation on whether a requirement for Hackney Carriage and Private Hire Vehicle drivers to obtain a Business and Technology Education Council (BTEC) Level 2 qualification should be implemented. As the proposal would be a change policy final approval of it would be by Full Council via Cabinet.

The report drew attention to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which placed a duty upon the Council as the Licensing Authority to ensure that an applicant for a driver's licence was a 'fit and proper' person to hold such a licence and that existing drivers acted in a way as to satisfy the Council that they continued to be 'fit and proper' to hold a licence. Listed in paragraph 1.4 of the report were the existing requirements of the Council's 'fit and proper person' test. Whilst there were many extremely competent and professional drivers in West Suffolk there was statistical and anecdotal evidence to support the need for improved standards and knowledge. Officers were having to investigate a greater number of complaints about the conduct of some drivers. The Department of Transport in a publication 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' March 2010 had endorsed the introduction of qualifications in licensing authority regimes. Appendix 1 of the report listed other local authorities nationally that had introduced a requirement for formally recognised qualifications or in house tests as a prerequisite to the grant of a licence. When considering this matter at its meeting on 17 May 2016 the Committee had accepted that the appropriate form for the qualification would be based on BTEC Level 2. The proposed syllabus for this qualification was contained as Appendix 2.

External consultation with the taxi trade and the general public, as users, had been carried out on the proposal over July and August 2016. 26 out of a potential 600 registered drivers across West Suffolk and 78 members of the public completed respective surveys. A summary of the responses was included as Appendix 3. Generally, from the responses received it was apparent that drivers disagreed with the proposal that the BTEC qualification should apply to existing drivers because of concerns about their livelihoods

whereas the indications from customers were overwhelmingly supportive of such a requirement.

Officers responded to points and questions raised earlier during the public participation session. They advised that West Suffolk College held statistics about the percentage pass rate for the BTEC course and that a further report about the nature and extent of complaints about taxi drivers could be provided if the Committee so wished. Officers further advised that the fee for the BTEC course, which would be provided by West Suffolk College if the proposal was approved, was £250 after discount and payable to the college. The time involved in attending the course would be 18 hours and this could be tailored so as to be at different times and locations to accommodate the needs of attendees. As an alternative a condensed version of the course could be offered over a half-day (3 hours) at a discounted price of £35. This would deal with the salient points of each of the modules and those attending who met the required standard of knowledge would receive a certificate. To offset the situation that the Driver/Vehicle Standards Agency had decided to withdraw its practical driving test an alternative had been negotiated with the West Suffolk College providers whereby a driving test would be available alongside the BTEC course at a separate fee of £40. This compared favourably to the fee charged of around £90 by other commercial providers. Officers also advised that Forest Heath District Council's Licensing & Regulatory Committee had considered the proposal the previous evening and had accepted the recommendation that both new applicants and existing licensed drivers be required to obtain the qualification with the latter-mentioned being given two years in which to comply.

Members in discussing the proposal were of the view that whilst it was acceptable to require new applicants for licences to obtain the qualification it would be onerous to place the expectation on existing drivers, particularly if they had held their licence for a long period of years without incident or complaint. However, it was acknowledged that in situations where an existing licence holder had breached the Disciplinary Code an appropriate sanction, depending on the circumstances, might be for him/her to be required to obtain the qualification.

**RECOMMENDED : That, subject to the approval of Full Council,**

- (1) The results of the recent consultation with Hackney Carriage/Private Hire Vehicle Driver and taxi customers on the proposal to adopt a BTEC Level 2 Certificate 'Introduction to the role of Professional Taxi and Private Hire Driver' be noted;**
- (2) The change in requirements for all new drivers to complete the BTEC Level 2 Certificate be adopted and; additionally,**
- (3) (a) unless specific circumstances apply, as outlined in (b) below, if an existing licensed driver is found to have contravened the Disciplinary Code for**

**Hackney Carriage/Private Hire Vehicle Drivers then he/she be required to obtain the BTEC Level 2 qualification;  
(b) (a) be not applied in cases of serious breaches of the Disciplinary Code which result in a decision of the Council revoking the licence of a driver.**

**44. St Edmundsbury 2016 Air Quality Status Annual Report and proposal to declare an Air Quality Management Area in Great Barton**

*(At a point during the debate on the following item when it became apparent that the Committee was about to discuss the relevance of planning issues relating to the future development of Gt. Barton and North-East Bury St. Edmunds to the matter under consideration, Councillor Sarah Broughton declared a pecuniary interest because of ownership of an area of land which was subject to such potential development. She withdrew from the meeting at this juncture and returned when this aspect of the debate had ended. )*

The Committee considered Report LIC/SE/16/004 (previous circulated) which informed Members about work undertaken during 2014/2015 to meet Local Air Quality Regulations across the Borough and had attached as Appendix 1 the St Edmundsbury 2016 Air Quality Annual Status Report. Report LIC/SE/16/004, consequent upon a review undertaken by Officers, outlined changes in approach which would be adopted and specifically as far this Committee was concerned sought approval to external consultation being carried out in relation to the proposal to declare an Air Quality Management Area in Great Barton. Under the terms of the Council's Constitution responsibility for the discharge of functions relating to the control of pollution or the management of air quality was placed with this Committee. The report along with the proposal relating to re-introduce an Air Quality Management Area for Great Barton had been also considered by the Council's Sustainable Development Working Party at its meeting on 6 October 2016. It had recommended to this Committee that consultation be commenced with a view to the proposal being implemented with a suggestion that the automated pedestrian crossing in The Street (A143) be re-located as this was often the cause of traffic tail backs the emissions from which were a factor affecting air quality.

The Committee in discussing the proposal acknowledged that the air quality problem and promised action to ameliorate it were both longstanding and the latter had a history over the last 20 years or so. In addition to traffic tail back problems caused by the pedestrian crossing, the location of the village's Post Office, also on the A143, and the on-street parking associated with it was a factor restricting traffic flows. There were other matters which aggravated the situation e.g. the lack of an alternative route for traffic, the tall trees alongside the A143 which created a tunnel effect and the proximity of dwellings to the roadside. Members recalled that the previous declaration of an Air Quality Management Area in 2009 had not subsequently resulted in any positive action to improve the situation.

In responding Officers acknowledged that little progress had been made following the previous designation of an Air Quality Management Area. There was a requirement with such designations to produce an Action Plan which would contain remedial measures to secure improvements. There could be difficulties, however, in situations of two tier local government where responsibilities for implementation of an Action Plan were subject to separate allocation. This situation was now changed as new guidance had been issued in April 2016 by the Department for the Environment, Food and Rural Affairs to clarify respective roles in relation to air quality. There had been meetings at officer level with the County Council to agree an integrated approach in future. In relation to prospects for re-locating the pedestrian crossing and village Post Office these could be objectives in the longer term but there would be early discussions with Planning Officers, and subsequently developers, with a view to exploring the scope for achieving these objectives and other planning gains. Officers advised that the designation of an Area Quality Management Area would provide greater assistance in securing air quality improvements for the village when negotiations with developers were taking place. In reply to a Member's question Officers advised that the procedure for carrying out the proposed consultation was governed by Regulations but it was envisaged that the consultation period would be of one to two months duration following which a decision could be taken in the third month. Various bodies were required to be consulted statutorily.

RESOLVED :

That external consultation be carried out in relation to the proposal to declare an Air Quality Management Area in Great Barton.

**45. Minutes of the meetings of the Licensing and Regulatory Sub-Committee**

The minutes of the meetings of the Licensing and Regulatory Sub-Committee held 9 May 2016, 1 June 2016, 11 July 2016 and 23 August 2016 (all previously circulated) were confirmed as a correct record and signed by the Chairman.

**46. Exclusion of Public**

RESOLVED :

That under Section 100 (A) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12 (A) of the Act.

**47. Exempt Minutes of the Licensing and Regulatory Sub-Committee**

The exempt minutes of the Licensing and Regulatory Sub-Committee held 9 May 2016 (previously circulated) were confirmed as a correct record and signed by the Chairman.

The meeting concluded at 6.15pm.

**Signed by:**

**Chairman**

---