

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 30 June 2021 in the Council Chamber - Town Hall, Runcorn

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), D. Cargill, Fry, A. McInerney, G. Stockton and Teeling

Apologies for Absence: Councillors Dourley, Loftus, Wainwright and Woolfall

Absence declared on Council business: None

Officers present: K. Thompson, K. Cleary, N. Wheeler and L. Wilson-Lagan

Also in attendance: None

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

Prior to the commencement of the meeting the Chair welcomed the new Members to the Committee and also expressed the thanks of the Committee to the previous members, Councillors McDermott and Nelson, for their contribution to the Committee over many years.

REG1 MINUTES

The Minutes of the meeting held on 10 March 2021 having been circulated will be signed as a correct record.

REG2 GAMBLING ACT 2005 STATEMENT OF GAMBLING POLICY

The Committee considered a request to authorise a review of the Council's Statement of Gambling Policy.

The Policy must be reviewed by the Council for successive three year periods and the current policy was due to expire at midnight on 30 January 2022. Members were advised on the consultation process to be followed and a copy of the updated Policy had been circulated to Members.

Following the consultation process a report would be brought back to Committee for consideration and recommendation to full Council.

RESOLVED: That

1. the Operational Director, Legal and Democratic Services (OD-LD), be authorised to undertake a consultation exercise in respect of the Council's Statement of Gambling Policy in accordance with section 349 Gambling Act 2005;
2. the OD-LD to determine all matters relating to the consultation process; and
3. the matter be reported back to the Regulatory Committee following completion of the consultation process.

REG3 TAXI LICENSING MATTER

The Committee met to consider a request to amend the medical element of the Taxi Licensing policy for hackney carriage and private hire drivers.

The Committee heard that as part of the 'fit and proper person' test new applicants and existing drivers must undertake a DVLA Group 2 Medical assessment.

Currently the DVLA Group 2 medical must be undertaken by:

1. The applicants own registered medical practitioner (or another registered medical practitioner from the same practice or group practice) who has access to their medical history; or
2. The Council's preferred Occupational Health facility, North West Boroughs Healthcare NHS Foundation Trust, which is based at Hollins Park House, Hollins Lane, Winwick, Warrington.

During the past three years, licensed drivers and new applicants had advised the licensing section of problems they have encountered with medical assessment. These mostly related to:

- Their own medical centre not undertaking the required medical assessment;
- Appointment dates considerably far into the future; and
- Exceptionally high costs charged for the assessment.

Further checks had found that following the pandemic local medical centres had taken the decision not to

undertake the assessment any more. The issue was exacerbated by the fact that North West Boroughs Healthcare NHS Foundation Trust (Hollins Park) had yet to restart assessing drivers.

Members fully considered the responses received to the consultation process:

RESOLVED: The Committee agreed to make the following recommendations to the Executive Board

- Agree a minimum standard for 3rd party medical assessments;
- Delegate the authority of approving who can undertake medical assessments in accordance with current policy to the Licensing Manager; and
- Allow a technical exemption for certain licence holders from having to undertake the same medical assessment twice.

Councillor Teeling in attendance for the following item.

REG4 TAXI LICENSING MATTER

The Committee were updated on the Statutory Taxi and Private Hire Vehicle Standards on the Assessment of Previous Convictions.

On 2 September 2020 the Regulatory Committee recommended the adoption of the Department for Transport's (DfT) 'Assessment of Previous Convictions' document as part of the hackney carriage and private hire drivers licensing policy.

The recommendation was subsequently adopted by the Executive Board.

Following the introduction of the current policy it had been noted by Officers that there were gaps in the policy which provided little or no guidance as to what action (if any) was to be taken by Officers or Members in certain circumstances.

The proposed additions to the policy not only gave guidance on convictions but other matters which may be taken into account when considering if a person could be deemed to be a fit and proper person, within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

To accompany any potential changes to the policy the

second proposal was to amend the existing hackney carriage / private hire driver licensing condition partly at the request for the Department for Transport as well as ensuring the condition was fit for purpose. The condition related to the 'duty to disclose convictions, cautions, reprimands, warning and fixed penalty notices'.

Members fully considered the response received to the consultation process:

RESOLVED: The Committee agreed to make the following recommendations to the Executive Board

- The amendments to the 'Previous Convictions Policy' put forward in the report be considered and adopted; and
- An amendment to be made to the hackney carriage and private hire drivers conditions relating to the requirement to report matters relating to their behaviour.

Meeting ended at 7.28 p.m.