

Taxi Licensing Committee

Thursday 8 June 2023

PRESENT:

Councillor Tippetts, in the Chair.
Councillor Tuffin, Vice Chair.
Councillors Moore and Rennie.

Apologies for absence: Councillors Finn and Haydon.

Absent: Councillor Tofan.

Also in attendance: Michelle Battershill (Lawyer (Observer)), Andrea Gilbert (Lawyer), Graham Hooper (Senior Intelligence and Licensing Officer), Nicola Horne (Environmental Health Manager) and Hannah Whiting (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.20 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

21. **Declarations of Interest**

No declarations of interest were made.

22. **Minutes**

The Committee agreed the minutes of the meetings held on 6 April 2023 and 25 April 2023 as a correct record.

23. **Chair's Urgent Business**

To Note the Appointment of Chair and Vice Chair of the Taxi Licensing Committee

The Committee agreed to note the Appointment of Councillor Dylan Tippetts as Chair and Councillor Ian Tuffin as Vice Chair of the Taxi Licensing Committee for 2023/24.

24. **Appeal Cases**

There were no appeal cases.

25. **Number of Certificates of Good Conduct Exemptions Granted**

There were no Certificates of Good Conduct Exemptions to report.

26. **Request for delegated authority to deal with initial driver applications with no Certificate of Good Conduct**

Graham Hooper introduced the report on the request of delegate authority to deal with initial driver applications with No Certificate of Good Conduct and highlighted:-

- (a) Plymouth City Council could not grant a licence to a hackney carriage or private hire driver or a private hire operator unless they were satisfied that the applicant is a “fit and proper person”;
- (b) The main consideration in reaching a decision on whether an applicant is a fit and proper person is the consideration of any criminal convictions, cautions or conduct. That information is obtained through a DBS certificate;
- (c) The DBS could not access criminal records held overseas, therefore, where an applicant had resided outside of the UK for a period in excess of 3 months since the age of 18 years old, that applicant was required to produce a Certificate of Good Conduct (COGC) to account for that period;
- (d) The production of a COGC where an applicant had lived outside of the UK for a continuous period of 3 months or more since the age of 18 is one of the pre-requisite tests outlined in the Hackney Carriage and Private Hire Licensing Policy 2022. That same policy stated that no licence could be granted until all these pre requisites have been successfully completed;
- (e) There was an expectation that all Licensing Authorities follow the recommendations set out in the statutory guidance of the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (Statutory Standards) 2020 unless there is a compelling local reason not to;
- (f) Those recommendations included the guidance at 4.35 “Licensing authorities should seek or require applicants provide where possible criminal records information or a “Certificate of Good Character” from overseas in this circumstance (where an applicant has previously spent an extended period outside the UK) to properly assess risk and support the decision-making process;
- (g) The recommendations also stated that as with all licensing decisions, each case must be considered on its own merits;
- (h) The Home Office guidance had been issued by the Government specifically on how to obtain overseas criminality information for use when considering the requirements of the UK Immigration Rules but it was clear that this information cannot be obtained from all countries;
- (i) There was no guidance provided either by the Home Office guidance or the Department of Transport in dealing with applications from asylum seekers, refugees or others who are unable to obtain COGC’s where, for example, contacting their embassy or other official agency would place them or their family in danger;

- (j) Additional information on this issue had been sought by the Taxi Licensing Team from the Home Office Immigration Team. They advise that if an applicant has refugee status, then they would be considered as stateless by the UK and are no longer able to gain assistance from their originating embassy;
- (k) If a refugee had suffered state persecution, these are additional reasons not to contact the embassy as the embassy would be unwilling to provide a COGC or it could be unsafe to request one;
- (l) The issue had been addressed in the council's Taxi policy in that an exemption from providing a COGC may be granted where: Home Office Guidance states that there is no process for obtaining a COGC from that country, the applicant has lived in the UK since the age of 18 and has also been resident in the UK for a period of five continuous years;
- (m) However, some refugees or asylum seekers arrive in the UK after the age of 18 years old and therefore would not meet this criteria;
- (n) In the municipal year 2022-2023, the Taxi Committee elected to delegate authority to the Strategic Director of Public Health and during that year, 7 cases were considered using delegated powers, 5 of which were granted and 2 refused;
- (o) If the Committee wished for the Strategic Director of Public Health to continue to make decisions to allow an applicant to continue with their application without a requirement to produce a COGC, the Committee would need to authorise the Strategic Director to depart from policy for the next municipal year;
- (p) Proceeding in this way would maintain the current approach and continue to free up Committee and officer time in preparing for committee meetings and also potentially provide the applicant with an earlier indication of whether they could continue with completing the rest of the application process;
- (q) The exceptional clear and compelling reasons would be that :- 1) An applicant has spent the majority of their adult life in this country. 2) The applicant cannot obtain a COGC from the relevant country (usually due to refugee or asylum seeker status), and 3) the DBs will provide information covering a sufficient period of their adult life to allow a determination on the applicants fitness and propriety to be made;
- (r) It was acknowledged that proceeding in this way will mean there is a period of years in the applicant's life in which the Council will not have information on any convictions they may have received and this may have an impact on public safety.

The Committee agreed to Option I from the recommendations on the report which was to:

- I. Continue to authorise the Strategic Director of Public Health, in consultation with the Chair and Vice Chair of the Taxi Licensing Committee and lead Taxi Licensing Committee opposition member, to depart from the Hackney Carriage and Private Hire Licensing Policy 2022 and exempt an applicant from the requirement to produce a Certificate of Good Conduct (COGC), in exceptional, clear and compelling cases as set out in the report.

27. **Exempt Information**

The Committee agreed to pass a resolution under Section 100A(4) of the Local Government Act 1972, to exclude the press and the public from the meeting for the following items of business, on the grounds that they involved the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

28. **Confidential Minutes**

The Committee agreed the confidential minutes of 6 April 2023 and 25 April 2023 as a correct record.

29. **Application for the Grant of a Private Hire Vehicle Driver Licence**

Members agreed to grant the application for a private hire driver's licence subject to the completion of the VRQ in "Transporting Passengers by Taxi and Private Hire" or its equivalent within 12 months of the licence being granted. Failure to complete may result in sanctions including the consideration of revocation of the licence.

(Please note, there is a confidential part to this minute)

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