



# AGENDA

**NOTE: In the case of non-members, this agenda is for information only**

- Committee** - **LICENSING COMMITTEE**
- Date & Time** - WEDNESDAY, 11TH JANUARY, 2023 AT 10.00 AM
- Venue** - THE BRECKLAND CONFERENCE CENTRE, ANGLIA ROOM, ELIZABETH HOUSE, WALPOLE LOKE, DEREHAM, NR19 1EE

THIS MEETING WILL BE STREAMED LIVE VIA THE LINK BELOW AND WILL BE ACTIVATED AT THE START OF THE MEETING

<https://www.breckland.gov.uk/Streaming-of-committee-meetings>

**Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.**

**Members:**

Cllr Marion Chapman-Allen (Chairman)  
Cllr Tina Kiddell (Vice-Chairman)  
Cllr Tristan Ashby  
Cllr Stephen Askew  
Cllr Claire Bowes  
Cllr Mike Brindle  
Cllr Vera Dale  
Cllr Susan Dowling

Cllr Richard Duffield  
Cllr Mark Kiddle-Morris  
Cllr Keith Martin  
Cllr Linda Monument  
Cllr Philip Morton  
Cllr Taila Taylor  
Cllr David Wickerson

Democratic Services  
Elizabeth House, Walpole Loke,  
Dereham Norfolk, NR19 1EE

Date: Tuesday, 3 January 2023

**PART A- ITEMS OPEN TO THE PUBLIC**

	<u>Page(s)</u> <u>herewith</u>
<p>1. <b><u>MINUTES</u></b> To confirm the Minutes of the meetings held on 19 October 2022.</p>	3 - 5
<p>2. <b><u>APOLOGIES</u></b> To receive apologies for absence.</p>	
<p>3. <b><u>URGENT BUSINESS</u></b> To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act, 1972.</p>	
<p>4. <b><u>DECLARATION OF INTERESTS</u></b> The duties to register, disclose and not to participate for the entire consideration of the matter, in respect of any matter in which a Member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011. Members are also required to withdraw from the meeting room as stated in the Standing Orders of this Council.</p>	
<p>5. <b><u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u></b> To note the names of any non-members who wish to address the meeting.</p>	
<p>6. <b><u>INTERIM CHANGES TO THE BRECKLAND TAXI POLICY</u></b> Report of Craig Fowler – Environmental Health &amp; Licensing Manager.</p>	6 - 9
<p>7. <b><u>LICENSING FEES AND CHARGES</u></b> Verbal update.</p>	
<p>8. <b><u>NEXT MEETING</u></b> To note the arrangements for the next meeting on 22 March 2023 at 10am in the Anglia Room.</p>	

**BRECKLAND COUNCIL**

**At a Meeting of the**

**LICENSING COMMITTEE**

**Held on Wednesday, 19 October 2022 at 11.30 am in  
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,  
Dereham, NR19 1EE**

**PRESENT**

Cllr Marion Chapman-Allen (Chairman)	Cllr Keith Martin
Cllr Tina Kiddell (Vice- Chairman)	Cllr Linda Monument
Cllr Mike Brindle	Cllr Philip Morton
Cllr Susan Dowling	Cllr Taila Taylor

**In Attendance**

Josie Hoven	- Senior Licensing Officer
Julie Britton	- Democratic Services Officer

**Action By**

**26/22 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 20 July 2022 were agreed as a correct record and signed by the Chairman.

**27/22 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Councillors Ashby, Dale and Kiddle-Morris.

**28/22 URGENT BUSINESS (AGENDA ITEM 3)**

None.

**29/22 DECLARATION OF INTERESTS (AGENDA ITEM 4)**

None declared.

**30/22 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA  
ITEM 5)**

None.

**31/22 BRECKLAND TAXI POLICY AND PROCEDURES - MEDICAL  
EXEMPTION POLICY (AGENDA ITEM 6)**

Josie Hoven, the Senior Licensing Officer provided Members with a detailed overview of the report.

On 28 June 2022 the Taxis and Private Hire Vehicles (Disabled Persons)

**Action By**

Act 2022 came into effect making changes to The Equality Act 2010. Those changes introduced new and amended existing duties for local authorities and hackney carriage/private hire drivers and operators alike.

The aim of the 2022 Act was to ensure that disabled people could use taxi and private hire services with confidence, and would not be discriminated against, and assistance would be given where required.

The Licensing Team had contacted all licensed drivers and operators to advise them of these changes. The Act allowed an exemption to be applied for should a driver be unable to carry out the duties required under the Equality Act 2010 on medical grounds.

Members were being asked if a section to the Breckland Taxi Policy and Procedures could be added that formally sets out the procedure for applying for exemption from those duties – the Medical Exemption Policy.

The new section advises that an application for exemption could be made using the new application form that must be completed by a GP.

If approved, the applicant would be given an exemption certificate to display in their vehicle. This would enable anyone approaching the vehicle to see that the driver was exempt from assisting. The exemption certificate could be time limited (i.e., due to injury a driver would be exempted from duties for 3 months) or a permanent exemption which would be reviewed at each renewal application every three years. A copy of the proposed Medical Exemption Policy could be found at Appendix A of the report.

The following 3 minor amendments to the Appendix, suggested by Councillor Monument, were agreed:

Page 13 of the agenda pack:

To carry the passenger's guide or assistance dog.....

Page 14 of the agenda pack (2<sup>nd</sup> paragraph):

Upon receipt of a second doctor's note, the licensing team may either accept the doctor's note or require the driver to be referred to a health centre.....

Page 14 of the agenda pack (3rd paragraph):

On the basis of *not* being a fit and proper person to hold a licence.

Although this might not form part of this Policy, Councillor Morton asked if Breckland Council had the ability, if a firm applied for a medical exemption for one driver, if they could then employ that driver in another car, so the number of taxis could be retained for disabled people. Members were informed that Breckland did not have any drivers with medical exemptions as yet but in general, if a wheelchair accessible vehicle or assistance was required an assumption would be made that the operator had asked that question and only provide employ a driver who could provide that assistance.

**Action By**

In response to a question about whether drivers had to pay for their medical examination to be provided with a certificate by their General Practitioner, Members were informed that they did.

**RESOLVED** that the proposed Medical Exemption Policy be approved, so that it can be included in the Breckland Taxi Policy and Procedures with immediate effect.

**32/22 NEXT MEETING (AGENDA ITEM 7)**

The arrangements for the next meeting on Wednesday, 11 January 2023 at 10am in the Anglia Room were noted.

The meeting closed at 11.40 am

CHAIRMAN

**BRECKLAND DISTRICT COUNCIL**

**Report of:** Craig Fowler – Environmental Health & Licensing Manager  
**To:** Licensing Committee – 11 January 2023  
**Author:** Josie Hoven – Senior Licensing Officer  
**Subject:** Interim changes to the Breckland Taxi Policy  
**Purpose:** To review proposed interim changes to the Breckland Hackney Carriage and Private Hire Policy.

**Recommendation(s):** That the committee review and approve the proposed interim changes outlined in the report, so that the Breckland Hackney Carriage and Private Hire Policy can be updated with immediate effect.

1.0 **BACKGROUND**

- 1.1 The latest Breckland Hackney Carriage and Private Hire Policy was reviewed in 2022 after public and trade consultation. There was an intention to review the vehicle specification by the end of 2022 in line with Department for Transport Standards, however, the DfT Standards document has not yet been released. In order for the policy to reflect current legal requirements this report requests that the Licensing Committee consider updating the following conditions.
- 1.2 Section 2 (page 6) Hackney Carriage/Private Hire Driver – new application procedure – to add the following:
- ***The applicant will be required to supply a DVLA check code so that their DVLA driver record can be checked online.***
  - ***The applicant will be advised that they must register with HMRC for tax purposes.***
- 1.3 Section 3 (page 14) Renewal of Hackney Carriage/Private Hire Driver Licence – to add the following:
- ***The applicant must provide a DVLA check code so their DVLA driver record can be checked online.***
  - ***The applicant must provide an HMRC share code that will be verified by the team (the code verifies that the applicant has registered with HMRC for tax purposes).***
- 1.4 Section 7 – Specifications applicable to all vehicles – to amend the current condition to the following:
- (page 24) - Tinted Windows

During the consultation on the Taxi Policy earlier this year the trade asked if the condition regarding tinted windows could be removed as it was proving burdensome to either find a vehicle that met the window tint specification or increasingly costly to have clearer glass fitted retrospectively. It is now the norm for the majority of vehicles to have rear windows tinted during the manufacturing process.

The senior licensing officer has consulted the other six Local Authority licensing teams in Norfolk regarding their policy on window tints. Five neighbouring authorities have removed the window tint condition (the sixth has not yet responded), replacing it with the current regulation under The Road Vehicles (Construction and Use) Regulations 1986:

***“ Motor vehicles first used on or after 1<sup>st</sup> April 1985 - the minimum levels of light that must pass through the windscreen and front side windows. The limits are: • The light transmitted through the windscreen must be at least 75%; and • The front side windows must allow at least 70% of light to be transmitted through them.***

#### 1.5 Section 7 – specifications applicable to all vehicles

No Smoking signs are required under the Health Act 2006 in public transport vehicles. We would like to add a condition requiring ***No Smoking signs must be displayed in licensed vehicles.***

Seatbelts are required to be worn by all passengers where seatbelts are fitted (and be worn by drivers whilst not conveying passengers). We would like to add a condition that a ***Seatbelts Must Be Worn sign must be displayed in licensed vehicles.***

#### 2.0 OPTIONS

2.1 Having regard to the proposed changes and the Breckland Hackney Carriage and Private Hire Policy, members have the option to:

1. Approve the new conditions and agree adoption into the current Breckland Hackney Carriage and Private Hire Policy
2. Make amendments to the new conditions and agree adoption into the current Breckland Hackney Carriage and Private Hire Policy
3. Do nothing

#### 3.0 REASONS FOR RECOMMENDATION(S)

3.1 Breckland Council adopted its new Taxi Policy and Procedures document in January 2022. The document outlines the procedures for all matters related to taxi licensing. Section 1 (1.5) of that policy states that a review of the taxi policy and procedures will be carried out every five years, although interim changes may be made at any time in line with update guidance and policy changes. These new and updated conditions are considered minor and reflect compliance with other legal requirements, so it is not deemed necessary to carry out further consultation on these particular matters and it is in the public interest to deal with such matters expediently. The conditions will assist with legal compliance with current legislation and allow the trade to purchase vehicles that meet current DVSA standards on window tint.

3.2 To do nothing would not aid legal compliance and keep abreast of current legislation, nor would it provide the required degree of clarity to customers and enforcement officers. It would also continue to restrict the trade to purchasing vehicles that have window tint beyond the DVSA standards and current manufacturing standards.

#### 4.0 **EXPECTED BENEFITS**

4.1 Breckland is a mainly rural area and the licensed taxi trade provides a vital public service where many people do not have access to other transport provision.

By updating the tinted window condition to current DVSA standards, the trade can purchase newer vehicles without the need to retro fit glass to an otherwise fit for purpose vehicle. The comfort and safety of passengers may well be increased as vehicle specifications are constantly improving on newer vehicles and by allowing manufacturers tint, the trade will be able to purchase newer vehicles without the fear of the expense of having to change the glass.

The other conditions will make the requirements for licensed vehicles and drivers clearer to both the licensed trade and enforcing officers.

#### 5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitutional & Legal

It is not considered necessary to carry out further consultation on the minor amendments to the policy recommended in this report as they reflect compliance with other legal requirements.

#### 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All.

#### 7.0 **ACRONYMS**

7.1 DVSA – Driver and Vehicle Standards Agency

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Background papers:-

Breckland Taxi Policy and Procedures [https://www.breckland.gov.uk/media/19648/Breckland-Council-Hackney-Carriage-and-Private-Hire-Vehicle-policy/pdf/Taxi\\_Policy\\_FINAL.pdf?m=637961429490370000](https://www.breckland.gov.uk/media/19648/Breckland-Council-Hackney-Carriage-and-Private-Hire-Vehicle-policy/pdf/Taxi_Policy_FINAL.pdf?m=637961429490370000)

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**Lead Contact Officer**

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**