

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 17 February 2022 commencing at
2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

K Berliner, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid, R J G Smith, C Softley,
R J Stanley, M G Sztymiak and M J Williams

LIC.16 ANNOUNCEMENTS

16.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LIC.17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

17.1 Apologies for absence were received from Councillors G F Blackwell and C L J Carter. There were no substitutions for the meeting.

LIC.18 DECLARATIONS OF INTEREST

18.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

18.2 There were no declarations of interest made on this occasion.

LIC.19 MINUTES

19.1 The Licensing Operations and Development Team Leader indicated that she would like to provide clarification in respect of the Minutes of the Licensing Committee meeting held on 14 October 2022 and the Committee's resolution in relation to the Mobile Homes and Caravan Sites Licensing Policy 2021-24 as set out at Minute No. LIC.13.6. She confirmed that "qualified electrical technician" was the appropriate wording as opposed to "qualified electrical engineer"; the policy had been updated accordingly and would be taken to the Executive Committee meeting on 2 March 2022 for approval. The second part of the resolution had asked that consideration be given to taking flood risk into account when assessing the risk rating of caravan or mobile home sites and Members were informed that this would be done on an individual basis assessing each application on its own merits. If planning consent was required, it would be for planning to look at enforcement.

- 19.2 The Minutes of the Licensing Committee meeting held on 14 October 2021 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 10 December 2021, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.20 LICENSING SERVICE REVIEW UPDATE

- 20.1 The report of the Environmental Health Manager, circulated at Pages No. 7-11, provided an update on the progress made to date in relation to the licensing service review and the planned project actions that were due to be carried out.
- 20.2 The Licensing Operations and Development Manager advised that the report outlined what had been achieved within the service over the last few months and timescales for delivery of the project aims.
- 20.3 It was
- RESOLVED** That the licensing service review update be **NOTED**.

LIC.21 REVISED HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY - AMENDMENT TO DRIVER MEDICAL REQUIREMENTS AND INCLUSION OF GLOUCESTERSHIRE COMMON STANDARDS

- 21.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 12-107, which asked Members to consider an amendment to the current medical criteria for drivers set out within the Hackney Carriage (Taxi) and Private Hire Licensing Policy and to recommend to the Executive Committee that the revised policy, incorporating the Gloucestershire Common Standards, which the Licensing Committee had agreed at its meeting on 14 October 2022, be adopted.
- 21.2 The Licensing Operations and Development Team Leader explained that, at its meeting on 14 October 2021, the Licensing Committee had agreed to update the Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy to include the Gloucestershire Common Standards which had been drawn up by licensing authorities across the county based on national guidance. The policy had duly been updated and the Committee was asked to recommend it to the Executive Committee for approval at its meeting on 2 March 2022. The Licensing Operations and Development Team Leader went on to advise that Officers had been looking at the medical criteria for drivers and an amendment to the wording contained within the Policy was proposed at Page No. 15, Paragraph 2.9 of the report. She explained that the current requirement was for a medical examination to be carried out by a GP at the surgery where the applicant was registered; however, during the pandemic it had been extremely difficult for drivers and new applicants to get a doctor's appointment, let alone see their GP, so Officers had deviated from the policy and allowed drivers/applicants to use any medical practitioner registered by the General Medical Council to complete the medical assessment providing that practitioner had access to the patient's full medical record. With regard to medical records, the Licensing Operations and Development Team Leader indicated that it was quite laborious for Officers to go through the whole medical report, a lot of which could be irrelevant in terms of being fit and proper to be a taxi/private hire driver, as such, it was also proposed to change the requirement for a full medical record to a summary record which would give the medical information required to safely determine a candidate's fitness to drive. It was noted that Cheltenham Borough Council and Stroud District Council both followed this approach.

21.3 It was

RESOLVED

1. That an amendment to the current medical criteria within the Hackney Carriage (Taxi) and Private Hire Licensing Policy be **APPROVED** as set out at Paragraph 2.9 of the report and incorporated into the revised draft policy attached at Appendix A to the report.
2. That it be **RECOMMENDED TO THE EXECUTIVE COMMITTEE** that the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy, attached at Appendix A to the report, incorporating the Gloucestershire Common Standards which the Licensing Committee agreed at its meeting on 21 October 2021 and the amendment in 1. above, be **ADOPTED**.

LIC.22 SEPARATE BUSINESS

22.1 On a proposal from the Chair, it was

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.23 SEPARATE MINUTES

23.1 The separate Minutes of the meeting of Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held on 10 December 2021, copies of which had been circulated, were approved as a correct record, subject to an amendment to Minute No. LSUB/B.11.2 to change 'ceased' to 'seized', and signed by the Chair.

The meeting closed at 2:41 pm