

LICENSING AUTHORITY WORKING GROUP

MINUTES OF THE LICENSING AUTHORITY WORKING GROUP MEETING HELD ON 2 MAY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Mike Hewitt, Cllr Peter Hutton and Cllr Pip Ridout

Also Present:

Julie Anderson-Hill (Head of Service for Culture and Operational Change, Waste and Environment), Jessica Croman (Democratic Services Officer), and Tom Ince (Amenity Partnership Team Leader)

1 Election of Chairman

Democratic Services opened the meeting and asked for nominations for Chairman. Nominations were received and it was;

Resolved

To elect Cllr Peter Hutton as Chairman of the Working Group.

2 Apologies

There were no apologies received.

3 Scoping

The Chairman gave the details of the scope of the working group which was to take a holistic approach to taxi compliance and licensing and consider introducing:

- Literacy and language tests for drivers
- Enhanced safeguarding for proprietors of taxi firms
- Use of accessible vehicles for wheelchairs
- Possible use of CCTV in taxi's
- The use of Enforcement on taxi ranks
- Use of Uber within Wiltshire
- Review of Wiltshire's taxi tariffs and rates.

Agreed Actions:

That the Working Group will look at all identified items above as part of its remit.

4 Background and Overview

Julie Anderson-Hill, Head of Service for Culture and Operational Change, Waste & Environment introduced herself and Tom Ince, Amenity Partnership Team Leader, gave an overview of her service area and the background that led to the creation of the working group.

It was also noted that following the findings of the Scrutiny Late-Night Taxi Fares Working Group, that Wiltshire's taxi tariffs had not been reviewed since 2014 whereas licence costs had increased over the same period. This area would form part of the work of the new Licensing Authority Working Group (LAWG).

Tom Ince on behalf of Wiltshire Council had responded to the Government consultation "*Taxi and private hire vehicle licensing: protecting users*" that ran from 12 February to 22 April 2019 and a copy of the response is attached as Appendix 1 to these minutes.

Some relevant responses to the consultation were discussed during the meeting and these included;

- Members thought that six monthly DBS checks would be too demanding and asked for an examination of the impact this would have. The use of a RAG system was also suggested.
- Criminal record checks were currently being carried out but this did not include overseas criminal checks. Officers to review as part of the review. Members asked about medical checks and it was noted that taxi drivers had to declare medical issues at the point of licence application.
- Members agreed that if an applicant had been refused or had a licence suspended, then they should have to declare that. Officers would look into any possible GDPR issues.
- There was an aim to have a Licensing Officer to be part of the Multi Agency Safeguarding Hub (MASH) for adults and members agreed that it would be useful.
- Members agreed that guidance on the complaints procedure should be displayed within every taxi.
- Members agreed that taxi drivers should undertake safeguarding training. Officers reported that they were looking into more robust training options

as the current system did not provide proof that the training had been completed by the driver.

- Members agreed that it should be considered whether an applicant could communicate clearly in English.
- Members agreed that Wiltshire Council should share and engage with neighbouring authorities on their licencing policies to identify differences.
- Members had a mixed response on whether the operators as well as the drivers should have a DBS check.
- Having CCTV within taxi's was discussed and it was agreed that a future update would be bought to the Working Group.
- Stretch Limos - Members supported the number of seats and seat belts within a vehicle, rather than restricting the number of passengers to 8.
- Members agreed to continuing to use the existing licensing guidance on previous convictions.
- Members were happy with the Fit and Proper Person scheme being proposed.
- Members asked to clarify whether Uber drivers were required to hold full British driving licences and requested more information on how Uber operated. Members acknowledged that there issues with Uber drivers not having to be licenced and taking business from licenced drivers.
- Members supported the aim to have all Hackney Carriage Licenced taxi's to be 100% wheelchair accessible.

Members then discussed the name of the Working Group and felt that it should be renamed to better encompass the aims of the group now that its remit had been extended. It was agreed that the Chairman would meet with Officers outside of the meeting to discuss a suitable name. Agreed as *Licensing Authority Working Group (LAWG)*.

Agreed actions for Officers to:

- 1. Provide further details on how Uber operates within Wiltshire.**
- 2. Find out whether school transport contractors based outside of the county must comply with Wiltshire's Taxi Licensing policies.**
- 3. Review any GDPR implications when sharing information with neighbouring authorities, such as when a licence is suspended or revoked.**

4. Review the use of the National Refusal Database.
5. Explore whether taxi drivers are required to have a full British driving licence.
6. Establish whether Uber vehicles are wheelchair accessible.
7. Inform all licence holders that medical disclosures should be notified to the Taxi Compliance team within 48 hours.
8. Review the current safeguarding training for licence holder.
9. Explore the introduction of an English test as part of the application process.
10. Establish regular trade representative meetings.
11. Ensure that Wiltshire's licence application forms ask if a driver is licensed in another area.
12. Ensure a robust "How to Complain" notice is displayed in taxis.
13. Distribute the link to the Government consultation document to the Working Group.
14. Seek clarification and analyse the impact of 6 monthly DBS checks for licence holders.
15. Provide an update on possible privacy issues with CCTV in taxis at the next Working Group meeting.
16. Establish a new process within MASH for safeguarding adults in taxis.
17. Share and obtain from neighbouring authorities Fit & Proper Person policies.
18. Review the possibility of introducing basic DBS checks for all proprietor's office staff who take bookings and work for operators.

Appendix 1 to Minutes - Wiltshire Council's Response to the Government Consultation

5 Future Meetings/Next Steps

It was agreed for the next meeting to take place before the next Licencing Committee on 3 June 2019. Officers to arrange the next meeting and to notify the Working Group members.

The next meeting of the Licensing Authority Working Group was arranged for Wednesday 22 May at 11.30am in the Kennet Room.

(Duration of meeting: 10.30 - 11.30 am)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, email committee@wiltshire.gov.uk

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Taxi and private hire vehicle licensing: protecting users

Personal details

Q1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

Your name Tom Ince

Your email Tom.ince@wiltshire.gov.uk

About you

Q2. Are you responding:

a licensing authority

Administration of the licensing framework

Q3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?

Yes

Q4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?

Yes

Implementing changes to the licensing policy and requirements

Q5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

No opinion

The Disclosure and Barring Service

Q6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?

Yes

Q7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?

Yes

Q8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?

Yes

Licensee self-reporting

Q9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?

Yes

Referrals to DBS and the police

Q10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

Yes

Overseas convictions

Q11. The draft statutory guidance recommends that a check of overseas criminality information or Certificate of Good Character should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?

No opinion

Other information

Q12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?

Yes

Q13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?

Yes

Q14. The draft statutory guidance recommends that the authority considering an application for or renewal of a licence should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?

Yes

Multi-agency safeguarding hub (MASH)

Q15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

Yes

Complaints against drivers and operators

Q16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?

Yes

Safeguarding awareness

Q17. The draft statutory guidance recommends that all licensing authorities should, as a condition of licensing, require drivers to undertake safeguarding training (paragraph 2.72). Do you agree with this recommendation?

Yes

Language proficiency

Q18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?

Yes

Enforcement

Q19. The draft statutory guidance recommends that licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area (paragraph 2.81). Do you agree with this recommendation?

No opinion

Criminal record checks for PHV operators

Q20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

Yes

PHV operators - ancillary staff

Q21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?

Yes

Q22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?

Yes

Q23. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles (2.98). Do you agree with this recommendation?

Yes

PHV operators - use of passenger carrying vehicles (PCV) licensed drivers

Q24. The draft statutory guidance recommends that, as a condition of the licensing, a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking (paragraph 2.100). Do you agree with this recommendation?

Yes

PHV operators record keeping requirements

Q25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

No opinion

In-vehicle visual and audio recording - CCTV

Q26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering a policy mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?

Yes

Stretched limousines

Q27. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

No opinion

Previous convictions guidance

Q28. The draft statutory guidance proposes that the Department for Transport issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?

Yes

Q29. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?

Yes

Q30. Are there any offences that should be added to the list in Annex A of the statutory guidance?

No opinion

Impact assessment

Q33. If you have any comments or other data that may be relevant to the Impact Assessment please provide this.

Wiltshire experiences lots of problems with UBER vehicles which are not licensed in the County but ply for trade here, causing issues with locally licensed drivers. Please could the loopholes within the legislation be reviewed to stop this practice. Wiltshire Council would be interested in statutory guidance on the percentage of vehicles licensed which should be wheel chair accessible, Wiltshire is considering a 100% accessibility criteria for all licensed hackney carriage vehicles.