

Briefing Report

Licensing Committee

2 September 2019

Update on the work of the Local Authority Working Group (LAWG) in relation to taxi licensing

1.0 Purpose

- 1.1 The purpose of this briefing note is to update the Licensing Committee on progress made by the newly formed LAWG and provide an update in relation to the recommendations made by the late-night taxi group as endorsed by the Environment Select Committee on 08 January 2019.

2.0 Background

- 2.1 A task group was originally established by the Environment Select Committee on 26 June 2018 to review the late-night taxi tariffs as part of the Salisbury recovery plan. This followed a request from the Cabinet Member for Adult Social Care, Public Health and Public Protection for a scrutiny review of the current schedule of late-night tariffs for Hackney Carriages as adopted by the Licensing Committee in 2014.

- 2.2 The late-night taxi group report was presented to the Environment Select Committee on 8 January 2019 where it was resolved to endorse four recommendations made in the report.

- **Late Night Tariffs - Undertake a review of the late-night tariffs across the County to ensure they are appropriate including the Tariff for 5 & 8 seat vehicles**
- **BTEC Qualification - Evaluate the requirement for drivers to have a BTEC qualification in the role of the professional taxi and private hire driver.**
- **CCTV – Consider whether the introduction of CCTV in vehicles as a mandatory requirement for Wiltshire taxis is appropriate.**
- **Wheelchair Accessible Vehicles – Calculate the total number of taxis in Wiltshire that are available for disabled passengers (other than those used under contracts) and act to increase if required.**

- 2.3 To ensure delivery on the above recommendations the Licensing Committee accountable for the work established the LAWG and an inaugural meeting was held on 2 May 2019.

- 2.4 The initial LAWG brief was to look at the wider safeguarding issues that impact the taxi industry and produce a schedule of work that took a holistic view of the service and enhance all areas of the taxi licensing process. This would help to bring the Council in line with the proposals set out in the national consultation by the Department for Transport (DfT) on safeguarding within the taxi industry, with the objective of improving safeguarding

standards within the taxi industry of which Wiltshire Council were active participants. This national consultation ended on 22 April 2019.

- 2.5 Wiltshire Council responded to the national consultation and had already implemented several measures suggested within its policies. The outcome of the national consultation is not known at this point. The DFT will produce a best practice document that they will expect Local Authorities to adopt once the outcome of the consultation is known.
- 2.6 A separate report on an updated Fit & Proper Person policy (FPP) is being presented to the Licensing Committee on 2 September 2019. The new policy has taken guidance from the Institute of Licensing and reflects several of the recommendations recently proposed in the DFT consultation. Local Authorities must ensure licensed drivers are of suitable character to be granted a licence and can be trusted with the public's safety. An authority can refuse to licence an individual if they believe they are not of the right character and pose a risk or threat to the public. The new policy enforces more rigorous standards on drivers and provides the Council with more power to remove those drivers it feels should not be licensed. Introduction of the new FPP will also allow the team to update both their driver and vehicle guidelines to ensure they are more robust.
- 2.7 The taxi licensing team have completed 358 driver licence applications and renewals in the 3 months from April 19, an increase of 84% on the same period in 2018. This work has been largely completed with 50% of the resource levels of the previous year. Two new recruits have been employed to replace staff who have left and are in the process of being trained. The increase in licence volumes is largely down to the introduction of a 3-year licence in 2015/16 which are now coming up for renewal. Volumes for the team are expected to be high for the rest of 2019.
- 2.8 There are currently 868 licensed hackney carriage drivers and 172 private hire drivers, in Wiltshire, all of whom will be affected by the changes proposed. 38% of hackney carriage drivers are based in the South zone, 29% in the West, 21% in the North and 13% in the East.
- 2.9 The Council currently licenses 930 vehicles in Wiltshire, 674 hackney carriage vehicles and 256 private hire vehicles. 8.6% of the 930 vehicles licensed are currently wheelchair accessible.
- 2.10 The wider reaching work under taken by the LAWG resulted in additional recommendations being proposed. These are shown below:
 - **UBER - Provide a briefing note on UBER and the situation in Wiltshire, to include their offer of wheelchair accessible vehicles.**
 - **Safety standards for school contract drivers based outside of Wiltshire – Confirm all drivers are subject to the same level of checks as those in Wiltshire.**
 - **GDPR - Investigate if GDPR issues exist with sharing information with neighbouring authorities.**
 - **Evaluate use of the National Refusal Database (NRD) for Taxi Licensing.**
 - **Determine if taxi drivers in Wiltshire must have a full British driving licence.**
 - **Ensure medical disclosures are notified to Wiltshire Council within 48 hours.**

- Review the current safeguarding training and ensure it is fit for purpose.
- Introduce an English test as part of the taxi licensing application process.
- Re- establish trade representative meetings.
- Ensure Wiltshire Council's application forms request a driver to declare if they are licensed by another authority.
- Ensure complaint notices are visible in all taxis.
- Analyse the impact of a 6 monthly DBS check on all drivers.
- Establish a new process with the Multi Agency Safeguarding Hub (MASH) to cover adults.
- Introduce basic DBS checks for all staff that take bookings and work for operators.
- Share our existing policies with our neighbouring authorities.

Update on Actions & Recommendations

3.0 Late Night Tariffs and Tariff for 5 & 8 seat Vehicles

3.1 The taxi licensing team met with trade representatives from all areas on 10 June 2019 and discussed the proposal to review all tariffs and fares across the County. The fares and tariffs have not been reviewed since 2014 and over the same period the Council's fees for licences have risen 7% for a new driver application and 25% for a driver renewal. Vehicle licence fees have risen 41% for an initial application and 34% for a renewal. In view of this the reps agreed to review fares and tariffs.

3.2 Representative from the trade were advised that the Council was committed to having one schedule of tariffs and fares across the whole County, but rather than impose this on drivers the representatives were asked and agreed to survey all the drivers within their areas and put forward a proposal for any new tariff and fare structure to the taxi licensing team for consideration. Representatives were advised that any new proposals would have to be agreed by the whole trade and each would be required to sign up to any revised proposal.

Action: A deadline of 10 December 2019 was set for the trade representatives to put forward any new proposals on fares and tariffs to the Council. A meeting with the trade is scheduled for September 2019 to track progress. The Council will review any proposal received from the industry and will draft a report in consideration for the next Licensing Committee to approve.

4.0 BTEC Qualification Plus Safeguarding training

4.1 Research has been undertaken to evaluate the requirement for drivers to hold a BTEC Level 2 qualification in the role of the Professional Taxi and Private Hire Driver. Initial indications are that the BTEC Level 2 Certificate as a mandatory requirement would cost approx. £300 pp.

- 4.2** In addition to the above the team are exploring the development of an in-house course to tackle the specific issues faced in Wiltshire. The taxi licensing team have initiated a review of the current safeguarding training to ensure it is fit for purpose. This has been extended to work collaboratively Passenger Transport and Organisational Development. Discussions are ongoing in relation to the method of delivery. One option being considered is to deliver an on-site training package which would include updated safeguarding training, knowledge and topographical tests. The training package would involve drivers attending the office for a half-day session so compliance officers can be sure that the driver has completed the training themselves. Feedback has suggested that the current online training option although achieving 100% compliance is being abused by some drivers who request others to complete the training on their behalf.

Action: To evaluate the external BTEC training offer versus an inhouse training option and put to the trade representatives in September 2019 a proposal for consideration. On receipt of the views from the trade to report the outcome to the Licensing Committee in Spring 2020 for approval.

5.0 CCTV

- 5.1** Explore the option of making CCTV a mandatory requirement for all taxis within Wiltshire. The primary concern for the Council is that Wiltshire Council would become the data owner if the requirement is made mandatory. The implications for the Council would be that responsibility for all data and the management of said data would rest with the authority, even though the data would not be within the Council's control. The Council's Information Governance Team and Legal Team are very clear that the Council would not want to be responsible for this data and have recommended that CCTV is not made a mandatory requirement.
- 5.2** There are several other issues around privacy and cost that would make a mandatory scheme difficult to administer. At present, there are only a small number of local authorities that have CCTV as a mandatory requirement for taxi licensing due to the issues highlighted above.
- 5.3** The other main cause of such a low level of take up on mandatory CCTV schemes by authorities is that the local authority must demonstrate to the Information Commissioners Office that sufficient issues exist to warrant the introduction of CCTV, e.g. Rotherham. Several authorities have been challenged in court by the industry when trying to implement a mandatory CCTV system and have lost the case, as they could not justify the requirement for it within their area. At present the level of complaints received by the council indicates that it would be difficult to justify a need within Wiltshire.
- 5.4** CCTV is however, an area currently under review within the DfT consultation and the Council will await the outcome of this consultation to inform future policy.

Action: It is recommended that CCTV is considered best practice and a further update will be provided to the Licensing Committee once the outcome of the national consultation by the DfT is known.

6.0 Wheelchair Accessible Vehicles

- 6.1** Current records show that 8.6% of vehicles are wheelchair accessible in Wiltshire. Feedback from the trade representatives meeting on 10 June 2019

indicated that the demand for these types of vehicles does not exist as most service users are now purchasing their own. The taxi licensing team are researching the requirement for 100% of hackney carriage vehicles to be wheelchair accessible. Initial feedback from the trade representatives is not supportive.

Action: Further research from the industry, service users and relevant groups will be undertaken to assess the feasibility of this approach to include improving the overall ease of use for those who require Wheelchair Accessible Vehicles, as well as ensuring drivers are compliant and understanding of their legal requirements as highlighted by Section 165 of the Equality Act 2010. A further update will be provided to the Licensing Committee on this issue in due course.

6.2 Uber

6.3 The LAWG was provided with a briefing note on UBER and the implications for Wiltshire in May 2019. This briefing note was shared with the Licensing Committee at the Committee meeting on 03 June 2019.

Action: Complete

7.0 Safety checks for drivers based outside of Wiltshire.

7.1 The Passenger Transport Unit has confirmed that drivers working on Wiltshire Council contracts and based outside of Wiltshire must fulfil the same requirements as Wiltshire licensed drivers to be engaged.

Action: Complete

8.0 GDPR Issues with Sharing Driver Data

8.1 The taxi licensing team have established via the Council's Information Governance Team that information on drivers cannot be shared with neighbouring authorities at present. The correct process for sharing driver information would be via the National Anti-Fraud Network (NAFN), as outlined below.

Action: Complete

9.0 National Refusal Database

9.1 The National Anti-Fraud Network (NAFN) operates a National database of named taxi drivers who have had their **licenses refused, suspended or revoked**. Wiltshire Council is a member of NAFN and the system is used by many of the Council's Enforcement teams to share intelligence nationally. However, the taxi licensing team do not currently use the system but clearly it would be advantageous to do so.

9.2 Currently driver data is not shared with any third party except for the Police in criminal cases. For the taxi service to be included in NAFN the taxi licensing team would need to change how the Council utilises driver/operator data. This would require updating the 'Council's Driver and Operator Guidelines' as well as changes to the application and renewal forms. In addition, 'Subject & Privacy Notices' will need to be added to all forms to ensure that drivers and operators are clear on how the Council is using their data. All changes once approved will be communicated to drivers through the Trade Representative group.

Action: These amendments would need Licensing Committee approval as they are considered a major change. A report setting out the proposal for change, along with a timeline for updating the 'Council's Driver and Operator Guidelines', the application and renewal forms will go to the Licensing Committee.

10.0 Establish if Wiltshire Licensed drivers must have a British Driving Licence

10.1 Wiltshire Council's current guidelines confirm all licensed drivers must hold a British driving licence.

Action: Complete

11.0 UBER & Wheelchair Vehicles

11.1 The team have established that UBER currently have an app called UBERWav that offers users the chance to book a wheelchair accessible vehicle through their mobile phone or computer. This information will be considered when drafting a report regarding the overall use of WAV in Wiltshire.

Action: To include reference to UBERWAV in the WAV in Wiltshire report to Licensing Committee.

12.0 Ensure Medical Disclosures are notified within 48 Hours

12.1 All Wiltshire Council application forms have now been updated to reflect the requirement for all medical disclosures to be made within 48 hours.

Action: Complete

13.0 Introduce an English Test

13.1 The taxi licensing team is investigating the requirement for an English test for all drivers to ensure they reach a minimum standard and can communicate in the event of an emergency. Several providers offer English tests, most centre on The Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR). This is a guideline used to describe achievements of learners of foreign languages across Europe and, increasingly, in other countries.

13.2 The Council also has its own guidance on English fluency for all staff which also centres on the CEFR measuring scale:
<http://thewire.wiltshire.council/hrdirect/recruitmentandstarters/guidanceformanagersfluentenglish.htm>

13.3 The taxi licensing team are working jointly with Organisational Development to design an English test specifically aimed at taxi drivers to ensure it deals with the scenarios they may be faced with. It should be noted that TfL introduced an English test requirement for drivers on 14 October 2016. This test was subsequently suspended on 12 March 2019 following advice from the Licensed Private Hire Car Association (LPHCA) and with the support of the Mayor of London, Sadiq Kahn. The tests were suspended so the industry can set out and agree realistic English Language requirements for PHV & Taxi drivers nationally going forward.

Action: To continue with the guidance outlined above and await the outcome of the DfT National Consultation to provide more guidance on a standard to implement nationally.

14.0 Establish Trade Representative Meetings

14.1 The re-establishment of the trade representative is an important element to the success of future changes taking place within the industry. A meeting took place on 10 June 2019 with representatives from all areas taking part. It was agreed at that meeting that more representation was required as at present there are 1,040 licensed drivers and only 5 trade representatives to historically represent previous geographical areas.

Action: The Council agreed it would create a role description for a trade representative. This has been drafted and will be circulated to trade representatives for feedback. Options for incentivising representatives is also being considered and a suggestion to the group of increasing the co-hort of representatives from 5 to 10.

15.0 Ensure Wiltshire Council establishes if a driver is licensed by another authority

15.1 All applications forms have been updated to collect this information.

Action; Complete

16.0 How to Complain Notices in Taxis

16.1 Notices advising users of taxis how to complain and relevant contacts is already in place. Notices can be found in all taxis on the inside of the windscreen on the passenger side of the vehicle. This is checked by the vehicle inspectors as part of the licence renewal process. In addition how to make a complaint is located on the councils website below:

<http://www.wiltshire.gov.uk/taxicomplaintform.htm?action=setoutside&cookieid=157860&cookieidlg=reject>

Action: The Taxi Licensing team will continue to work with the trade to seek alternative methods for reporting incidents and is on the agenda for the next meeting of Industry working group scheduled for September 2019.

17.0 Analyse the impact of a 6 monthly DBS check

17.1 At present the Council charge drivers and operators £66 for a DBS check which is completed every three years. Increasing this to 6 monthly would increase the costs for drivers and operators significantly. The additional work required for the taxi licensing team would be difficult to resource at present, however research undertaken by the team confirms has identified a possible solution that would benefit both parties.

17.2 The DBS update service is an online service that an individual can sign up to for £13 per year. Membership of the service allows an approved organisation such as Wiltshire Council to perform a DBS check on the individual at any time as the DBS certificate will be continually kept up to date. Drivers signing up to the service will find it cheaper than the current £66 charge levied on them by Wiltshire Council for each check.

- 17.3** By signing up to the service drivers and operators will save time by not having to present certificates at council offices. This will also enable a timelier check which may put an end to periods of time where a driver has been unable to work due to an invalid DBS certificate not being in place. The taxi licencing team have produced a one-page summary in relation to the DBS service offer which is currently being consulted on with all drivers.

Action: A proposal to make DBS membership for all drivers mandatory along with feedback from the taxi trade will be presented to the Licensing Committee for approval.

18.0 Establish a new Safeguarding process for adults

- 18.1** An efficient safeguarding process exists via the Multi Agency Safeguarding Hub (MASH) for children and vulnerable adults but no process exists to capture adults. An initial meeting was held on 21 June 2019 with the Team Manager within MASH. Work is on-going between various departments to establish a new process to capture adults. A temporary process has been agreed whereby the taxi licensing team can make referrals via the MASH team who will put them in contact with the relevant officer in Wiltshire Police. More work is required to implement a complete process.

Action: The Licensing team will continue to work with the Safeguarding Adults Board who are in the process of agreeing a People in a Position of Trust Policy, to manage allegations.

19.0 Introduce Basic DBS checks for taxi operator staff taking bookings

- 19.1** The taxi licensing team are currently investigating with the Council's Legal Department if this DBS check can be imposed for operator staff. If agreed it is proposed that operators would be provided with a six-month period of grace to get all of their staff DBS checked.

Action: If the Council's Legal Team confirm this is possible a report will be produced for the Licensing Committee to approve this change to the taxi licensing process.

20.0 Sharing our existing policies with neighbouring authorities

- 20.1** The taxi licensing team have drafted and updated a more robust 'Fit and Proper Person Policy' which is due for review and approval by the Licensing Committee on 02 September 2019. When approved, this policy will drive changes in our existing driver and vehicle guidelines.

Action: Policies will be shared if approved at the Licensing Committee on 2nd September 2019.

21.0 Summary

- 21.1** The taxi licensing team have several work streams ongoing at present which will lead to further reports being submitted to future Licensing Committee meetings. These will be presented at the following:

The actions outlined above will be scheduled for one of the following meetings and future committee meetings in 2020 dates yet to be agreed:

Date and Location of Meeting @ 10.30am
2 September 2019 West Wilts Room
2 December 2019 West Wilts Room
2 March 2020 TBC

:

Briefing Note produced by:

Julie Anderson-Hill, Head of Service Julie.Anderson-Hill@Wiltshire.Gov.Uk
Tom Ince Compliance and Enforcement Team Leader Tom.ince@wiltshire.gov.uk