

Licensing Authority Working Group

NOTES OF THE LICENSING AUTHORITY WORKING GROUP MEETING HELD ON 11 NOVEMBER 2019 AT WEST WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ernie Clark, Cllr Peter Hutton and Cllr Pip Ridout

Also Present:

Julie Anderson-Hill (Head of Culture and Operational Change), Tom Ince (Principal Compliance Officer) and Lisa Pullin (Democratic Services Officer)

13 **Apologies**

Apologies were received from Councillor Allison Bucknell.

14 **Notes from Last Meeting**

The minutes of the meeting of the working group held on 22 May 2019 were agreed.

Cllr Hutton referred to page 5 of the minutes where it stated that “Uber vehicles are not allowed to advertise the fact that they are Uber vehicles in Wiltshire as they are not licensed here”. He had seen vehicles with Uber on in Wiltshire. Tom Ince (Principal Compliance Officer) reported that Wiltshire operators know that they are not permitted to do this. Enforcement Officers can act if this is reported to them, photographic evidence would be needed to pursue this.

15 **Update on Fares and Tariff Proposals from the Industry**

Tom Ince (Principal Compliance Officer) reported that there had been a meeting with taxi trade representatives in early October 2019. We had asked the trade to come up with proposals for a revised tariff by 10 December 2019 and we arranged this meeting to check on their progress of this.

Our proposal to the trade was met with some aggression and we think it may be difficult to get buy in from to a single proposal. The Council is aware that a representative from the north has been working hard on this and there were also responses from the east and south. There was no west representative present at the October meeting, but we have since had a conversation with a representative from the west.

The general consensus so far is that they may wish to remove tariff 3 or only use it on certain days e.g. Christmas, etc. We have booked a further meeting for the taxi trade representatives to use a room at Kennet House on 25 November for them to meet up and thrash out a proposal.

The Chairman asked how this would be agreed? Officers reported that any proposal that is put forward would need to be agreed by a majority of the trade. If they cannot come up with an agreed proposal, then Council Officers would have to come up with a proposal to move it forward. It was accepted that there would be differing opinions, but it was believed that the majority wish to keep the rest of the tariff the same. Officers had considered if there was a need to have tariffs 4 and 5 which relate to large vehicles, as it was perceived that a larger vehicle would always cost more to run (which may not be the case in all larger vehicles). Officers had carried out research into this and they are not convinced that there is always an increased cost for a larger vehicle. Officers would prefer the trade to come up with a proposal that is best for them and meets their needs.

Julie Anderson-Hill (Head of Culture and Operational Change) reported that the feedback they were getting from the Salisbury area in particular is extremely negative and that Officers were doing that they could to work with them to improve this. Julie had been invited to attend a Purple Flag event in Salisbury at which they were very hostile. She had also been invited to another event which she would do if it was after the trade meeting on 25 November as before then there will be nothing to report to them.

Because of the timings of that trade meeting and the next Licensing Committee (2 December 2019) Officers would seek to provide a verbal update on progress made in relation to taxi tariff proposals.

Councillors asked about consultation. Officers reported that they believed that any changes to the tariff would be subject to statutory consultation. It was hoped that recommendations could be presented to the March meeting of the Licensing Committee. It was questioned whether approval is just needed from Licensing Committee or if this then has to go on to full Council. Lisa Pullin agreed to check this and report back to Officers and working group members.

Resolved:

- 1. That the working group note the update on the fares and tariff proposals from the trade representatives.**
- 2. Receive a verbal update on progress of proposals at the meeting of Licensing Committee on 2 December 2019.**
- 3. Receive confirmation from Lisa Pullin on the process needed to agree any changes to the taxi tariff after legal advice is sought.**

16 National Refusals and Revocations Database

Tom Ince reported to the working group that they were planning to bring a report to the December meeting of Licensing Committee which sought to give them the relevant information to make an informed decision on whether the Council should introduce the use of the National Register of Taxi Licensing Revocations and Refusals (NR3).

The draft report was attached to the Agenda and those present were informed that the Council was already a member of the National Anti-Fraud Network (a nationally recognised scheme) (NAFN) and they host the NR3 element that would give us access to check if a driver has had a previous revocation or refusal of a licence.

Whilst at present an enhanced DBS check is carried out on drivers, we rely on applicants disclosing information about any previous revocations or refusals. If we adopt use of this database, we would be able to check this information and add information ourselves if we revoke or refuse an application so other authorities are able to check too.

The draft report has raised some questions from colleagues in the Governance team and a response was still awaited from Legal.

If this were to proceed and be approved the team would need to update their literature and privacy notices, etc as it would be a change in the way that driver's data is used.

As there are a lot of surrounding counties to Wiltshire it is likely that drivers could apply to Wiltshire if they have had problems/bans in other Counties.

Resolved:

That the Working Group support the plans to join the National Register of Taxi Licensing Revocations and Refusals (NR3) and agree that this report should progress for approval to the Licensing Committee on 2 December 2019.

17 Taxi Enforcement Plan

Tom Ince reported that once of the criticisms they receive when they have discussions with the trade and the public is the lack of enforcement by the team. This has been taken on board and to address this a proactive enforcement plan has been put in place.

From 15 October a Markets Officer has been "borrowed" for 2-3 days a week to assist with the licensing element, this has allowed the Compliance Officers to implement a structured enforcement plan. They have attended in specific areas when issues had been reported (Warminster and Salisbury, Amesbury and

Devizes). This has received positive feedback from industry so far. In the past where we have not had the capacity to carry out regular enforcement we acknowledge that some drivers may have got into some bad habits.

102 driver inspections have been carried out on the ranks. Identified issues have been ID badges not being worn, drivers smoking or vaping in vehicles, and leaving vehicles unattended.

132 vehicle inspections have picked up 38 different infringements which has resulted in 13 drivers being issued penalty points.

7 vehicles improvement notices have been issued. They will need to get these issued rectified or their licences will be revoked. Drivers are supposed to report damage to us, for example they may have had a minor bump which has not necessarily needed a major report but there is a resulting sharp edge or example.

If drivers accumulate 12 penalty points in a rolling 12-month period, they would be called in for a licence review. The licence is not automatically revoked or suspended.

There are concerns with a large operator from Warminster and they have been called in for a meeting as Officers are not convinced they are fit and proper. There is a formal process to go through to review licences etc.

The Chairman asked if this had been/would be reported as a good news story. Officers reported that they were planning to do press coverage on it with details of what their enforcement had achieved e.g. "we have caught out x, we have stopped this and done this". Working Group members asked for there to be a comment from Local Ward Members (not just the Cabinet Member) as it could be the case the Local Members have been working on this for a long time and their names would be recognised more by the local residents than the Cabinet Member (Bridget Wayman).

Tom reported that they currently had a social media account for fly tipping but there were plans to extend this to other areas within their remit, including taxis.

Officers were planning to go out during an evening to carry out enforcement in locations in Wiltshire and would also include a Fly tipping Enforcement Officer. Officers would also be able to report any other identified issues to colleagues e.g. Licensing.

Working Group members asked if there was a link with the Highways Team so that there were aware in advance of any changes/road closures etc that would affect taxi ranks etc. Julie Anderson-Hill (Head of Culture and Operational Change) reported that they are linking in with the road closure procedure so that they are kept informed.

Julie reported that whilst they are pleased to report the benefits of the enforcement that they had carried out, they had only been able to do this by utilising an Officer from another team and that there were plans to restructure the team to allow this to continue and it was hoped that this would receive the support of the Licensing Committee. Capacity has been able to be released from the Markets Team as Markets are being devolved to Town Councils and so they had taken the opportunity to use their staffing resources better and utilise the Officer time to carry out the enforcement which is a statutory function.

Resolved:

That the Working Group note the update on the enforcement activity carried out and support plans to ensure that this continues.

18 **Taxi Licensing Team Structure**

Tom Ince reported that he and Julie Anderson-Hill reported that plans were afoot to restructure the Taxi Licensing? Team and it was proposed that the team be split to become Officers who are responsible for the admin function and those that carry out enforcement.

The Working Group members fully supported this approach and suggested that this be raised with the Licensing Committee for their endorsement to assist with budget requirements etc.

Resolved:

That the Working Group note that the Taxi Licensing Team be restructured and that they fully support these proposed plans in principal.

19 **CCTV in Taxis - Swindon Borough Council's Position**

The Chairman reported that he had heard on the radio that Swindon Borough Council were going to make CCTV in taxis a mandatory requirement and that he had asked Officers to investigate this, bearing in mind the advice that we had received from our Legal Team that there were many issues around this and that they could only recommend that this be "best practice".

Tom Ince reported that he had contacted Officers at Swindon but had not received a response. Tom had since heard that the CCTV in taxis was a recommended scheme and thinks that his email had raised issues with them and they had changed their stance.

Tom would try again to make contact with Swindon BC Officers. The biggest issue with CCTV is that if it was mandatory (the Council) would legally be the Data Controllers of data that we are not in control of. Tom believed that there had been opposition to the scheme in Swindon.

It was unknown how many taxis currently had CCTV. A Working Group member asked if the use of CCTV was part of an application and if it was stated as desirable to have it. Tom reported that CCTV is on the guideline list but was not currently stated as desirable/essential. Officers planned to wait and see what national guidance is issued as part of the consultation feedback and consider the position after that time.

Resolved:

That the Working Group note the update on CCTV in taxis.

20 **Review of Monthly Performance Data for Service - September 2019**

Tom Ince referred to the September 2019 performance data for the service that had been circulated with the Agenda.

In the year to date the team had processed 969 licence requests which was up 53% on the same period in 2018. The increase in volume was primarily due to the introduction of 3 yearly licences in 2015/16 which were now coming around for renewal. Two new team members had been appointed following the resignation of both assistants, training these new team members had increased pressure on the team during a busy period. Performance was still not quite where it should be, but as previously reported there was good work being carried out on enforcement. They were slightly behind expected timescales when responding to emails and when the additional resource is lessened (due to Officer sickness/leave) then there is a delay on admin.

Tom felt that the team had achieved well especially in this exceptionally busy time. Because of the tail off of the 3-year renewal cycle it was anticipated that next year would be slightly quieter and this would give the opportunity for Officers to work on other projects that are in background. There were plans to look at automating their processes and give drivers the opportunity to “self-serve”.

A Working Group member asked if we flag to drivers when their licences are due for renewal. Tom reported that they do email drivers as a reminder. Some are very proactive in seeking the renewal and some leave it to the last minute and then struggle as there can be a 2-week waiting time for an appointment to renew and they are not allowed to be on the road without a licence.

There were currently 1042 drivers and 937 vehicles licenced.

Officers asked the Working Group for their views on the value of the data to them. Officers reported that the analysis of the data enabled them to see trends so that they are able to predict and apply resources when needed.

Members agreed that the data was useful and recommended that it should be shared with the Licensing Committee.

Officers reported that the analysis of the data enabled them to see trends so that they are able to predict and apply resources when needed.

It was suggested that the wording on page 24 of the agenda – paragraph 3.0 – Enforcement actions be amended to state that a driver “may” be suspended if they reach 12 points in a rolling 12-month period.

Resolved:

That the Licensing Team Performance Data for October 2019 be presented at the meeting of Licensing Committee on 2 December 2019.

21 **General Update**

The Chairman wished to thank Officers for all of their great work to implement changes to enhance the service.

The Chairman asked if the plan to issue a “star rating” for taxi providers had progressed? Officers reported that this was still in development and that they are considering ways in which this system could be implemented, and how it would work with admin staff support. Hoping to find a way that is the least burden to implement and maintain.

The Chairman asked for an update on the proposed introduction of an English test as part of the application process. Officers reported that they were looking at different providers. It was noted that Transport for London had introduced a scheme in March 2018 but that this had been suspended this year as there had been a challenge of it. Officers would like to implement an English test for drivers but planned now to wait until Central Government respond following the earlier national consultation they carried out as they may give advice on how this should be implemented.

The Chairman asked for an update on the introduction of mandatory safeguarding training and how we would ensure that it is carried out by drivers and not someone else on their behalf. Officers reported that this was still ongoing. They would be thinking about how it could work logistically would be working with Organisational Development to progress this.

The Chairman asked for an update on establishing a process for safeguarding adults in taxis. Officers reported that they were working with colleagues in legal, HR and adult social care to look at the process to follow when there is an incident in a taxi with a vulnerable adult. There is a clear process to report to the MASH if there is an incident with a young person but not yet with adults.

Resolved:

That the update be noted.

22 **Date and Time of the Next Meeting**

The next meeting would be arranged for January 2020 once the route for approving a possibly revised taxi tariff was confirmed. We would then be able to schedule this in to fit in with Licensing Committee timetable etc.

Resolved:

That the next meeting of the Licensing Authority Working Group be arranged for January 2020 by Lisa Pullin.

(Duration of meeting: 11.00 - 11.55 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic & Members' Services, direct line 01225 713015, e-mail committee@wiltshire.gov.uk