

**LICENSING BOARD
27th January, 2020**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Clark, Jones, Marriott, McNeely, Napper, Reeder, Steele, Taylor, Vjestica and Wyatt.

Apologies for absence were received from Councillors Albiston, Hague, Russell, Sheppard and Williams.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

5. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH JUNE, 2019

Consideration was given to the minutes of the previous meeting held on 11th June, 2019.

Resolved:- That the minutes be received and the contents noted.

Arising from Minute No. 3 (Taxi and Private Hire Licensing Year End Performance), it was noted that no progress had been made with regard to a possible local byelaw requiring CCTV cameras in vehicles operating in the Town Centre. Discussions would take place with Legal Services.

6. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Alan Pogorzelec, Licensing Manager, presented a report outlining the proposed key changes to the existing Hackney Carriage and Private Hire Licensing Policy.

The current Policy had been introduced in July 2015 and was widely seen to be setting the standard for other local authorities to benchmark against in relation to taxi and private hire licensing. However, the Council was committed to the concept of continual improvement and consequently was reviewing the current Policy with a view to introducing amendments that would ensure that the standard of licensed driver, vehicle and operator in Rotherham continued to be of a high standard.

It was also noted that since the introduction of the current Policy, new Statutory Guidance had been proposed by the Department for Transport introducing requirements around 23 separate areas. All but one of the recommendations were currently implemented in Rotherham

The best practice guidance further indicated the high regard that Rotherham's current Policy held. However, despite being confident in the standards of the Policy, a formal review was now necessary to ensure that the Council was still driving standards at a national level by enhancing

current processes and standards which would ensure the calibre of licence holder in Rotherham remained at the very highest level.

To support the process of the Policy review, the Council had developed a number of proposals that could be considered for inclusion in a revised Policy.

The proposals were as follows:-

The Public Sector Equality Duty

- Proposal – addition of clauses to the 'Fitness and Propriety' requirements for both drivers and operators, to be clear that any action by a driver or operator that would be in conflict with the Council's Equality duty would be considered to be a breach of the fitness and proper person test

Driver Medical Assessments

- Proposal – applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner (GP) practice on first application. A new medical would then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every 6 years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history had been reviewed and assessed

Basic DBS Checks for Ancillary Operator Staff

- Proposal – private hire operators' ancillary staff would be asked to complete a basic DBS check. This was the only recommendation contained within the Department for Transport's Statutory Guidance that was not currently in place within Rotherham

Refresher Training

- Proposal – introduce a requirement for drivers' knowledge and driving ability to be reassessed at the point of licence renewal. It was also believed that existing drivers would find it beneficial to undertake refresher training in relation to safeguarding vulnerable passengers

Driver Identification

- Proposal – to give drivers a greater set of options of how they wore their badges e.g. armband with transparent pouch to be worn on their left arm. A proposal with regard to an internal notice identifying the driver was set out in Vehicle Signage below

Vehicle Signage

- Proposals:-
 - A licence plate permanently affixed to the front of the vehicle
 - A sign/notice permanently affixed to each rear passenger door of the vehicle

A notice, clearly visible from the passenger seats/compartments, identifying the current driver of the vehicle

The vehicle licence number must be permanently printed in white block letters (to a specification prescribed by the Council) on the vehicle's boot

The private hire vehicle licence number must be permanently printed in white block letters (to a specification prescribed by the Council) on the bonnet of the vehicle

The 'audio activation' button for CCTV recording to be clearly signed as such for passengers

Vehicle Camera Storage Capacity

- Proposal – to extend the requirement to 21 x 24 hour periods (504 operational hours) to ensure officers have sufficient time to obtain camera footage should a complaint be made

Incentivising Ultra Low Emissions Vehicles (ULEVs)

- Proposal – whilst no proposals to change the position in the new draft Policy, it was proposed that detailed plans be drafted through the consultation process

Consultation on the proposals had commenced and would end on 27th February, 2020 with a report submitted to Cabinet in March.

Discussion ensued on the above proposals with the issues raised:-

Public Sector Equality Duty

- What would happen in a situation where the potential passenger had mental health issues or a medical condition that requests a particular type of driver e.g. a female? Would the operator be expected to question the potential passenger and write that into the report so not to be in contravention of the PSE Duty
- How would it be policed/enforced
- Training for Members should any appeals be submitted to the Licensing Board Sub-Committee

Driver Medical Assessments

- Drivers were given 3 months' notice of their requirement for a medical
- Feedback received from the Trade representatives was the difficulty in getting private appointments
- DVLA requirements for taxi drivers were the same as those expected for HGV and PSV drivers

LICENSING BOARD- 27/01/20

Basic DBS Checks for Ancillary Operator Staff

- The cost would be £23 and would expect to be borne by the operator
- Should something be discovered on the DBS, an operator would be given as much guidance as possible but expected to make reasonable decisions regarding the people they employed
- Consideration of the implications of Employment Law but an expectation that a similar process would be followed to that of the Authority's Human Resources Service

Refresher Training

- Although still to be determined, it was envisaged that the training would be to the same standard as undertaken by a new driver
- Possibility of linking the Safeguarding training, Refresher training, the knowledge test and the renewal fee together into one payment

Driver Identification

- Caution urged to the fixing of signage to the rear interior of the vehicle that could be removed/tampered with
- Signage to be visible from all passenger seats

Vehicle Signage

- Intention at some point to enact the rest of the requirements as set out above but would always seek advice from the Police before doing so
- That the requirements be reviewed annually

Vehicle Camera Storage Capacity

- Some systems may require a larger hard drive
- The current Policy required capability of recording and storing a minimum of 14 x 24 hour periods (336 operational hours) – experience now showed that this was not long enough
- There would be a cost involved in upgrading of the camera system

Incentivising Ultra Low Emissions Vehicles (ULEVs)

- Something to be discussed at the Climate Change Working Group
- The age of licensed taxi vehicles should not change from 10 years
- Possible reduced fee to incentivise taxi drivers to purchase electric vehicles
- Government funding for electric charging points

Resolved:- That the following comments be fed into the consultation process:-

(1) Public Sector Equality Duty

(a) That, with the assistance of Legal Services, the proposal be written quite clearly to protect the Authority from any challenge of discrimination.

(b) That the issue be included in Member training at the beginning of the Municipal Year.

(c) That Public Sector Equality Duty be incorporated into the Safeguarding training

(2) Driver Medical Assessments – That the proposal be supported.

(3) Basic DBS Checks for Ancillary Operator Staff – That the proposal be supported subject to advice from Legal and Human Resources Services.

(3) Refresher Training – That the proposal be supported.

(4) Driver Identification

(a) That signage be visible from all passenger seats.

(b) That the positioning of the signage be on the dashboard which would be visible to all seats in the vehicle.

(5) Vehicle Signage - That the remaining 5 requirements be not introduced at the present time and reviewed on an annual basis

(6) Vehicle Camera Storage Capacity – That the requirement be extended to 28 x 24 hour periods of recording (672 operational hours).

(7) Incentivising Ultra Low Emissions Vehicles (ULEVs) – That the extension of vehicle age beyond 10 years would not be supported.

(8) That with regard to the Appendix 1:-

(a) discussions continue with Legal Services with regard to the Licensing Board's Constitution.

(b) That the bullet point under the "Fit & Proper Person Test" be amended to read "General conduct/standards of behaviour (including online behaviour/social media)".

(c) That in the case of an operator who had had their licence revoked by the Council, the period of time that the name (or a similar name) of the private hire company associated with that licence be extended from 6 months to 12 months.

(d) That work take place with the press with regard to the legal duty of licensed drivers to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge.

(e) That vehicle licence plates be issued for 12 months for vehicles aged over 5 years.